



TELANGANA OPEN SCHOOL SOCIETY (TOSS)

INTERMEDIATE

POLITICAL SCIENCE



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INTERMEDIATE(TOSS) – POLITICAL SCIENCE

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TELANGANA OPEN SCHOOL SOCIETY

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FOREWORD

Providing education to children is a fundamental right, and it's essential for the overall development of society. The government of Telangana plays a crucial role in ensuring that education is accessible to all, and they often establish institutions like the Telangana Open School Society (TOSS) to cater to children who may be unable to access formal education due to various reasons. To provide quality education to learners studying Intermediate Education in Telangana Open School Society starting from the 2023 academic year, the textbooks have been revised to align with the changing social situations and incorporate the fundamental principles of the National Education Policy 2020. The guidelines set forth in the policy aim to enhance the overall learning experience and cater to the diverse needs of the learners. Earlier Textbooks were just guides with questions and answers. TOSS has designed the textbook with a student centric approach, considering the different learning styles and needs of learners. This approach encourages active engagement and participation in the learning process. The textbooks include supplementary teaching materials and resources to support educators in delivering effective and engaging lessons.

This textbook of Political Science gives a comprehensive understanding of Politics in the society and its study. The content is broadly divided into thirty two units, Social Processes & Social Change, Indian Society and Telangana Society. explains the basic concepts and fundamental duties and rights and elements of Political science, its importance and opportunities with the study of political science. This political science text book has developed systematically. Political science is a study of state ad power and it's a part of social science. In this text book we explained about power, Equality, Liberty and Justice, different forms of government and its function, relation with the citizens, it also deal with "what is" and "what should be" . in this text book we include all aspects of governance, related to the state of a country and practical policies. This book gives you a comprehensive outline of the core elements of Political Science and helps in understanding society at large.

We are indeed very grateful to the Government of Telangana and the Telangana State Board of Intermediate Education. Special thanks to the editor, co-coordinator, teachers, lecturers, and DTP operators who participated and contributed their services tirelessly to write this text book.

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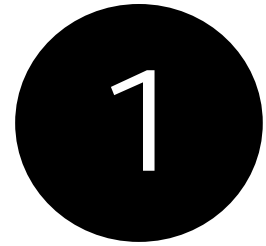
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1. INTRODUCTION TO POLITICAL SCIENCE

Introduction

Man is a social animal. Social life is an admixture of different institutions. Social life includes different associations- political, economic, cultural, and social. The State, the Government, the Political parties, and others constitute the political institutions. Political Science studies about the political institutions. Political Science is one of the oldest social sciences.

Nature of Political Science

The development of Political Science commenced before the 4th century B.C. The Greeks separated Political Science from Philosophy and contributed for its development as an independent social science. The Greeks created scientific basis for the study of political activity. Aristotle's made unprecedented efforts among the Greeks for the recognition of the subject of Political Science. Aristotle, in his book 'Politics' analysed in detail the concepts like State, government, citizen and political ideologies. Aristotle could become famous as the 'Father of Political Science'.

In practice Political Science is variedly referred to as political theory, political thought, political philosophy and the like. In a wider sense all these words are the same though they have different meanings. It is also called as political ethics, and presently more popularly as Political Science.

Definition of Political Science :

There are different definitions to speak about the dimensions of Political Science. These definitions can be detailed in the following way.

1. Dr. Garner defines: "Political Science begins and ends with the State".
2. Gettel: "Political Science is a study of the past, present and future of political organisations and political theories",
3. Paul Janet: " Political Science is that part of social science which treats the foundation of the State and the principles of Government".
4. Gilchrist: "Political Science is the study of State and government".

5. Harold Laswell: a leading political scientist of the USA defines, "Political Science, as an empirical discipline, (as) the study of the shaping and sharing of power".
6. Appadorai: understands Political Science as "one which speaks of a politico- territorial society united to lead a life/under legislation".

After going through the above definitions, one can understand that Political Science is primarily a science studying the State and government. Leacock and Bluntschli believed that Political Science is more concerned with the government. They also opined that all the goals of State can be achieved through the government. They specified that, the State can be controlled by having a control on government." Paul Janet opined that Political Science is the study of the principles related to the State and government. In the view of Gettel, the main aim of Political Science is to know about the aims of the political institutions in the past; to observe the aims of the contemporary political institutions and to think of the aims and ideals of the political institutions in future.

Up to the advent of the twentieth century, many of the people considered Political Science as a study of the State and Government and also the relations between the individual, State and government. But in the beginning of the twentieth century, political scientists like George Catlin, Charles Merriam, Max Weber and Kaplan indicated many new factors that can be included in the study of Political Science. Political Science acquired many trends, newly related with the human behaviour, attitude and study of his activities. It is influenced by the behaviouralism. Basically, according to the modern political thinkers, Political Science discusses power, as the power is the nucleus in the State.

Scope of Political Science

It is quite a difficult task to determine the scope of Political Science. It is related with all the facets of ever-changing life of man. Political Science ushered as an academic discipline with a task limited to the study of the Greek City States analytically. All the ancient Greek city States were independent and self-sufficient. The inter-city State relations were of meagre quantum. The city States not only represented the political systems but also multi-dimensional social systems.

In those conditions, Political Science evolved as a discipline studying the social life in City States. In course of time, the scope of Political Science was widened with the spread of political activity and the impact of political consciousness, Following are some of the important factors coming under the scope of Political Science.

Political Ideas

There were many political ideas that influenced not only the classical Greek city States but also the contemporary Nation States. Many scholars, intellectuals' scientists, rulers and observers entertained many thoughts and analysed the State craft. Plato, Aristotle, Hobbes, Locke, Rousseau, Karl Marx, John Stuart Mill and other intellectuals and other writers explained different political ideas, Law, Liberty, Equality, Supremacy of Law, Public opinion and other ideas became universal. The study of Political Science also includes such ideas,

Political Theories

It is very much impossible to understand the facts and changes without theoretical understanding. As such many theories like idealism, socialism and communism acquired wide popularity. All these theories are a part of Political Science.

Political Institutions

Political Science basically studies the State and government. The evolution of State, its development, its character and functions are included in Political Science. So also, Political Science examines how the organs of the State like legislature, executive and judiciary form and function. The scope of Political Science also includes institutions like the political parties, pressure groups, social groups, forces and para-constitutional determinants.

Comparative Politics

One of the basic functions of Political Science is to comparatively study the political systems and activities in different countries. It is essential to study comparatively the political experimentation adopted in the countries of Asia, Africa, and Latin America in the post-colonial period. It is also essential for a comparative study of the modern forms of government like the parliamentary and the presidential systems and also the unitary and the federal systems. All such study is a part and parcel of Political Science.

International Political Activity

State becomes a genuine partner in the international political activity in the same way as an individual does in the social life. Individual cannot live in isolation without the need for others. States too cannot exist for long without mutual co-operation. The revolutionary changes in the fields of science and technology in the modern period are inevitably making the States interdependent. The United Nations Organisation and its specialised agencies are making efforts to promote international co-operation between different States. They are also striving to reduce international tensions and create peace in the world.

Political Behaviour

Behaviouralism is a modern revolutionary aspect in Political Science. It is essential to understand the reaction of the people to the government policies; the forces that influence the voter at the time of an election, the reasons that contribute to stimulate sympathy or otherwise towards a political party etc.

Force and power

Force is a very important factor in the modern age. Force is the capacity to get what one desires. Power is medium to dictate others. The force backed by power is legal. An analysis of these two factors is included in Political Science.

Rights and Duties

Both the rights and duties of the citizens are complementary. All the modern constitutions bestow on the citizens certain rights and prescribe certain duties. The presence of rights

and duties is very much essential for the success of democracy. Political Science provides a critical note on the rights and duties with reference to the State and individual.

Liberty and Power

In the modern State, people crave for liberty and the governments exercise power. There must be a compromise between liberty and power. Lack of equilibrium between these two, may lead to anarchy or totalitarianism. Political Science has to explain the relation between liberty and power.

Importance of Political Science

A modern political scientist Robert A. Dahl provided a three-point answer to the question, what is the need of the study of Political Science.

1. The study of political activity explains the encircling world of political life.
2. It helps to bring out certain changes in the political system and also suggests solutions for the political problems.
3. It also helps to promote good citizenship and formation of responsible government susceptible to public opinion.

Political Science studies the relations between the individual, society and State. It helps to protect the liberty and freedom of the individuals. Study of Political Science aids to know the political theories, concepts and ethical principles useful for the creation of a progressive society. Political Science lifts the vision of the modern man from the micro-society in which he lives to the international community. This study helps to bring certain changes in the thoughts of the individuals pertaining to their socio-political attitude. Such changes lead to the ideal of social welfare instead of individual selfishness. Superstitions are replaced by scientific outlook. Man becomes more catholic to repudiate the narrow regional and class consciousness. Thus, in general the study of Political Science amply helps to carve out the new political system.

The study of Political Science enhances the knowledge of the systems of government. It details about monarchy, aristocracy, democracy, dictatorship and other forms of government. It speaks about the organs of the government like legislature, executive and judiciary, their functions and inter-relations. It also describes the relations between the Central, State and Local-self-government. It enumerates the differences between the types of executive like parliamentary and presidential and the forms of government like unitary and federal. Political Science discusses the merits and demerits of democracy and also the functions, formations and features of the political parties, which have a key role to play in the promotion of democracy in any state.

Fundamental rights are essential for the people to lead a good life in a political society. The observations made in Political Science help to enlighten the citizens about their respective rights and duties all their pros and cons to contribute for a good citizenship.

The significance of the Political Science gradually increased as many sovereign independent countries joined the world political system. This science speaks about the inevitable

cooperation between different countries. The international relations as a network became very important due to the Industrial Revolution, and its effects, the emergence of new international relations due to modernisation, technological development and transport facilities led to formation of regional groups between neighbouring countries resulting in growing importance of international relations, Study of Political Science enlightens about all these subjects in detail.

The United Nations Organisation has been putting continuous efforts to promote peace, co-operation and friendship among nations of the world. Its agencies are spread throughout the world undertaking various activities for the development of humankind. Political Science acquaints us with all these matters.

Political Science and other Social Sciences

The growth of knowledge paved the way for ushering of different sciences. It is an unending process. The knowledge can be classified into three major groups. Physical Sciences, Biological Sciences and Social Sciences. The knowledge about society gradually developed into different branches giving scope for specialised studies. All these social sciences are mutually related. Despite the differences and contradictions in each discipline, an in-depth study makes us understand that there are many similarities in these social sciences.

Political Science has intimate relation with other social sciences. History, Economics, Sociology, Geography, Political Science, Anthropology, Ethics, Civics, Psychology, Law and Public Administration, and the major social sciences are mutually complementary. They are all like different branches of a tree of the social knowledge. As such, it is very much essential to know the relations of each social science with the others. Such inter relation between Political Science and some social sciences can be detailed as below.

Political Science - History

History describes the past. The development of mankind and society can be known through History. History being the story of man, functions as a treasure house of human experiences. It is like a laboratory to all social sciences. The political, economic, social, cultural, religious and literary activity of man can be known only through History.

History provides information to study the political activity in the past. The birth and development of political ideas and institutions is known through history only and it helps to conceptualise and theorise the origin, growth and development of the institutions like State. Describing the inter-relation between History and Political Science, J.R. Seeley writes :

"History without Political Science has no fruit.
Political Science without History has no root".

There has been continuous transformation and development of political institutions since the earliest period of History. The evolution of different Political institutions through the ages is recorded in History. History is the foundation of Political Science. A comparative study of the previous political institutions and the contemporary political activity provides a scope to found ideal and stable political institutions in future. The knowledge of political

activity is very much essential to understand the events like founding of the Indian National Congress, the French Revolution, the Russian Revolution and the theories like the Two Nation Theory of the Muslim League and also to estimate their impact. In the same way it is possible to study the concepts proposed by Plato, Aristotle and other Philosophers in the light of the knowledge of history of Ancient Europe.

The knowledge of Political Science is essential to history, in the same way as the knowledge of History to Political Science. History and Political Science can contribute for the development of any civilised society in the spirit of mutual co-operation. History discusses different ear-marked and identified events; where as Political Science deals with the concepts and institutions like sovereignty, Public policy, classification of constitutions and different political parties and the like. The study of Political Science not only deals with the past and present but conjectures future.

Political Science - Economics

Economics studies the aspects like wealth, production, distribution and exchange of goods. It studies about various methods to accumulate wealth. Economics is a sociological study of the aspects like wealth, production and distribution. Economics helps in different ways to study the human welfare.

Economics tries to co-ordinate the method of satisfying unlimited wants with limited resources. Lack of peace and dissatisfaction prevail in a society when the economic needs are not satisfied. The primary needs like food, clothing, shelter, education and medical aid are to be satisfied. Otherwise, life becomes sorrowful, If the basic needs are not satisfied, the individual has to spend all his energy for that purpose only.

Even though Political Science and Economics are two different disciplines, their common aim is the welfare of people. The policies related to the production, consumption, proper use of exchange units, reducing inflation, contributing for the accumulation of national wealth, promotion of industrial development are very much a part of the activities of a modern State; The impact of economic policies is very much considerable on all the above policies. It is quite possible to solve many economic problems through a political system only.

The government performs certain economic functions by taking part in the sphere of production. The State has to take part in taxation, marketing, food-production, distribution, promoting employment, exports and imports invariably to realise the aims of production and development. The productive forces in an economy accelerated the spread of Marxism. The economic reasons had played a major role for the outbreak of the second world war. The origin of Nazism and Fascism is basically due to economic reasons. It is opined by many scholars that Britain delayed declaring Indian Independence due to economic reasons only. The economic reasons are the root cause for many new political theories and movements. The economic conditions influence the political decisions and the policies of a government.

Political Science - Sociology

Sociology is the root of all social sciences. Sociology studies the changes in different social institutions. It discusses the social ethical, economic and cultural, systems in a society.

It also studies the human relations, social conditions, origin, growth and development of different systems, their respective forms, the rules, customs and traditions, life style, civilization and culture and their influence. The scope of Sociology is very wide. Many social sciences developed as specialised units from Sociology only. Political Science is one among them. Political Science and Sociology are not only inter-related but also inter-dependent.

The knowledge of Sociology is essential to a political scientist. It is essential to study the sociological roots to understand the nature of the State. The Greeks never conceived any difference between society and State. In the opinion of Greek Philosophers, State is not only a political system but also a social system of commendable value. Social customs help to systematise social set up and social life. The political scientists give importance to the trends of socialisation to understand the behaviour of the citizen as an individual and part of a community. Of late, political sociology developed as a special science. This very factor shows how much functional is the impact of social institutions on political life. Political parties, groups and public opinion are subjected to the influence of social factors. The political changes in a State cannot be understood without the knowledge of the social conditions and institutions.) For instance, an in-depth study of political activity in India needs a study of the social factors like caste, religion, area and language and also processes related to them.

As Political Science discusses the organised groups of people, Sociology studies both organised and unorganised groups. Political Science deals with all the political institutions in the past, present and future. Sociology discusses the rise and growth of all institutions in a society in the past and present.

Summary

There are several definitions of politics or political science. Till the modern times, the study of politics meant the study of 'State and Government'. The major focus was on the ends of political life and thereby on the normative nature of thinking and practice. Gradually with the development of methodological inquiries and with the application of scientific method to social and political phenomena, the discipline took on new nomenclature: Political Science. Not merely a change in nomenclature, a change in the focus of the study that also took shape and this point becomes clear in the next unit.

The study of political science developed into two streams: normative and empirical. The former focuses on values or norms or on the question of 'what ought to be done, and the latter on facts and their relationships and on the question of 'what is'. The inter-disciplinary approach makes the discipline more varied in scope and significance.

Model Examinations Questions :

I. Write essay type answers for the following:

1. Define Political Science and explain its scope.
2. Write about the importance of Political Science.
3. Discuss the relationship of Political Science with history and economics.

II. Write answers briefly for the following:

1. Write about the relationship of Political Science with sociology.
2. Write about the relationship of Political Science with ethics.

III. Write answers for the following questions in about 5 lines

1. Define Political Science.
2. Explain any four points in the scope of Political Science.
3. What are the methods of study in Political Science?
4. What is meant by sociology.
5. How Political Science is different from economics.

Glossary

1. Empirical Study: The study of political science, which is extended to formal and non-formal institutions like state, government, political parties, pressure groups, socio-economic and political existing conditions of the society.
2. Feminism: the belief that men and women should have equal rights and opportunities-social, political, legal, and economic.
3. Normative Study: The study of Political science, which confined to traditional or formal institutions like state and government and values of the society.
4. Policy-Making: It is a process that explains the process of formulation of policies by a government for the betterment of the people.
5. Polis: This is the ancient Greek word, it means city-state.
6. Political Behaviour: The behaviour of the people in a particular political situation.

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2. State: Its Elements and Theories of Origin of State

By studying the concept of State, a student is able :

- *To Understand the political system, and its functioning.*
- *To get the awareness of how government works as an agent of state.*
- *To understand the relationship between state and citizen and the obligations of both.*
- *To understand the absoluteness of the state and its limitations.*
- *To understand how the state came into being into existence (different theories of origin of state).*

Introduction

Every individual's life is connected with the state. Everything in the state, nothing out of the state. From birth to death, from education to employment, from domestic to global, from spiritual to political, and economic to cultural, business, military, judiciary etc, are under the control and command of the law of the state. Before the state nothing is private, for example: marriage, divorce, birth, death abortion, suicide and so on.

The concept of state in political science is essential for understanding the structure, functioning, and dynamics of political systems. It helps analyse the distribution of power, decision-making processes, public policy, and the interactions between states in international relations.

What is State?

The state is the central theme of political science. State is basically an organised political institution that has ultimate power over the members residing in its fixed geographical limits. So, a fixed territory becomes a first prerequisite of the state. It is an institution which has authority over all men in its territory. Although society consists of many groups and associations, it is the state which has a final say in all matters. It is the most powerful and universal of all social institutions. It is an association par excellence. It is the supreme organisation in society which controls and coordinates the activities of individuals and association within its territorial domain. Some kind of authority structure or government has emerged

at every stage of civilisation to ensure internal security, protection from external attack and ensure the observance of rules and regulation of social life. The ultimate supreme power of the state is called as sovereignty.

Finally, the state is a kind of human association distinguished from other associations by its purpose, the establishment of law and social order and security from varied threats. It works by some methods, the laws and their enforcement, its geographical territory, and ultimately by its sovereignty.

The English term state originates from Latin word "stare" which means "to stand". The western concept of state begins in ancient Greek civilisation. Ancient Greek philosophers Socrates, Plato and Aristotle used the term "polis" to address the ancient "City-state" which is little similar to the modern concept of state. The ancient Romans used the term "Civitas" to mean the state. In the sixteenth century Niccolò Machiavelli, in his book "The Prince", who first used the term state ("lo stato") and later the French philosopher Jean Bodin extensively developed the concept of state. For the first time Machiavelli established concept of state as sovereign, secular and national institution.

Definitions : In political science, the concept of "state" can be defined in various ways, depending on the theoretical perspective and context. Here are a few common definitions.

Cicero : The state is a numerous society united by a common sense of right and mutual participation in advantages.

Bodin : State is an association of families and their common affairs, governed by a supreme power and by reason.

Frederick M. Watkins : State is a geographically delimited segment of human society united by common obedience to a single sovereign.

Oppenheim : The state exists when a people is settled in a country under its own sovereign government.

Harold Lasswell : state is a territorial society divided into governments and subjects and a particular kind of organization, claiming sovereignty over a territory and its people and exercising a monopoly of force within it.

Aristotle : The state is an association of families and villages for the sake of attaining a perfect and self-sufficient existence.

Garner : State as 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 organised government to which the great body of inhabitants render habitual obedience.

Bluntschli : The politically organised people of a definite territory are the state.

Charles Tilly : state as a centralized and differentiated organization that holds the legitimate means of violence over a specific territory and population.

Robert Dahl : state as "a collection of relatively permanent institutions with the authority to make and enforce rules and regulations within a specified territory."

Harold J. Laski (1931) : State is territorial society divided into government and subjects, claiming within its allotted physical area, a supremacy over all other institutions.

These are just a few examples of how political thinkers have conceptualized the state throughout history. Their perspectives and definitions have greatly influenced the field of political theory and continue to shape our understanding of the state and its role in society.

Elements of State

By going through the above definitions of the state we must know the fact that the state consists of four fundamental elements, which are as follows: 1). Population 2). Territory 3). Government 4). Sovereignty 5). International Relations

Population

The population is a fundamental element of the concept of the state. There is no state without population. State is an institution for man, and not for God and Devil. It refers to the group of individuals who reside within the state's territory and are subject to its laws, governance, and authority. Here are some key points to discuss regarding the population as an element of the state:

Size of the population : To be recognised as a state there is no accepted size of population. The population size of a state varies significantly depending on various factors. So that there is no common or similar opinion among the ancient Greek philosophers. For Plato 5040 population is necessary to be an ideal city-state. Aristotle, was unwilling to be constrained by any particular size of population. He suggested that there should be a limited size of population to any state, and he established the basic premise that "the number should be neither too small nor too large; it should be large enough to be self-sufficient and small enough to be well-governed." Social Contract philosopher Rousseau advised that 10,000 should be the perfect figure of population for an ideal state.

There is a wide range of population sizes among different states, from small countries with populations of a few thousand to large countries with populations in the hundreds of millions or even more. There is no definite limit for the size of population essential for a State. However, it is recognised that the population should be neither too large nor very small. It has to be within a reasonable limit. It should be determined on the basis of the size of the territory of the State, the availability of resources, the standard of living expected and needs of defence, production of goods and supplies, migration patterns. India has a very large and fast-growing population and there is every need to check population growth. It is essential for enhancing the ability of India to register a high level of sustainable development.

To provide some examples, as of statistics cutoff in 2021, some countries with *Least population* include: With a population of around 800 people, Vatican City is the smallest independent state in the world. Nauru is a small island in the Pacific Ocean with a population of approximately 10,876 people. Tuvalu is another small island with a population of around 11,931 people.

On the other hand, there are countries with *higher populations*, such as: as the world's most populous country, China has a population of over 1.4 billion people. India closely follows China in terms of population, with over 1.3 billion people. (As per a UN report, India is likely to surpass the population of China in April 2023, and become the world's most populous country.). The United States is the third most populous country, with a population of around 330 million people. Former Soviet Union encouraged their women with rewards who gave birth to more children. But China and Indian brought some policies to reduce the population to over come the challenges of more population.

It's important to note that population sizes can change over time due to factors like birth rates, death rates, migration, and government policies.

Territory

Territory is a critical element of the state, representing the geographical area over which a state exercises its authority and control. There can be no state without a permanent territory. To be recognised as a state people need a particular portion of territory to live and organize themselves socially and politically. It must be remembered that the territory of the state includes land, water and air - space. The modern states differ in their sizes. Territory is necessary for citizenship. As in the case of population, no definite size with regard to extent of area of the state can be fixed. There are small and big states. There is no fixed size requirement for a territory to qualify as a state, as states can range from small to large in terms of their land area. Here are some examples of different-sized states:

Monaco is a microstate located on the French Riviera, with an area of just 2.02 Sq. Km (0.78 square miles). Despite its small size, Monaco is recognized as a fully sovereign state. Singapore is a city-state located in Southeast Asia, occupying an area of about 721.5 Sq. Km (278.6 square miles). It is one of the smallest countries in the world, yet it functions as an independent state.

Russia is the largest country in the world, covering an area of approximately 17.1 million Sq. Km (6.6 million square miles). It spans across multiple time zones and stretches from Eastern Europe to Northern Asia. Canada is the second-largest country globally, with a land area of approximately 9.98 million Sq. Km (3.85 million square miles). It spans from the Atlantic Ocean in the east to the Pacific Ocean in the west and borders the United States in the south. Australia is a large country occupying an entire continent, with a land area of about 7.7 million Sq. Km (2.97 million square miles). It is known for its diverse geography, ranging from vast deserts to lush rainforests.

These examples illustrate the wide range of territorial sizes among states. It's important to note that the size of the territory alone does not determine statehood. Rather, factors such as fertile land, rich rivers and mining resources, most importantly naturally secured borders and climate conditions are considered important for a strong state.

Government

Government is most necessary element of State. The state exercises its sovereign power through the government. This sometimes creates the impression that there is no difference between the State and Government. However, it must be clearly noted that government is

just one element of the State. Government is the agent or the working machinery of the State. Sovereignty belongs to the State; the government only functions on behalf of the State. Appadorai defined "government as the agency through which the will of the State is formulated, expressed and realized". For C.F. Strong, "in order to make and enforce laws the state must have supreme authority. This is called the government."

Different forms of government

Different forms of government refer to the various ways in which political power is structured and exercised within a society. The form of government determines who holds authority, how decisions are made, and the distribution of power and responsibilities. Here are some of the most common forms of government: Such as Presidential form of government, Parliamentary form of government, Unitary government, Federal government and Military government.

1. Legislature: Law making body. **2. Executive:** Body for enforcing laws. and **3. Judiciary:** which applies the laws to specific cases and settles the disputes i.e., performs adjudication functions. Each of these three organs of the government carries out its allotted responsibilities. The relationship between the Legislature and Executive is defined by law of constitution. The legislature and executive are closely related and the executive is collectively responsible to the legislature in the parliamentary form of government like India and Great Britain. The legislature and executive are two separate and independent organs and have a fixed tenure with lots of stability in the presidential form of government like USA and the executive is not responsible to legislature.

Sovereignty

Sovereignty is the most important and crucial element of the state. Sovereignty is supreme power of the state. It is a characteristic possessed by the state alone, it makes a state independent and supreme. Sovereignty that is internal supremacy and external independence is the distinctive characteristic that distinguishes the state from all other forms of human organisations of people. Those who do not obey the laws framed by the government are punished, this is internal sovereignty. External sovereignty means that the state is free to make its foreign policy and international relations without any external control. Sovereignty is a crucial element of the state, representing the supreme and independent authority that a state holds over its territory, population, and governance. Its most important concept of the study both in the legal and political theories. Sovereignty distinguishes the state from all other forms of political and social and other organisations. The possession of the sovereign power enables the state to issue commands to all within its areas and maintain peace. It is an essential element of the state, if there is no sovereignty there is no existence of state at all.

International Recognisations

International relations became an element of the state as a consequence of the evolving nature of the international system and the interactions between states. As societies and political entities developed, they began to encounter each other, leading to the emergence of diplomatic relations, alliances, conflicts, and trade. The element of international relations became essential for states to navigate their interactions with other sovereign entities and protect their interests on the global stage. Several key factors contributed to the incorporation of international relations as an element of the state:

Theories of Origin of State

So far, we have come to know what is state and what it does. Now the question arises in one's mind as to how and when exactly the state originated. Unlike in the natural sciences we cannot be certain and exact in estimating out the date of origin of the state. It, therefore, compels us to know the various propositions regarding the origin of the state and hence so many theories have come in to being.

Numerous theories with regard to the origin of the state are offered. These include the divine origin theory, matriarchal, patriarchal, historical evolution, the force theory, social contract theory, and Marxist theory. Some of these theories of the origin of the state are being discussed below.

Divine Origin Theory of State

Divine origin theory of state is the oldest theory among others theories of state. It is as old as the state had been existed. This theory believes that the state is created by the God. According to this theory, monarchs and rulers are believed to be chosen and appointed by a divine entity, and their authority is considered absolute and unquestionable. So, the divine origin theory of the state, is also familiar as the 'Divine Right of Kings'. The king is considered as an agent or a representative of God on the earth. Therefore, the king is not responsible to anybody on earth, except to the God. In medieval times some kings claimed that they are moving representatives of God on earth. Obedience to the power of king is duty of the people and it is considered as obedience towards God. They propagated an idea that disobedience is a sin, those who are disobedient to the king will be punished by the God.

The Divine Origin Theory has historical roots and has been used to justify the legitimacy of monarchs and autocratic rulers in various civilizations and time periods in the East and West, including India. Almost all the religions believed and promoted this theory, But, not Buddhism. Indian Brahmanical scriptures like Vedas, Mahabharata, Manu Smruthi etc explained the idea of divine origin theory of state. Religious texts Bible and Quran also tells that God is the immediate source of king's power, and the ruler is an agent and responsible to the God. Sir Robert Filmer said that "kings are breathing images of God upon the earth, disobedience to their commands is disobedience to God." Here are some key points and characteristics of the Divine Origin Theory of the state:

- A). God deliberately created the state to save the human beings from destruction.
- B). God sent his agent, or representative to rule over and control all the humans.
- C). Ruler (Monarch) is appointed by the God
- D). King is responsible to the God alone for his actions, but not to the people.
- E). Monarchy is hereditary.
- F). Disobedience or resistance or revolt to the supreme power is a sin.
- G). The divine origin theory is closely tied to the religious beliefs and theology.

Decline and Criticism: Over time, the Divine Origin Theory faced challenges and criticism. Enlightenment thinkers and political philosophers, such as John Locke and Thomas Paine, rejected the idea of absolute monarchy and divine right. They advocated for alternative theories, such as social contract theory, which emphasized the consent of the governed as the basis of political authority. In modern times, the Divine Origin Theory has largely lost its relevance as a dominant political theory. Most states now adhere to principles of constitutionalism, democracy, and the rule of law, which emphasize the sovereignty and legitimacy of the state coming from the consent of the governed rather than from divine authority.

Matriarchal Theory of Origin of State

The matriarchal theory of the origin of the state is a hypothesis, that suggests that early human societies were organized and governed under matriarchal systems, where women held significant positions of power and influence in and out of family.

As per theorists' matriarchal family system was there before the patriarchal family system. The earliest marriage system was polyandry, which practiced that one woman has many husbands. Mother was the head and power holder of the family, who possessed property and all kinds of power. The matriarchal family evolved through successive stages, and developed at the stage of state. According to this theory, women played essential roles in decision-making, social organization, and governance, leading to the emergence of early states.

J. E. McLennan, L. H. Morgan and Edward Jenks are the main exponents of matriarchal theory of state. It's important to note that the matriarchal theory of the origin of the state is not widely accepted among scholars and historians. Some key points of matriarchal theory of the origin of the state:

Matrilineal Societies: Matriarchal theories often point to matrilineal societies, where descent and inheritance are traced through the female line, as evidence of early matriarchal systems. In such societies, property, lineage, and status may pass from mother to daughter.

Goddess Worship: Some proponents of the matriarchal theory highlight the existence of goddess worship in early societies as evidence of women's central role in religious and spiritual life. They argue that the veneration of female deities reflects the significance of women in governance and cultural practices.

Peaceful and Egalitarian: Matriarchal theories suggest that societies organized around female leadership may have been more peaceful and egalitarian than patriarchal societies. They propose that women's nurturing roles might have fostered cooperation and community-oriented decision-making.

Transition to Patriarchy: Matriarchal theories often suggest that the shift from matriarchy to patriarchy coincided with the rise of early states. This transition is believed to have occurred as societies became more hierarchical and male-dominated, leading to the emergence of male rulers and systems of patrilineal inheritance.

Criticism and Controversy

The matriarchal theory of the origin of the state has been met with criticism from scholars and anthropologists. Some argue that the evidence for widespread matriarchal societies in prehistoric times is scant and open to interpretation. Others assert that the concept of a universal matriarchal state is overly simplistic and ignores the diversity and complexity of early human societies. The study of prehistoric social systems is challenging due to the scarcity of written records, leading to a wide range of theories and interpretations.

Patriarchal Theory of Origin of State

The patriarchal theory of the origin of the state is a hypothesis that suggests that early human societies were organized and governed under patriarchal systems, where men held dominant positions of power and authority. According to this theory, male leadership and control played a central role in the emergence of early states. Historically, the patriarchal theory has been influenced by societal norms and beliefs that placed men in dominant positions in various cultures. This belief in male dominance and authority was prevalent in many ancient societies, which often practiced patrilineal inheritance and traced descent through male lineage.

Eldest male or father was the head of the family and he controlled and took care of all the members of family. Number of families came together under the patriarchal head. In the course of time several such patriarchal families became as clan. Those clans became a tribal community, the expansion of those communities emerged as the early state. Sir Henry Maine is the original proponent of this theory.

Here are some key points and characteristics associated with the patriarchal theory of the origin of the state:

Male Dominance: The patriarchal theory suggests that early societies were characterized by male dominance in decision-making, social organization, and governance. Men were presumed to hold authority over women and other members of the community.

Patrilineal Societies: Proponents of the patriarchal theory often point to patrilineal societies, where descent and inheritance are traced through the male line, as evidenced in early patriarchal systems. In such societies, property, lineage, and status may pass from father to son.

Warrior Culture: Some patriarchal theories propose that the emergence of early states was linked to a warrior culture, where men's roles in hunting, warfare, and defence led to their prominence in decision-making and governance.

Accumulation of Wealth and Property: As communities grew and settled in specific territories, the accumulation of wealth and property became more significant. Proponents of the patriarchal theory argue that men's roles in economic activities and the control of resources further solidified their positions of power.

Hierarchical Social Structures: The patriarchal theory suggests that early states developed hierarchical social structures, with male leaders assuming positions of authority and often being seen as divine or representing divine authority.

Criticism and Controversy:

The patriarchal theory of the origin of the state has faced criticism and debate from scholars. Critics argue that the evidence for early patriarchal systems is not universally applicable and that gender dynamics in prehistoric societies might have been more complex and varied than depicted in the theory. Similar to the matriarchal theory, it's essential to note that the patriarchal theory of the origin of the state is not universally accepted among scholars and historians. The study of prehistoric societies and the development of early states is complex and challenging due to the limited availability of written records, leading to various interpretations and debates.

Social Contract Theory of Origin of State

The social contract theory is a prominent political theory that seeks to explain the origin of the state and the legitimacy of political authority. According to this theory, the state arises from a hypothetical social contract, an implicit agreement among individuals, through which they willingly give up some of their natural freedoms and submit to a governing authority in exchange for protection, security, and the benefits of organized society. The social contract theory was developed by several influential thinkers, with different variations and emphasis on different aspects of the contract. Here are Thomas Hobbes, John Locke, Jean-Jacques Rousseau and Immanuel Kant key proponents of the social contract theory and their contributions:

Hobbes's Social Contract Theory of Origin of State

Thomas Hobbes, an English philosopher, presented his social contract theory in his famous work "Leviathan" (1651). According to Hobbes, the state is created through a social contract among individuals who willingly surrender some of their natural freedoms to a sovereign authority in exchange for protection and the benefits of living in an organized society. Hobbes' social contract theory is based on his pessimistic view of human nature and his belief that without a strong central authority, human life would be chaotic and violent.

Key elements of Hobbes' social contract theory

State of Nature: Hobbes begins by describing the hypothetical state of nature, a pre-political condition where there is no centralized authority or government. In the state of nature, individuals are in constant competition for limited resources, and there is a "war of all against all." Human nature in the state of nature is portrayed as "solitary, poor, nasty, brutish, and short," with individuals seeking to protect their own interests at the expense of others. There was an absence of social life.

Human Rational Self-Interest: According to Hobbes, human beings are driven by rational self-interest, seeking to maximize their own well-being and avoid harm. In the absence of a governing authority, individuals have the right to do whatever they believe is necessary to preserve their lives and protect themselves. No one believed the other, everybody feels that another is an enemy. Fulfilling their individual interest by using force or violence over another. State of nature is like a state of war. To escape this condition, individuals enter into a social contract by which they surrender their natural rights to a sovereign authority. In return, the sovereign provides security and stability, maintaining order and preventing the

chaos of the state of nature.

Social Contract: In order to escape the brutal conditions of the state of nature, Hobbes argues that individuals enter into a social contract. This contract is an implicit agreement among individuals to transfer their rights and freedoms to a single, sovereign authority or Leviathan. The Leviathan is a metaphor for a strong and centralized government that has the power to enforce laws and maintain order.

Absolute Sovereign Authority: The social contract creates a sovereign authority with absolute power, which serves as the ultimate decision-maker and enforcer of laws. The sovereign's authority is not subject to challenge, as the contract obliges individuals to obey its commands and relinquish their individual rights in exchange for protection and security.

Civil Peace and Order: Hobbes believes that the social contract leads to civil peace and order, as the Leviathan's authority can prevent conflicts and maintain stability within the state. The sovereign's power is necessary to suppress internal disputes and external threats and ensure the well-being of its subjects.

Hobbes' social contract theory is often seen as an early justification for absolute monarchy, where the sovereign's authority is unchallengeable. His pessimistic view of human nature and emphasis on the need for a strong, centralized authority have sparked debates and criticisms over the centuries. While Hobbes' ideas contributed to the development of modern political thought, subsequent philosophers, such as John Locke and Jean-Jacques Rousseau, presented alternative social contract theories that provided more room for individual rights.

John Locke's Social Contract Theory of Origin of State

John Locke, an English philosopher, presented his social contract theory in his seminal work "Two Treatises of Government" (1690). Locke's social contract theory emphasizes the idea that political authority is derived from the consent of the governed, and the state exists to protect the natural rights of individuals. Unlike Hobbes, Locke had a more optimistic view of human nature, believing that individuals had certain inherent rights that should be protected by the government.

Key elements of John Locke's social contract theory include

State of Nature: Locke's theory begins with a state of nature where individuals are free and equal. In this state, individuals possess natural rights to life, liberty, and property. The state of nature is not a state of chaos or conflict, but rather a condition where people have the freedom to act within the bounds of natural law. According to Locke, all individuals have natural rights to life, liberty, and property. These rights are inherent and exist independently of any government or society. The primary role of government is to protect these natural rights.

Human Nature: John Locke's views on human nature were optimistic and fundamentally different from those of Thomas Hobbes. Locke believed that in the state of nature, human beings were inherently rational and possessed certain natural rights, which he identified as the rights to life, liberty, and property. Unlike Hobbes, who saw the state of nature as a state of war and chaos, Locke viewed it as a state of peace and cooperation.

Social Contract: Locke posits that individuals voluntarily enter into a social contract to form a government. This contract is based on the mutual consent of the governed, who agree to create a political authority to protect their natural rights and resolve disputes. The government derives its legitimacy and authority from the consent of the people it governs.

Limited Sovereignty: Locke's theory of state is limited and not absolute. The function of the state is limited to stated purposes. Power comes from the people and the government is based on consent of the people. Law is the expression of the will of the people and not command of the sovereign. Law should be consistent with the law of reason. Sovereign is given to the collective body or community, which is created by the social contract. The state's powers are limited to protecting natural rights and maintaining the common good. If a government oversteps its authority or becomes tyrannical, the people have the right to alter or abolish it and establish a new government.

Right to Revolution: Locke's social contract theory includes the right to revolution. If a government violates its duty to protect the natural rights of the people or becomes oppressive, the people have the right to rebel and overthrow the government.

Locke's social contract theory has had a profound impact on modern political thought and influenced the development of democratic principles and constitutionalism. It laid the groundwork for the idea that governments exist to protect the rights and interests of the people and that political authority is not absolute but derives from the consent of the governed. Locke's emphasis on individual rights, limited government, and the right to revolution has been foundational in shaping liberal democracies around the world.

Jean Jacques Rousseau's social contract theory of origin of state

Jean-Jacques Rousseau, a Swiss-French philosopher, presented his social contract theory in his work "The Social Contract" (1762). Rousseau's theory offers a different perspective on the origin of the state compared to the ideas of Thomas Hobbes and John Locke. Rousseau's social contract theory emphasizes the collective will of the people and the importance of the general will in forming a legitimate and just government.

Key elements of Rousseau's theory

State of Nature: Rousseau, like other social contract theorists, discusses the state of nature, a hypothetical condition before the establishment of organized society. In the state of nature, individuals are seen as free, equal, and guided by self-preservation instincts. Unlike Hobbes, Rousseau argues that the state of nature is not inherently violent or chaotic but rather a state of natural harmony.

Human Nature : Rousseau had a unique and complex view of human nature, which set him apart from many of his contemporaries. His views on human nature were influenced by his observations of society. Humans are naturally good, benevolent, and noble in nature. Humans in the state of nature are innocent and guided by compassion and empathy. Rousseau argued that, the civilisation, modernity that corrupt the individuals and lead to the negative aspects of human behaviour. The development of private property, the introduction of social hierarchies, and the establishment of governments were the reasons for inequality and conflict among the human beings.

Amour de soi and Amour-propre : Rousseau introduced the concepts of "amour de soi" (self-love) and "amour-propre" (self-esteem or vanity). He argued that in the state of nature, humans primarily possessed "amour de soi," which is a healthy self-love based on self-preservation and the natural desire to seek well-being for oneself and others. However, the development of society and its institutions led to the emergence of "amour-propre," where individuals began comparing themselves to others and seeking recognition and approval from society. This "amour-propre" is what he saw as the source of many societal ills.

Social Contract : Rousseau posits that individuals voluntarily enter into a social contract to form a collective body known as the "general will" or "popular sovereign." The social contract is an agreement among individuals to come together and act as a unified entity, setting aside their individual wills and interests for the common good.

General Will : Rousseau's concept of the general will is central to his social contract theory. The general will represents the collective will of the entire community, expressing the common interests and well-being of the entire community, rather than the interests of specific individuals or particular groups. It is not the sum total of individual wills but rather an expression of what is best for the community as a whole. He argued that general will as the source of legitimate political authority, the foundation of the state's sovereignty, and the basis for just laws. In an ideal society, the general will would foster equality, justice, and solidarity among citizens, creating a harmonious and collectively responsible community.

Rousseau's concept of the general will has had a significant impact on political philosophy and democratic theory, shaping discussions on popular sovereignty and the relationship between the state and its citizens.

Popular Sovereignty : Rousseau's theory promotes the idea of popular sovereignty, where the ultimate political authority resides with the people as a whole. The government is legitimate only if it reflects and acts in accordance with the general will of the people. In this sense, the people are both the lawmakers and the governed.

Direct Democracy : Rousseau favoured a form of direct democracy, where citizens actively participate in decision-making and policymaking through regular assemblies. He believed that direct democracy allows for a more authentic expression of the general will and ensures that government actions are aligned with the wishes of the people.

Freedom and Equality : Rousseau emphasized the importance of preserving individual freedom and equality within the social contract. He argued that individuals should maintain their natural rights and liberties while willingly submitting to the authority of the general will, which represents the collective interests of the community.

Rousseau's social contract theory places a significant emphasis on the common good and collective decision-making. Unlike other social contract theorists, he does not advocate for a strong central authority or a government with absolute power. Instead, Rousseau's vision for the state is based on a participatory democracy, where the people actively engage in governance and act in harmony with the general will to create a just and equitable society.

Historical or Evolutionary Theory of Origin of State

The historical or evolution theory of the origin of the state combines various factors, including kinship, family, property, force or war, religion, and political consciousness, to provide a historical and evolutionary perspective on how early states may have developed over time. This theory acknowledges that the formation of states is a gradual process influenced by a combination of social, economic, political, and cultural factors. Let's briefly evaluate each of these components:

Kinship and Family: The historical theory emphasizes the significance of kinship ties and family relationships in early human societies. As communities grew in size and complexity, extended families and kin-based groups may have played a crucial role in organizing social life and decision-making. Leadership positions within these kin groups might have expanded, laying the foundation for more centralized political structures.

Property : The historical theory suggests that the concept of property and its management might have been important in the evolution of early states. As communities shifted from nomadic to settled agricultural practices, the concept of private property likely became more relevant. The management and ownership of land and resources could have influenced the emergence of political structures.

Force or War : The role of force or war in the historical theory acknowledges that conflict and competition for resources have likely played a part in the development of early states. As communities encountered each other and contested territory or resources, conflicts could have led to the establishment of dominant groups that exercised control over others, resulting in the formation of more organized political systems.

Religion : The historical theory posits that religious beliefs and practices might have influenced early state formation. Religion often played a central role in shaping societal norms, providing a moral basis for governance, and legitimizing political authority. The connection between religious leaders and political rulers might have contributed to the establishment of early states.

Political Consciousness : The role of political consciousness in the historical theory acknowledges that collective awareness and shared values within a community have likely contributed to the evolution of early states. As societies developed a sense of identity, cooperation, and collective purpose, the need for more formalized governance and decision-making structures may have arisen.

The historical or evolution theory recognizes that the origin of the state is a complex historical process that unfolds over time. It considers how various factors interacted and influenced the development of political institutions and social organizations in different regions and historical periods. It's important to note that the historical or evolution theory is not a specific theory with a singular proponent but rather an approach used by historians, anthropologists, and political scientists to understand the complexities of early state formation. Different societies and regions may have experienced unique combinations of these factors, leading to diverse forms of early states.

Marxist Theory of Origin of State

The Marxist theory of the origin of the state is based on the ideas of Karl Marx and Friedrich Engels, the founders of Marxism. According to Marxist theory, the state is a product of the underlying economic structure of society, and its primary function is to serve the interests of the ruling economic class. The emergence and nature of the state are closely tied to the development of class societies.

Key elements of the Marxist theory of the origin of the state

Economic Base and Superstructure : Marxists propose the concept of the economic base and superstructure. The economic base refers to the means of production, such as factories, land, and resources, as well as the social relations of production, including the ownership of the means of production and the distribution of wealth. The superstructure consists of the institutions and ideologies that arise from the economic base, including the state, religion, education, and culture.

Class Struggle : According to Marxism, societies are characterized by class struggle, where different social classes have conflicting interests. In class societies, the dominant economic class uses its control over the means of production to exploit and oppress the subordinate classes. The state, as part of the superstructure, arises to protect the interests of the ruling class and maintain the existing economic order.

Dictatorship of the Bourgeoisie : Marxists argue that in capitalist societies, the state represents the "dictatorship of the bourgeoisie," meaning it serves the interests of the capitalist class (bourgeoisie) and reinforces the capitalist mode of production. The state enacts laws and policies that protect private property and ensure the stability and continuity of the capitalist system.

Instrument of Repression : Marxists view the state as an instrument of repression used by the bourgeoisie (ruling) class to control and subjugate the working class (proletariat). The state's legal system, police force, and military are employed to maintain social order and protect the interests of the ruling class.

Transitional State : Marx envisioned a transitional state, known as the "dictatorship of the proletariat," which would emerge during the revolutionary overthrow of the capitalist system. This transitional state would represent the interests of the working class and work towards the establishment of a classless, communist society, where the state would eventually wither away.

In summary, the Marxist theory of the origin of the state emphasizes the relationship between the economic base of society and the emergence of the state. The state is seen as a reflection of class interests and serves as a tool for the ruling class to maintain its dominance and control over the subordinate classes. According to Marxism, true liberation can only be achieved by transcending class divisions and creating a society without private ownership of the means of production, where the state becomes obsolete in a classless, communist society.

Feminist Theories of Origin of State

Feminist theories of the origin of the state examine the role of gender and patriarchy in shaping the formation and development of political institutions. These theories critique traditional accounts of state origin, which often neglect or marginalize the experiences and contributions of women in the process of state formation. Feminist perspectives highlight how gender relations and patriarchal structures have influenced the construction of power and governance within societies.

While feminist theories are diverse and nuanced, some key themes and points of analysis within the feminist theory of the origin of the state

Gendered Division of Labor: Feminist scholars argue that early societies had distinct gender roles and a gendered division of labour. Women were often assigned domestic and reproductive tasks, while men took on roles related to hunting, warfare, and public affairs. This division of labour influenced the distribution of power and authority within communities.

Private-Public Divide : Feminists critique the traditional separation between the private sphere (associated with the home and family) and the public sphere (associated with political and economic affairs). This division has historically confined women's influence and participation in public decision-making and governance, reinforcing patriarchal power structures.

Exclusion from Political Power : Historically, women were largely excluded from formal political processes and institutions. As a result, early accounts of state formation tend to focus on the role of men in political affairs, overlooking the experiences and contributions of women.

Gender-Based Violence : Feminist perspectives highlight the prevalence of gender-based violence, such as sexual violence and domestic abuse, in the exercise of power and control. In early societies, warfare and conquest often resulted in the subjugation of women as spoils of war or symbols of dominance.

Matrilineal and Matriarchal Societies : Some feminist theories explore the historical existence of matrilineal and matriarchal societies, where descent and inheritance were traced through the female line, and women held positions of authority and leadership. These societies challenge traditional narratives that assume male dominance as universal.

Intersectionality : Feminist theories of the origin of the state often incorporate the concept of intersectionality, recognizing that gender intersects with other social categories such as race, class, and sexuality. The experiences and roles of women in the formation of the state can differ significantly based on these intersecting identities.

Feminist perspectives on the origin of the state seek to address the gaps and biases in traditional historical accounts and challenge the patriarchal assumptions that have influenced the study of political history. By shedding light on the experiences and agency of women and marginalized groups, feminist theories contribute to a more inclusive and comprehensive understanding of how political institutions and power structures have developed over time.

Summary

The concept of the state refers to a politically organized entity that exercises authority and control over a defined territory and population. States are characterized by their sovereignty, having the supreme power to make and enforce laws, manage public affairs, and represent themselves in international relations. They possess institutions, such as governments, legal systems, and bureaucracies, that facilitate the functioning of governance and the exercise of authority.

Divine Origin Theory attributes the origin of the state to divine intervention, where rulers claim their authority is derived from a higher power or deity, often found in ancient civilizations. According to the theory of force or coercion, the state emerged through the use of force or coercion by powerful leaders or groups, who subjugated smaller communities through military conquest. Social contract theorists propose that the state arose from a hypothetical agreement among individuals to establish governance and protect their rights and interests, as advocated by thinkers like Hobbes, Locke, and Rousseau. Evolutionary Theory views the state's origin as a natural progression in human social evolution, with early communities evolving into complex societies with centralized authority. Economic class theory (Marxist) thinkers argue that the state serves the interests of the ruling economic class and reflects the dynamics of class struggle. Feminist theories explore the role of gender and patriarchy in shaping the formation of political institutions and critique traditional accounts for overlooking the contributions of women.

These theories offer valuable and distinct perspectives on the historical development of states, highlighting the complex interplay of factors that contributed to the emergence and evolution of political entities throughout human history.

Glossary

State is a political entity that exercises sovereignty over a defined territory and population, having the authority to make and enforce laws, engage in foreign relations, and maintain order within its borders. It is a key unit of political organization in the modern world.

Matriarchy is a social system or family structure in which women hold primary positions of power, authority, and leadership, often involving inheritance and decision-making being passed through the female line. It contrasts with patriarchy, where male dominance is prevalent.

Patriarchy is a social system or family structure in which men hold primary positions of power, authority, and leadership, with male dominance influencing political, economic, and social institutions. It contrasts with matriarchy, where female dominance is prevalent.

Feminism is a social and political movement that advocates for gender equality and the empowerment of women, seeking to address issues such as women's rights, opportunities, and representation in society. It aims to challenge and dismantle gender-based discrimination and stereotypes.

Marxism is a socio-economic and political theory developed by Karl Marx and Friedrich Engels, advocating for the abolition of private ownership of the means of production, the

establishment of a classless society, and the redistribution of wealth based on the principle of "from each according to their ability, to each according to their needs."

Individualism is a philosophy or social outlook that emphasizes the value and autonomy of the individual, stressing personal freedom, self-reliance, and individual rights over collective or communal interests. It promotes the idea that individuals should have the liberty to pursue their own goals and make choices independently.

Monarchy is a form of government where a single individual, known as a monarch, holds supreme authority and serves as the head of state, often inheriting the position through hereditary succession.

Oligarchy is a form of government where power and authority are concentrated in the hands of a small and privileged group or ruling elites, often based on wealth, family lineage, or other exclusive criteria, leading to limited political participation for the majority of the population.

Republic is a form of government where the country's leaders are elected by the people, and the head of state is not a monarch, but rather a president or similar official chosen through democratic processes. The powers of government are typically limited by a constitution, and the rule of law prevails.

Questions

A). Descriptive Questions

- 1) Define what is state?
- 2) What are the elements of state?
- 3) Do you accept the theory of divine origin of state?
- 4) Explain and discuss social contract theory of the origin state.
- 5) Explain and discuss the Marxist theory of the origin of the state.
- 6) Discuss about the matriarchal theory of state
- 7) Write a note on patriarchal theory of state.
- 8) Discuss the feminist theory of origin of state.
- 9) Write a note on historical evolution theory of state.
- 10) Discuss Rousseau's theory of "General Will".

B). Multiple Choice Questions

1. What is the primary purpose of the state?

- a) To maintain anarchy
- b) To exercise authority over a defined territory and population

- c) To provide welfare benefits
- d) To promote individual freedom

2. Which of the following is a characteristic of the state?

- a) Voluntary membership
- b) No defined territory
- c) Absolute democracy
- d) Sovereignty

3. Who defined the state as a "monopoly of legitimate violence"?

- a) Karl Marx
- b) Max Weber
- c) John Locke
- d) Thomas Hobbes

4. Which theory of the origin of the state suggests that it evolved from the family?

- a) Divine Right Theory
- b) Social Contract Theory
- c) Evolutionary Theory
- d) Force Theory

5. According to the Social Contract Theory, why do individuals form a state?

- a) To achieve absolute power
- b) To maintain a state of nature
- c) To preserve natural rights and promote social order
- d) To form a confederation of states

6. The concept of "civil society" is associated with which theory of the origin of the state?

- a) Divine Right Theory
- b) Social Contract Theory
- c) Force Theory
- d) Evolutionary Theory

7. Which theory argues that the state is created and maintained through the use of force and coercion by a dominant group?

- a) Divine Right Theory
- b) Social Contract Theory
- c) Force Theory
- d) Evolutionary Theory

8. According to the Divine Right Theory, where does the authority of the state come from?

- a) The will of the people
- b) The consent of the governed
- c) The divine will or God's mandate
- d) The power of the military

9. Which philosopher is associated with the idea of the "state of nature" as a pre-political condition?

- a) Jean-Jacques Rousseau
- b) Thomas Hobbes
- c) John Locke
- d) Karl Marx

10. Who defined the state as a "necessary evil" to protect natural rights?

- a) Max Weber
- b) Thomas Hobbes
- c) John Locke
- d) Karl Marx

11. According to the Evolutionary Theory, how did the state originate?

- a) Through a social contract among individuals
- b) Through the divine mandate of rulers
- c) As a natural progression from the family to larger social groups
- d) Through a violent revolution

12. The theory of the "state as an organism" was proposed by:

- a) Thomas Hobbes
- b) John Locke
- c) Aristotle
- d) Karl Marx

13. According to Aristotle, what is the purpose of the state?

- a) To promote individual freedom
- b) To maintain a system of checks and balances
- c) To create a utopian society
- d) To promote the common good and virtue of its citizens

14. Which theory suggests that the state originated from the need for protection from external threats?

- a) Evolutionary Theory
- b) Social Contract Theory
- c) Force Theory
- d) Divine Right Theory

15. Which philosopher introduced the concept of "natural law" as a basis for the legitimacy of the state's authority?

- a) Jean-Jacques Rousseau
- b) John Locke
- c) Thomas Hobbes
- d) Karl Marx

16. According to the Force Theory, what establishes the authority of the state?

- a) The divine right of kings
- b) The consent of the governed
- c) The use of coercion and power by a dominant group
- d) The natural law

17. The "will of the people" is a central concept in which theory of the origin of the state?

- a) Divine Right Theory
- b) Social Contract Theory
- c) Force Theory
- d) Evolutionary Theory

18. According to the "state as a necessary evil" view, why do individuals form a state?

- a) To promote individual freedom without restrictions
- b) To protect natural rights and preserve order
- c) To achieve absolute power and control over others
- d) To create a utopian society

19. The idea of the "state of nature" refers to :

- a) A state governed by natural law
- b) A state without a government or established laws
- c) A state of complete anarchy and chaos
- d) A state where the government has unlimited power

20. According to the "state as an organism" theory, the state operates like:

- a) A machine with separate, independent parts
- b) An entity with its own life and growth, where individuals are like cells
- c) A social contract governed by laws and regulations
- d) A natural state of harmony without any governing structure

Answers:

1. b) To exercise authority over a defined territory and population
2. d) Sovereignty
3. b) Max Weber
4. c) Evolutionary Theory
5. c) To preserve their natural rights and promote social order
6. b) Social Contract Theory
7. c) Force Theory
8. c) The divine will or God's mandate

9. b) Thomas Hobbes
10. c) John Locke
11. c) As a natural progression from the family to larger social groups
12. c) Aristotle
13. d) To promote the common good and virtue of its citizens
14. c) Force Theory
15. b) John Locke
16. c) The use of coercion and power by a dominant group
17. b) Social Contract Theory
18. b) To protect their natural rights and preserve order
19. b) A state without a government or established laws
20. b) An entity with its own life and growth, where individuals are like cells

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3. SOVEREIGNTY

Objectives

After studying this lesson on sovereignty, the student is able to:

- *Understand the concept of sovereignty and know its features.*
- *Trace the genesis of the doctrine and explain its evolution and types.*
- *Students can understand different kinds of sovereignty,*
- *Students can know the difference between monistic and pluralistic sovereignty.*

Introduction

Sovereignty is the core concept in modern political theory. It is a distinctive characteristic feature or attribute of the modern State. The term sovereignty is derived from a Latin word 'superanus' through the French word 'souverainete'. The term originally understood to mean the equivalent of supreme power. So, in English Sovereignty means 'Supreme Power' of the State. In Political Science, Sovereignty means the supreme authority of the state. It symbolizes supreme and final legal authority, above and beyond which no legal power exists. It distinguishes the state from all other associations and institutions. As we know that state consists of four elements, namely, population, territory, government and Sovereignty. The first three characteristics can also be found, in varying degrees, in other associations and institutions. But the State alone commands the possession of Sovereignty, i.e., supreme power or authority. Modern states claim supremacy in internal matters and freedom from the control of external government on the basis of the attribute of sovereignty. It is a hallmark of the modern state. In a monarchy, supreme power resides in the "sovereign", or king. In modern democracies, sovereign power rests with the people and is exercised through representative bodies such as Congress or Parliament. There are two **dimensions of sovereignty**:

- 1. Internal Sovereignty:** means that the state has complete control over all the individuals, institutions, and associations. They have to obey the laws of the state and, if any individual or association violates these laws, the state has the power to punish him.

2. External Sovereignty means that the state is free from the control of any other state. There is no individual or authority outside the state which is in a position to issue orders and get obedience from that state. For example, before 1947, India was not a state. Although it had its population, fixed territory and government, but it lacked sovereignty. As she was under the British government. The administration in India was run according to the laws passed by the British Parliament. Sovereignty is the exclusive right to exercise supreme political authority (legislative, judicial, executive) over a geographical region, over a group of people, or over themselves.

Definitions

Jean Bodin : Sovereignty as supreme power over citizens and subjects, unrestrained by law.

J. W. Garner: Sovereignty is that characteristic of the state in virtue of which it cannot be legally bound except by its own will or limited by any other power than itself.

According to Hugo Grotius, the founder of international law, Sovereignty is "the supreme political power vested in him whose acts are not subject to any other and whose will cannot be overridden".

H. J. Laski: "The modern state is a territorial society, divided into government and subjects, claiming with its allotted physical area, supremacy over all other institution."

Duguit: sovereignty is "the commanding power of the state; it is the will of the nation organized in the state; it is the right to give unconditional order to all individuals in the territory of the state".

Jenks: sovereignty is "an authority which, in the last resort, controls absolutely and beyond appeal the actions of every individual member of the community".

Barker: "Sovereignty is the authority of the last word".

J. W. Burgess: "Original, absolute, unlimited power over individual subjects and over all associations of subjects."

W. F. Willoughby: "Sovereignty is the supreme will of the State."

R. G. Soltau: Sovereignty is the exercise of final legal coercive power of the state.

Origin of the concept

The concept of sovereignty has a long and complex history that evolved over centuries and was shaped by various political, philosophical, and legal developments. Here is a brief overview of the origin and development of the concept of sovereignty.

Medieval Feudalism: In the Middle Ages, Europe was characterized by a feudal system, where power was decentralized and divided among feudal lords, kings, and other local authorities. There was no central, unified authority, and sovereignty as we understand it today, did not exist.

Rise of Absolutism: With the decline of feudalism, the idea of absolute monarchies emerged during the Renaissance and early modern period. Monarchs sought to centralize power, claiming divine right or absolute authority, and rejecting the idea of divided sovereignty among various feudal lords.

The Church-State conflict in the late Middle Age Europe: Efforts were made to limit the authority of the Roman Catholic Church and strengthen the authority of the secular rulers by thinkers like Marsiglio of Padua (1275- 1342), Machiavelli (1469-1527) and Martin Luther (1483-1546).

The French political philosopher Jean Bodin (1530-96) attempted to define sovereignty for the first time in his book titled: The Six Books on the Commonwealth (1576). Bodin was interested to consolidate the authority of the French rulers in the context of protracted civil war in France among the Catholic Bourbons and Protestant Huguenots.

Treaty of Westphalia (1648): The Peace of Westphalia, which ended the Thirty Years' War, is considered a pivotal moment in the development of the modern concept of sovereignty. The treaty recognized the principle of "Cuius regio, eius religio" (whose realm, his religion), allowing rulers to determine the religion of their territories. It established the Westphalian system of state sovereignty, emphasizing the independence and territorial integrity of states. The concept was further developed by Hugo Grotius (1583-1645) and the social contract theorists like Hobbes (1588-1679), Locke (1632-1704) and Rousseau (1712-78).

Emergence of the Nation-State: The concept of sovereignty became closely associated with the rise of nation-states. As feudal loyalties waned, and national identity and culture became more prominent, the idea of a unified state governed by a central authority gained momentum.

The Enlightenment: During the Enlightenment period, political philosophers like Thomas Hobbes, John Locke, and Jean-Jacques Rousseau contributed significantly to the development of the concept of sovereignty. Hobbes argued for the necessity of a strong, absolute sovereign to maintain order, while Locke and Rousseau proposed social contract theories that emphasized the consent of the governed as the basis of political legitimacy.

Legal Positivism: In the 19th century, legal positivism emerged as a dominant legal theory, emphasizing the state's legal authority and the notion that law derives its legitimacy from recognized sources of authority, such as a constitution or a sovereign legislative body.

Challenges to Sovereignty: In the 20th century, challenges to state sovereignty emerged with the rise of international organizations, global governance, and the recognition of human rights. Supranational bodies like the United Nations and the European Union questioned the absolute authority of states in certain matters.

Globalization: The process of globalization in the late 20th and early 21st centuries further complicated the concept of sovereignty. The interconnectedness of nations and the cross-border movement of goods, people, and ideas raised questions about the extent to which states can maintain exclusive control over their internal affairs.

Throughout history, the concept of sovereignty has been a subject of constant evolution, reflecting changes in political, legal, and philosophical thinking. As the world continues to change, the understanding of sovereignty and its application in the context of international relations and governance remains an ongoing and dynamic process.

Features of Sovereignty

As observed by Bodin, Grotius, and Hobbes, sovereignty is arguably absolute, perpetual, exclusive, indivisible, inalienable, recognitive, and comprehensive.

Absolute : Absoluteness is an important attribute of sovereignty which means that there are no limitations whatsoever on the sovereignty of the state. All associations and groups living and functioning within the state are under the control of the state. There is no internal or external control over the state. An important factor of sovereignty is its degree of absoluteness. This implies that the sovereign is the final authority and makes the final decision. Hobbes noted that conditions could only be imposed on a sovereign if there were some outside arbitrators to determine when he had violated them, in which case the sovereign would no longer be the final authority. Sovereignty is linked to the state's control and authority over a defined territory. The state's territorial integrity is respected by other states, and any attempt to encroach upon or violate its territorial boundaries is seen as a breach of sovereignty. Some writers do not agree to this idea. They say that in the modern world such an omnipotent state cannot exist. Besides, such a state would be very dangerous for international peace and order.

Universality: Universality is another important characteristic of sovereignty; it means that the sovereignty of the state covers every person, group and association of individuals within its fold. No individual and association can claim exemption from imposition of sovereignty of the state. Sovereignty is all comprehensive in its nature. A sovereign state does not recognise the existence of any rival within its jurisdiction. Neither any person nor any organisation can affect the sovereignty of the state within its territory. The apparent exception in the case of diplomatic immunity which representatives of other countries enjoy, is an international courtesy, which the state may remove any time. Sovereignty is above the law and is not regulated by law. It is for this quality that the state can legislate. So, the law does not have the right to control sovereign power.

Permanance : Sovereignty is a permanent feature of the state. As long as the state maintains its independence, sovereignty exists. Those who exercise the power of state may change, and the whole state may be reorganised; but sovereignty, wherever located, persists. Only by the destruction of the state itself can sovereignty be disappeared. Governments may be formed or dissolved according to established procedure, but the continuity of the state will not be affected by such changes. It doesn't cease with the death of temporary dispossession of a particular bearer or reorganisation of the state but shifts immediately to a new bearer as the centre of gravity shifts from one part of a physical body to another when it undergoes any external change. This suggests that sovereignty is everlasting, and it is not temporarily delegated to any authority or persons and organisations who holds the power. For Hobbes, sovereignty must be perpetual.

Indivisible : the state is a comprehensive and cohesive entity that cannot be broken down into independent parts without losing its essential characteristics and functions. Sovereignty cannot be divided among different entities within the state; it belongs to the state as a whole. The territory is an integral part of the state's identity. Any division in the territory would result in the creation of separate political entities, each with its own unique characteristics and functions. The division of powers among the government is for convenience of the functions of the state, it should not be understood as a division of state. It is only a division of functions of state by the organs of the government. The sovereign is the only final authority in its territory and does not share final authority with any other entity. Hobbes held this to be true because without being indivisible, there would be no way of resolving a disagreement between the multiple authorities.

Inalienable : the inalienability nature of the state refers to the idea that a state's essential attributes and characteristics cannot be transferred, surrendered, or given away to another entity or external authority. Inalienability means that certain fundamental aspects of the state's existence and identity are inherent and cannot be separated from its sovereign entity as such. Rousseau maintains that there is no distinction between the origin and the exercise of sovereignty. Thus, sovereignty is not transferable from the origin to those that will exercise it. Sovereignty is the supreme authority and independence of a state over its territory and population. It cannot be relinquished or transferred to another state or external organization without fundamentally changing the state's identity and status. The territorial boundaries of a state are considered an integral part of its identity and sovereignty. Any attempt to cede or transfer parts of its territory to another state or entity would be seen as a violation of the state's inalienable rights.

Exclusive : A key element of sovereignty in a legalistic sense is that of exclusivity of jurisdiction. Hence, the German sociologist Max Weber proposed that sovereignty is a community's monopoly on the legitimate use of force; and thus, any group claiming the same right must either be brought under the yoke of the sovereign, proven illegitimate, or otherwise contested and defeated for sovereignty to be genuine.

Kinds of Sovereignty Nominal sovereignty and real sovereignty are two contrasting concepts that refer to the exercise of power and authority within a political entity, such as a state. These terms help distinguish between the symbolic or ceremonial aspects of sovereignty and the actual, substantive exercise of power.

Nominal or Titular Sovereignty: Nominal sovereignty refers to the outward appearance or symbolic representation of sovereignty, where an entity, such as a monarch, holds a title or position of authority but lacks real power and decision-making capabilities. In a system of nominal sovereignty, the entity may have formal recognition as the sovereign ruler or governing authority, but its authority is constrained or controlled by external forces, other entities, or constitutional limitations. Example: In a constitutional monarchy, the monarch may hold the title of the head of state and be recognized as the symbolic representative of the country, but the actual exercise of power and decision-making is vested in an elected government or parliament.

Real Sovereignty : Real sovereignty, on the other hand, refers to the actual, substantive (or real) exercise of power and authority within a political entity. In a system of real sovereign-

ty, the entity possesses and wields genuine control and decision-making capabilities over the affairs of the state or governance. Example: In a parliamentary democracy, the elected government holds real sovereignty as it exercises executive power and makes important decisions, with the head of government serving as a nominal head.

It is important to note that the concepts of nominal and real sovereignty are not mutually exclusive and can coexist in certain political systems. In such cases, the ceremonial or symbolic representation of sovereignty may coexist with the effective exercise of power by another entity or institution. The distinction between nominal and real sovereignty highlights the complexities and nuances of governance and authority within political systems. While nominal sovereignty may convey the traditional or historical aspects of authority, real sovereignty focuses on the contemporary and practical exercise of power and governance.

Legal Sovereignty

Legal sovereignty represents sovereignty as the supreme law-making power. Legal sovereignty is the ultimate power of the state by which the state legislates and enforces it. Legal sovereign power is the unrestricted power of the state; no one can disobey it. Britain and India have the legal sovereign powers, respectively the British Parliament and the Indian Parliament. This sovereignty is seen as the ultimate power of the legislative body. That is to issue the highest orders. It is bound neither by moral nor by natural laws. Laws made by the sovereign are to be obeyed by all compulsorily. Legal sovereignty refers to the formal and recognized authority of a state to govern its territory and population in accordance with its constitution and laws. It is a concept rooted in the principles of international law and domestic legal frameworks that define the rights, powers, and responsibilities of the state.

Constitution and Laws: Legal sovereignty is established through a constitution or a set of fundamental laws that define the structure and functioning of the state. It establishes the legal framework within which the state exercises its power and responsibilities and ensures the protection of the rights and interests of both the state and its citizens.

Political Sovereignty: Political sovereignty is the sovereign which lies behind the legal sovereign. While the British parliament may be the legal sovereign in England but the real power behind the parliament is the electorate. It is the power of the electorate that authorises the parliament to make laws. Hence behind the legal sovereign there exists the political sovereign. In every society, there is an unseen power behind legal sovereignty. This unseen power is known as political sovereignty, which is expressed in many forms like public meetings, processions and demonstrations. If the laws of the legal sovereign are immoral, this unorganized power of political sovereignty can compel the legal sovereign to bow down. Thus, political sovereignty is unseen and a bigger command. It is the revolutionary power of the alert and conscious people.

Difference between two: In a representative democracy, the difference between legal and political sovereignty can be seen clearly, since the representatives of people (government) are the legal sovereign, and the electorate are the political sovereign. But in a direct democracy, this difference is not seen since the people (political sovereign) are also the legal sovereign as they make laws themselves. However, in despotic states, this difference

becomes very clear- the police, the army, the prisons, lathi, bullets etc. reflect legal sovereignty; and the people, their organizations, mass movements and struggles, strikes, demonstrations etc. reflect political sovereignty.

National Sovereignty:

The term national sovereignty was used for the first time by the French revolutionaries in their famous declaration known as the 'Declaration of the Rights of Man'. It is not the same thing as popular sovereignty. National sovereignty implies that sovereignty is not divided and fragmented among the entire population. Sovereignty rests with the nation personified as a whole.

Popular Sovereignty

Popular sovereignty means that sovereignty lies in the hands of the people. The basis of the governing power of the government is public support. The call for the first populist sovereignty was reflected through protests against the monarchy in the sixteenth and seventeenth centuries. In the glorious revolution (1688) of England the partial establishment of the sovereignty of the people was noticed. In John Locke's Two Treatises on Civil Government, it is clearly declared that the king's rule depends on the consent of the people. The demand for the sovereignty of the people was eloquent in the French Revolution. Rousseau's thought also matches the obvious identity of Popular Sovereignty. General Will is Sovereign - Rousseau said this for the first time. The Sovereignty principle became popular even in American independence (1776). In 1917 the Soviet revolution and in 1949 the China revolution mark two successful steps toward establishing the sovereignty of the people.

De-Jure Sovereignty: This aspect of sovereignty has been established by international law. Whenever there is a political upheaval or a civil war in a country or a similar situation, we have two types of government- the legal government, which has been uprooted and the new government which though not legal, holds actual power. In such a situation, the question of recognition of (which) power arises. De jure sovereignty is one, which is legally competent to issue the highest command of the state. It has the legal right to exercise sovereign power and has the obedience of the masses.

De facto Sovereign : Sometimes it may so happen that a legal sovereign may be displaced by force or otherwise by a person or a body of persons who exercise sovereign rights without a legal basis. In such cases, this body or persons may be called as de facto sovereign.

Austin's Monistic Theory of Sovereignty

John Austin, a prominent British legal philosopher, is known for his influential work on legal positivism and the theory of sovereignty. His most notable contribution is the development of the monistic theory of sovereignty. Austin's ideas were presented in his work "The Province of Jurisprudence Determined," which was first published in 1832.

Austin's Monistic Theory of Sovereignty can be characterised as follows:

Sovereign is the Ultimate Authority: According to Austin, sovereignty is the highest and ultimate authority within a given political community. The sovereign is a person or body of

persons who possess unlimited and indivisible power to make, execute, and enforce laws for the entire society. The sovereign has no rival or equal status in the state. Sovereignty is the supreme power vested in the determinate human superior.

Commands and Sanctions: For Austin, law consists of commands issued by the sovereign and enforced by sanctions. Sovereign is the law maker in the state. The sovereign's commands are laws that prescribe or prohibit certain actions, and they are backed by the threat of sanctions, which can be either positive (rewards) or negative (punishments).

Habitual Obedience: Crucial to Austin's theory is the concept of habitual obedience. The effectiveness of sovereignty depends on the general population's habit of obedience to the sovereign's commands. If the majority of people in a society consistently obey the commands, the sovereign's authority is maintained.

No Legal Limits on Sovereignty: Austin's theory posits that there are no legal limits on the sovereign's power. The sovereign is not bound by any pre-existing legal or moral principles. This idea is known as "sovereign immunity," where the sovereign cannot be legally constrained by its own laws.

Recognition of Sovereign: Sovereignty, according to Austin, is a matter of fact rather than a matter of right. The sovereign is the person or body that is effectively obeyed by the majority, and this obedience is what confers legitimacy and recognition to their authority.

Austin's theory of sovereignty had a significant impact on legal and political thought, and it remains an important contribution to the study of jurisprudence. However, it also faced criticism, particularly from those who believed in the existence of natural law or higher moral principles that could limit the authority of the sovereign. Despite its limitations, Austin's monistic theory continues to be a fundamental reference in discussions about the nature of sovereignty and the basis of political authority.

Pluralistic Theory of Sovereignty

The pluralistic theory of sovereignty presents an alternative perspective to the monistic theory proposed by John Austin. While the monistic theory emphasizes the concentration of sovereignty in a single supreme authority, the pluralistic theory recognizes the existence of multiple sources of authority and power within a political system. This idea challenges the notion of a single, all-encompassing sovereign and instead suggests that sovereignty may be dispersed among various actors and institutions. The pluralistic theory of sovereignty has been developed by German jurist Otto Von Gierke. It originated in the last quarter of the 19th century and developed in the beginning of 20th century. It has been developed by the English legal historian FW. Maitland. The ardent advocates of pluralism are Harold J. Laski, Neville Figgis, Ernest Barker, G.D.H. Cole, A.D. Lindway, Miss M.P Follett, RM. Maclver, Sidney, Beatrice Webb, Leon Duguit, H. Krabbe and Mabbot.

Pluralism: It recognises that the society consists of several autonomous but independent groups such as religious organisations, professional associations, and occupational and commercial bodies. These associations are not subservient to the all-embracing power of the state. Even the state cannot claim any overriding authority over these associations. This attitude towards the State is known as pluralism or pluralistic theory of sovereignty. Thus, plu-

ralism refers to "a state of affairs in which a multiplicity of groups or institutions are operative within society."

The pluralists are not unanimous in their views regarding the position of the State. To some the State is only one among the equals, to some others it is the most important among equals. The central idea of pluralism may be observed from the expressions of Gettel, who says, "The pluralists deny that the state is a unique organisation; they hold that other associations are equally important and natural; they argue that such associations for their purpose are as sovereign as the state is for its purpose. Hence, sovereignty is possessed by many associations. It is not an indivisible unit; the State is not supreme or unlimited." Let's explore the key aspects of the pluralistic theory of sovereignty:

State is like any other Associations: The state is one of the numerous social, economic, political and other groupings through which men in society seek to satisfy their numerous needs and promote their welfare. Different groups or associations in society are not the creations of the state but they arise independently of the state, and they acquire power and authority not given by the state.

Multiple centres of Authority: In a pluralistic view of sovereignty, power and authority are not solely concentrated in a central sovereign entity. Instead, various entities, such as government branches, regional governments, international organizations, and even non-state actors like corporations and NGOs, can possess significant authority over specific areas or issues.

Shared Authority: Pluralistic sovereignty often involves the sharing of power among different levels of government or between different governmental bodies. Federal systems, for instance, divide authority between a central government and subnational entities, allowing them to have their own areas of jurisdiction and legislation. Pluralists do not accept the state as an absolute institution.

Devolution and Decentralization: Pluralistic sovereignty can be associated with the devolution of power and decision-making to lower levels of government or local communities. This approach aims to promote more localized governance and gives citizens a greater say in matters that directly affect them.

International Law and Organizations: In a globalized world, international law and organizations play an increasingly significant role. Pluralistic sovereignty acknowledges the impact of international treaties, agreements, and organizations on nation-states' decision-making processes, leading to a shared form of authority in certain matters.

Limits on Central Authority: Unlike the monistic theory that posits an all-powerful sovereign without legal limits, pluralistic sovereignty may recognize legal or constitutional limits on the authority of any given entity. These limitations can be imposed to protect individual rights, preserve the rule of law, and prevent abuse of power.

Challenges to State-Centric Sovereignty: Pluralistic sovereignty challenges the traditional concept of state-centric sovereignty, where nation-states are considered the primary and exclusive source of sovereignty. It opens up the possibility of shared governance and shared responsibilities between states and non-state actors.

The pluralistic theory of sovereignty reflects the evolving nature of governance in a complex and interconnected world. It acknowledges the interdependence of various actors and the need for cooperation and collaboration to address global challenges. However, it also raises questions about the distribution of power and the potential tensions between different sources of authority. As the world continues to change, the debate between monistic and pluralistic perspectives on sovereignty remains an essential aspect of political and legal discourse.

Summary

Sovereignty, a fundamental concept in political theory, refers to the supreme and independent authority of a state or political entity over its territory and population. It encompasses the power to make and enforce laws, levy taxes, engage in foreign relations, and maintain order within its borders. Sovereignty grants a government the legitimacy to exercise control and make decisions on behalf of its people. The characteristics of sovereignty include indivisibility, inalienability, and exclusivity. Indivisibility means that sovereignty cannot be split; a state either possesses it entirely or not at all. Inalienability implies that a state cannot fully transfer its sovereignty to another entity, although it may delegate certain powers. Exclusivity denotes that only one supreme authority can exist within a defined territory at any given time.

Sovereignty can be classified into two by political thinkers: monistic and pluralistic sovereignty. Monistic sovereignty, as proposed by John Austin, holds that sovereignty resides in a single supreme authority, often the state or its central government. This theory emphasizes the absence of legal limits on the sovereign's power. On the other hand, pluralistic sovereignty challenges the monistic view, recognizing multiple centres of authority within a political system. It acknowledges the role of subnational governments, international organizations, and non-state actors in sharing power and influencing decision-making processes. Pluralistic sovereignty reflects the interdependence of actors in a globalized world and the need for cooperation in addressing complex issues.

In conclusion, sovereignty is a complex and evolving concept that defines the essence of political power and legitimacy. Both monistic and pluralistic sovereignty provide different perspectives on the distribution and exercise of authority, shaping the dynamics of governance and international relations in contemporary societies.

Glossary

Sovereignty: Sovereignty is the supreme and independent authority of a state over its territory and population, granting the power to make and enforce laws. It defines a state's legitimacy and ability to govern within its borders, while also undergoing evolution and challenges in an interconnected world.

Monistic sovereignty asserts that ultimate authority resides in a single, indivisible source, often the state's central government, with no legal limitations on its power.

Pluralistic sovereignty recognizes multiple centres of authority within a political system, including regional governments, international organizations, and non-state actors,

sharing power and decision-making, challenging the traditional state-centric notion of sovereignty.

De jure refers to something that exists by law or in a legal sense, while de facto refers to something that exists in practice or in reality, regardless of its legal status. De jure situations are officially recognized and authorized.

Whereas de facto situations may lack formal recognition but are effectively in operation. The distinction between de jure and de facto is crucial in understanding the difference between legal status and actual implementation or circumstances.

Titular refers to a position or title that holds symbolic or honorary significance but lacks real authority or power. It often signifies a ceremonial role without substantive responsibilities or decision-making capabilities.

Questions

A). Descriptive Questions

1. What is Sovereignty?
2. Describe the emergence of the concept of sovereignty.
3. Define the features of sovereignty.
4. What are the characteristics of sovereignty.
5. Differentiate internal and external sovereignty.
6. Discuss about different kinds of sovereignty.
7. What is monistic theory of sovereignty?
8. Describe pluralistic theory of sovereignty.

B). Multiple Choice Questions

1. What is sovereignty?

- a) The ability to form alliances with other states
- b) The supreme and independent authority of a state over its territory and population
- c) The right to declare war on other nations
- d) The duty of a government to provide welfare programs to its citizens

2. Which of the following is a characteristic of sovereignty?

- | | |
|-----------------------|-------------------|
| a) Divisibility | b) Inalienability |
| c) Interchangeability | d) Limitlessness |

3. According to the monistic theory of sovereignty, sovereignty resides in:

- a) Multiple centres of authority
- b) The people of the state
- c) The state's central government or a single supreme authority
- d) International organizations

4. Pluralistic sovereignty refers to:

- a) The existence of multiple sovereign states within a region
- b) The concentration of power in a single leader
- c) The sharing of power among various actors and institutions within a political system
- d) The dominance of a single state over others

5. The concept of "indivisibility" in sovereignty means:

- a) Sovereignty cannot be transferred to another state
- b) Sovereignty can be divided among different regions within a state
- c) The state can share its sovereignty with neighbouring countries
- d) Sovereignty can be freely divided among different levels of government

6. "Exclusivity" in sovereignty refers to:

- a) The exclusive right of a state to engage in military actions
- b) The exclusive jurisdiction of the state's courts over all legal matters
- c) The presence of multiple sovereign entities within a single territory
- d) Only one supreme authority existing within a defined territory at any given time

7. Which theory of sovereignty suggests that the sovereign cannot be legally bound by its own laws?

- a) Monistic sovereignty
- b) Pluralistic sovereignty
- c) State-centric sovereignty
- d) Natural law sovereignty

8. Which of the following is an example of pluralistic sovereignty?

- a) A federal system where power is divided between the central government and regional governments
- b) A totalitarian regime where all power is concentrated in the hands of a single ruler
- c) A unitary state where the central government exercises complete authority
- d) A monarchy where the monarch has unlimited powers

9. According to the pluralistic theory of sovereignty, who or what can possess significant authority within a political system?

- a) Only the state's central government
- b) Non-state actors, such as corporations and NGOs
- c) international organizations
- d) Regional governments, but not local governments

10. Sovereignty implies:

- a) The obligation of the state to obey international law
- b) The power of one state to annex another state's territory
- c) The capacity of a state to interfere in the internal affairs of another state
- d) The right of a state to govern itself independently within its borders

11. The word 'sovereignty' derives its origin from superanus which belongs to language:

- a) Green b) Latin c) English d) French

12. Who in ancient past felt that sovereignty was the 'fullness of the state'?

- a) Romans b) Greek c) Muslims d) Arabs

13. Who believed that sovereignty extended to all individuals and associations living in the state?

- a). St. Augustine b) Aristotle c) Bodin d) Rousseau

14. Who of the following argued that right to revolt against to political sovereignty?

- a) Plato b) Aristotle c) Hobbes d) Locke

15. Who believed that sovereignty vested in the 'general will'?

- a) Hobbes b) Locke c) Grotius d) Rousseau

MCQ Answers:

- 1. b) The supreme and independent authority of a state over its territory and population
- 2. b) Inalienability
- 3. c) The state's central government or a single supreme authority
- 4. c) The sharing of power among various actors and institutions within a political system
- 5. a) Sovereignty cannot be transferred to another state

6. d) Only one supreme authority existing within a defined territory at any given time
7. a) Monistic sovereignty
8. a) A federal system where power is divided between the central government and regional governments
9. b) Non-state actors, such as corporations and NGOs
10. d) The right of a state to govern itself independently within its borders
11. b). Latin
12. a). Romans
13. c). Bodin
14. d). Locke
15. d). Rousseau

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4. POLITICAL IDEAS

Objectives

After studying this unit, you should be to:

- Identify entire political ideas*
- Explain the nature, meaning, definitions of Law, Liberty, Equality and Justice*
- Assess the importance these concepts and relations between political concepts.*

Introduction

The political theory of State revolves around some important political concepts namely Power, Sovereignty, Law, Liberty, Equality and Justice. These concepts can be explained in the following way we are discussing about Law, Liberty, Equality and Justice.

Law

In the modern political system Laws have much importance. A State can express its sovereignty by making laws and implementing them. Law is a specific feature of the State. The State regulates the relations between associations, individuals, individuals and associations only through laws. A State can attain its goal and promote its policies through laws.

The law decides what the people in a State have to do or not to do. There is a broader meaning for the term 'law' in Political Science and jurisprudence.

Meaning and Definition

The English word 'Law' originates from the ancient Teutonic word 'Lag'. Lag means fixed. Hence Law is that which is permanent. By and large, one can understand all the permanent rules and regulations formulated and implemented by a legally bound authority as law.

Political scientists defined law in many ways. Some of the definitions can be detailed as given below.

T.E.Holland: "Law is a general rule of external action enforced by the sovereign political authority".

John Austin: "Law is the command of the sovereign".

T.H. Green: "A law is the system of rights and obligations which the State enforces".

John Salmond: "Law is a collection of rules which the State recognises and applies in the administration of justice".

Characteristics of Law

Observing the above mentioned definitions, the following characteristics can be mentioned.

1. Laws explain the will and aims of the State.
2. The State has the right to punish the people who violate the laws.
3. Laws control only the external behaviour of man. They cannot control the innate thoughts and behaviour.
4. Laws are equally applicable to all. State generally cannot discriminate among the people in implementing the laws.
5. Laws are generally precise and clear.
6. The State implements laws through its sovereign power.
7. Laws are the tools for social welfare.
8. Laws change with the changing social needs.

Sources of Law

Laws never take their form instantaneously. They have developed in different stages with many changes. The process of formulating the laws is influenced by historical, political, social and cultural factors. In general, they can be considered as the sources of law. The political scientists have recognised the following as the sources of law.

A Customs, practices and traditions: Customs, practices and traditions are one of the important sources of law. In the early societies, there were no laws in written form. All the problems and differences were solved in tune with the social traditions in practice. Traditions used to regulate the social life. They also helped to keep the social life in right tract. We cannot specify the beginnings of traditions. The practices of one generation when followed by subsequent generations give rise to traditions. Some practices became customary as per the life styles. Thus, in general, the habits, acceptance of the majority, desire for justice and usage gave rise to different traditions. Traditions cannot be laws in political sense. But, when the sovereign power recognises and implements certain traditions, they in turn become laws. For instance, the laws relating to marriage, divorce, property distribution found in India are all based on traditions which are in practice since a long time.

B Religion: Religion is one of the important sources for the present laws. The relation between the law and religion is clear in certain examples like Hindu law, Muslim law and Roman law which formed the base for certain laws related to inheritance, marriage, family, property. In the present Islamic countries like Iran, Pakistan and others the religious practices and regulations became the major source of laws in social life.

C Judgement of the Courts: The judgements delivered in the courts became a part of law. The judges interpret laws in the context of applying them in different cases. Thus they introduce certain changes wittingly or unwittingly in the laws. Such judgements of the courts become part and parcel of legal system.

D Scientific Commentaries: Certain commentaries of the jurists, writers and critics can become a source of law. These commentaries improve the laws in practice. Generally, the jurists collect the information on the basis of the past customs, decisions, judgements and commentaries on law and deliver their judgements. The judiciary has a duty to comment on the laws. Such commentaries and explanations help both the State and people.

E Legislatures: In the modern times, the legislatures play a key role in making the laws. In democratic countries, the laws are the reflections of the public will. The public will is expressed through the representative institutions like legislature. The laws formulated by the legislatures are occupying the place of traditions and customs.

F Law and Morality: There is a close relation between law and morality. In the ancient period there was no difference between law and morality. The rulers observed morality. The king was an ideal to all. Plato, the Greek Philosopher, while discussing the close relation between law and morality said that an ideal State improves the morality of the individual/ Aristotle said that the State came into existence for promoting happiness in life. After the State became permanent, the prevalence of modernism and secularism led to difference between law and morality.

Law is related to Political Science. Morality is related to Ethics. Government punishes those who violate the laws. Society seldom forgives those who violate morality. There is a specific form for law. There are different institutions to formulate, comment and implement the laws. But there are no such institutions for morality. There is no specific form for morality. There are different answers to the questions like what morality is and what not morality is. The principles of morality vary with changes in regions and times.

Liberty

It is not an exaggeration to state that all the modern history is a struggle for liberty. There are many incidents recorded in history when many people sacrificed their lives for the sake of liberty and independence. Liberty is an invaluable concept. Liberty is not complete absence of restraint as some people think. Some people think that liberty is doing things one's own way as one likes it. There are some scholars who argue that liberty is the individuals using one's own talents and capacities without any objections and hindrances.

Meaning

The English word liberty originated from the Latin word 'Liber' which means free. There will be no freedom without any limits. The people can not mingle in the society without common rules and regulations. If an individual behaves in his own way neglecting the interests of the others, society will be an abode' of violence and there will be no peace in such a society. The experiences from history show some events of social life where conflicts and agitations are at the lowest ebb. Liberty means a behaviour harmless to others. It means every individual in the society must follow necessary restraints to allow everybody sufficient freedom. One should follow the social maxim "Do unto others as you would like others to do unto you" Mutual respect and understanding are essential between the individuals in the society to promote collective welfare.

Definition

Many political scientists defined liberty in many ways. A few of those definitions can be detailed as

G.D.H.Cole: "Liberty is the freedom of the individual to express without external hindrances to personality".

T.H.Green: "Liberty is a form of power promoting such activities which can be performed or enjoyed".

Seeley: " Liberty is the opposite of the power of Government

H.J.Laski: "Liberty is the eager maintenance of that atmosphere in which men have the opportunity to be at their best"

Barker: " Liberty i a group of conditions laid down by the State to consider an individual with a view to make use of his talents to enjoy the rights".

Kinds of Liberty :

Taking into consideration different opinions, liberty can be classified into six types.

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

A Natural Liberty: Natural Liberty is that liberty which men enjoyed in such a society without any political system. Hobbes, Locke and Rousseau thought that the natural liberty is that which men enjoyed in the State of nature, With the evolution of social and political systems, the natural liberty came to an end. It is substituted by the civil liberty.

B Civil Liberty: Liberty that one enjoys in a society is called civil liberty. It means the liberty is the group of rights sanctioned by law to all the citizens. According to Gettel, civil liberty is the group of rights recognised and implemented by the State. State always protects through its agencies whenever any attempt is made to disturb the civil liberty by any individual or association. The State also lays down certain limits on civil liberty for social welfare and in the interests of the nation. Civil liberty always undergoes some changes, because man and society always change.

C Political Liberty: According to Leacock, political liberty is the constitutional liberty of the citizens. Gilchrist thought that political liberty is democracy in practice. Democracy provides to the people not only political liberty but also a share in the governmental activities. Barker said that political liberty is to form and control the government. There are many political rights in political liberty. They include the right to vote. The right to contest in elections, right to hold the public offices, right to criticise the government and the right to petition etc. All these rights are essential for the Survival and success of democracy.

D Economic Liberty: It means the liberty to earn one's daily bread. In simple words. it can be said that, every individual regardless of his caste, colour and creed, should have liberty to earn his daily bread by fair means. Economic liberty promotes security and the opportunity to earn one's daily bread. In economic liberty, the State should satisfy the needs of the people and protect them from insecurity. Cultural Liberty: Cultural Liberty is that liberty wherein an individual while believing in one's own religion, customs and traditions wishes to live with others without any trouble from people of other traditions. Cultural liberty builds up self-respect of the individual. More than any other liberty it contributes to a great extent for the complete and perfect evolution of an individual.

E National Liberty: Liberty is as essential to a nation as to an individual for overall development. National liberty is that which helps a society to become independent with sovereign power. No people in alien rule can have any type of liberty. So only the people with political independence can have an opportunity to enjoy liberty and to contribute for the development of the nation. All the modern democratic States allow all the above types of liberty to the citizens and provide facilities to enjoy them.

Safeguards to Liberty

Even after acquiring liberty people must remain ever vigilant protect it from the onslaught of anti-social elements. As such liberty needs certain social and constitutional safeguards as mentioned below:

1. Democratic System
2. Rule of Law
3. Decentralisation of Power
4. Independent Judiciary
5. Written Constitution
6. Fundamental Rights

7. Freedom of Press
8. Economic and social equality
9. Political parties
10. Vigilance of People

Law and Liberty

There are different discussions in the theory of Political Science about the nature of relation between law and liberty.... whether they are mutually complementary or antagonistic. These opinions are basically of two types;)

Law is essential for the survival of liberty 2. Law limits the liberty Commenting on the relations between law and liberty, A. V. Dicey writes: "where ever one will be more of these two, the other will be less". It means law will not be significant where liberty is more and liberty cannot survive where law dominates.

The individualists, anarchists, syndicalism and pluralists felt that law is antagonistic to liberty. But there are differences of opinion in assessing this antagonism. They feel that the sovereign power of the State is a hindrance to individual liberty. They consider the State as a necessary evil. That is why they assign police duties and not welfare functions to a State

The idealists like Hegel and Green and the communists argue that there is no difference between law and obedience. If an individual voluntarily identifies himself with the State and never attempts to segregate himself from the State, he can have real liberty. In their opinion, the State is an integral system where in the people are a part of it. But this view is not correct. This idea leads to the theory of authoritarianism. Due to the presence of unlimited liberty, many people are subjected to slavery while a few get power without limits. If the State keeps liberty within reasonable limits, then it is accessible to all.

Law is a regulation to liberty. Government protects individual liberty through law. Giving true liberty to the individual law alone creates suitable environment for his perfection. The law regarding the compulsory elementary education is an example of this case. This law increases liberty but never curbs, but it is not correct to think that all the laws made by the government are good. The merits and demerits of law are dependent upon the social conditions. The power must not be misused either for the benefit of personal interests of the officers or to promote the aspirations of a specific section. That law which respects the public opinion and secures popular acceptance is the correct one.

In the system of democracy there will be an equilibrium between law and liberty. People get true liberty and independence only through law.

Equality

Meaning and Definition

In general, equality means to provide equal opportunities to all the people in social, economic and political activities without any discrimination of race, religion, caste, gender, community, language and region.

1. Every individual must have development in the society without any hindrances using his talents, abilities and capabilities.
2. Not to discriminate among the individuals in the framing of laws and in running the government.
3. All the individuals must equally enjoy the rights provided by the laws.

The values of equality have recognition throughout the world. The declaration of independence of United States of America mentioned that all men are equal in the creation. According to the declaration of human rights made by the United Nations, all men are free since their birth. In the matter of rights, they are entitled to enjoy liberty and equality throughout their life.

Laski: "Equality means first of all the absence of special privilege. In the second place, it means that adequate opportunities are laid open to all". If special privileges are given on the basis of factors like birth, religion, caste, language, region and property, there cannot be equality in the society. In the modern society, the concept of equality led to revolutionary changes. People of the ancient societies believed that inequality is natural. Expansion of value system of the modern State resulted in growing importance for the concept and values of equality. The technological knowledge destroyed the ideas. Like - inequality is natural and it is a creation of God. Equality is possible in the society if there are no special rights and privileges to a few or particular section of people. Liberty and equality help for the welfare and development of the people as a whole. According to the theory of equality, all are equal before law. It is the basic function of the modern State to provide equal opportunities to all people in political, economic and social activities without considering the natural differences.

Kinds of Equality

Lord Bryce classified equality into four kinds.

1. Civil Equality
2. Political Equality
3. Social Equality
4. Natural Equality

A Civil Equality : Civil equality means: (i) providing similar and identical rights and liberties to all the people; (ii) not to provide special rights to anybody due to the differences in caste, religion, region, group and race; (iii) to consider that all people are equal before law.

B Political Equality: Political equality means that all the citizens have identical political rights. Political equality exists whenever equal opportunities are provided to all the people to take part in the running of the government. The right to rule must not be limited to a person or a section. Adult franchise is the main source for political equality. Political equality cannot be achieved in the absence of economic and social equality because it is dependent upon both of them.

C Social Equality: The provision of equal status to all the citizens in society without discrimination of caste, race, religion, gender and community can be called social equality. There must not be any social taboos for the development of all the citizens individually. Social equality cannot be achieved only through the laws,

D Natural Equality : Men are not created basic differences between mankind took place naturally.. As G.D.H. Cole said: "There are basic differences in among the individuals in the facts like physical power, energy, capability, intelligence, creativity and service motto". The people can bear with all the differences naturally originated. But they cannot tolerate with the manmade artificial differences. The government must see that all the people must have social, economic, political and civilequalities.

E Economic Equality : Economic equality is more important. In the opinion of Bryce, economic equality means removing the differences in the distribution of wealth and an attempt to provide things equitably to all men and women in the opinion of the communists and socialists, economic equality is more important than the other kinds. But everyone must get equal opportunities to acquire the basic needs of life like food, clothing and shelter

Relation between Liberty and Equality

The values of liberty and equality attained much significance in the establishment of modern State. There is a close relation between liberty and equality. Lordact on felt that if more significance were to be given by individuals and State to equality, there is every scope for liberty to lose its ground. In his words, "the passion for equality makes vain the hope of freedom. Those individuals aiming at more and more liberty do not like the intervention of government in public affairs. This, gave birth to the theory of Laissez Faire with serious results. Votaries of liberty become the reason for inequality.

On the other hand, the communists argue that liberty without equality is meaningless. One has to think of liberty only after achieving equality. Many felt that liberty and equality are mutually complementary. Both liberty and equality are equally important to achieve a perfect society. Both liberty and equality must be viewed in wider scope. No attempt must be made to sacrifice either of the two. The government must try to have a society with liberty and equality. States without liberty and equality become the symbols of anarchy and dictatorship. There is a greater scope for liberty when the State considers all the people equal before law. Through political liberty, one can get the right to express, right to vote and right to public offices on the basis of eligibility. Liberty is essential for the people to enjoy political equality and to work for social and economic equality.

Equality cannot be achieved without liberty and liberty cannot survive without equality. Any State where the people can achieve liberty and equality in political social and economic sectors can develop in all aspects.

Justice

Justice is an important concept in political theory. The political theorist's use the concept of justice both in wider and narrow senses. Liberty, independence, equality and fraternity are inherent in the idea of justice. The main goal of every political system is to provide justice in all the fields. Providing justice and protection to the people is the main aim of all

the systems right from monarchy to the contemporary democracy. But the basic features of justice will be dependent on the nature and character of the State. There is a difference of justice in communist and democratic countries, Anyhow, the political, social and economic justice form the basis for the modern society and political activity.

Meaning and Definition

The English word 'Justice' originated from the Latin word 'Justitia'. It means to unite or tie together, implying that different sections in the society are bound together in a system. The concept of justice had undergone many changes. In Political Science, like some other concepts, there is no accurate definition to the word justice. The political scientists interpreted justice in different ways. Every society will follow certain principles for peaceful survival. Those principles gave rise for the highest values like rights, liberty and law. Justice is a collection of all these. Justice is the essence of all principles made for peaceful existence of the society. Justice is the most important of all the good aims to be achieved by any State.

In the opinion of Caphalous, justice means to speak truth and giving to the others whatever is due.

According to Polimarcus justice means to help friends and harm enemies.

In the opinion of Plato, justice is a theory to co-ordinate. It is applicable to the individual and to the State. In terms of an individual justice is a combination reason, courage and will. In terms of the State, justice is a concerted life between the philosopher kings, army and labourers. The essence of justice for individual and State is one and the same. An ideal State is that which creates co-ordination between the individual justice and statutory justice. In the opinion of Plato justice for individual has certain restraints. The individuals in the ideal State of Plato have to behave with restraint and perform their functions without interfering with others affairs. Every section in the State must limit itself to its functions without interfering with others affairs. Then only, justice will be protected. Plato considered individuals a part of his ideal State.

Aristotle said "justice is no other than the each and every individual in society discharging his moral duties."

In the opinion of Barker, justice means a combination and coordination of political values.

Characteristic features of Justice

1. In the society, no discrimination should be shown on the basis of caste, religion, language, region, birth and gender
2. Justice should not be influenced by temptations
3. Law can reasonably show certain distinctions on logical grounds
4. Lack of equality denies justice
5. Providing illogical restrictions on liberty can be considered as transgressing justice,

6. To give significance to the individual respect and providing restrictions on illegal and immoral actions is justice,

Kinds of Justice

The concept of justice can be classified into four types as Legal justice, Political justice, Economic justice and Social justice, let us examine them

A Legal Justice: In general, the implementation of laws correctly can be considered as legal justice. The judiciary makes the laws as the basis to solve the disputes in the implementation of laws. The courts play a key role in the implementation of laws. They keep in view social welfare and apply the principles of natural justice also while implementing and interpreting laws.

B Political Justice: The opportunity to participate in the political activities freely and voluntarily can be described as political justice. Political justice and political liberty imply the equal enjoyment by all the people of the right to vote, the right to contest in elections, the right to propagate and the right to criticise the political developments in the country

C Economic Justice: Economic justice is very important for the welfare of an individual and for the social development. It is highly difficult to achieve political and social justice without economic justice. The economic system of the government must be in a position to remove economic inequalities.

D Social Justice: Social justice is a variant of the idea of equality. Equality and social justice are mutually complementary. The main aim of social justice is not to provide any special privileges to anybody on the basis of birth race, language, sex and class. Social justice intends equal justice to all.

Summary

The concept of law is very significant in political science. Broadly law defines and controls human conduct and relationships Law and state together maintains order in the society. There are different sources which help development of law. Now-a-days, we have different kinds of laws- Public Private Laws, Criminal laws, Administrative Laws, International Law etc. Law and morality are inter-dependent and inter connected. Law is a means to provide justice and we create just society

Liberty is considered as one of the core concepts and a democratic value in modern political theory. The notion of liberty emerged in the context of the formation of civil society and political authority. The two aspects of kinds of liberty-negative and positive have been advanced and argued to defend laissez faire and welfare state regimes

Equality is great political value of modern age. It ignited many political revolutions such as French revolution and American war of independence. Though nature has created certain inequalities in matters of physical composition, strength, colour and soon, it has endowed near equal talents and capacities to all the individuals. However, over a period of time social inequalities are created on the basis of natural inequalities, Society has bestowed certain special privileges to a few sections and created inequalities. Thus equality means

absence of special privileges, provision for equal choice and opportunities and equal guarantee to civil and political rights

Justice is an important political value that establishes social cohesion and order. Justice presupposes a conflict. To resolve a conflict at an individual level and at the level of society, justice is required.

Model Examination Questions

I. Write essay type answers for the following.

1. Define sovereignty and explain its kinds.
2. Define law and explain its sources.
3. Define liberty and explain its safeguards.
4. What is meant by equality and what are its types.

II. Write answers briefly for the following.

1. Mention the types of laws.
2. Explain the relation between law and morality.
3. Mention the kinds of liberty.
4. What is the relation between law and liberty?
5. What is meant by justice and what are its features.
6. Explain different kinds of justice.

III. Write answers for the following questions in about 5 lines

1. Mention any four sources of law.
2. What is meant by constitutional law.
3. What is meant by administrative law and where is it found?
4. What is meant by economic equality?
5. Explain the significance of political liberty.

Glossary:

Law: Sovereignty, Sanction, Volksgeist

Liberty: Autonomy, Social Democrats, Syndicalist, Alienation

Equality: Rule of law, Capitalist System, Historical injustice, Antagonistic Classes, Trusteeship

Justice: Distributive Justice, Corrective Justice, Interests Groups

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5. POLITICAL IDEOLOGIES

Objectives

After studying this unit, you should be to:

- *Identify broad nature of Political Ideologies*
- *Explain the nature meaning and definitions of Utilitarianism, Liberalism, Individualism, Socialism and Marxism*
- *Assess the scope, importance and characteristics of these theories*

Introduction

The history of political thought had given rise to major political Ideologies like Utilitarianism, Liberalism, Socialism, Marxism and Fascism throughout the world in different times. The basic features of these theories are as follows.

Utilitarianism

Utilitarianism emerged in England during the 18th Century initially as a philosophical theory and subsequently became significant as political theory. This theory has almost a history of about a century and it is entwined with empiricism. Utilitarianism had acquired its functional form by the contributions of David Hume, Jermy Bentham, James Mill and John Stuart Mill. The aim of Utilitarianism is to accept the human actions on the basis of pleasure. Man likes pleasure and he considers anything that gives pleasure, as good. The good or bad of anything is dependent on the degree of pleasure that it promotes. Every action must give the possible pleasure; then only it is called as good. The good or bad of every action depends upon its utility. Man always wishes to have pleasure and to be away from pain. He tries for that. The Utilitarians presume that even the political activity must have advantage and utility. The good or bad are the determinants of a work. The utilitarians have no belief in the natural law and natural rights. They also do not believe in the sovereignty of a State.

The aims of the mankind are pleasure, joy and happiness. "Greatest happiness to the greatest number" is the main aim of Utilitarianism.

The utilitarians think that sanctity cannot be attributed to the State as it is after all a tool to cause pleasure for them. They have no belief in the abstract things and ideas. They believe only in truths. They fight for the liberty and freedom of the individual. They fight against dictatorship. The utilitarian's are basically concerned with the human life, the human activity and the human welfare. Their main aim to is to make the human life happier. They wish that all laws must be instruments to human development.

Utilitarianism - Views of Bentham

Jermy Bentham was one of the important utilitarian's. He was a great thinker and creative genius. The best of the writings of Bentham are 'Fragment of Government'; 'Defence of Usury'; 'Introduction to Principles of Morals and Legislation' Through these books, we can know about the reforms and political opinions proposed by Bentham in England. His political opinions and observations can be narrated as:

1. Greatest happiness to the greatest number.
2. The interests of the rulers to be united with the general interests.
3. The makers of law to take into cognisance, the concept of joy and pain while framing the laws.
4. A Felicific-calculus technique developed by Bentham to measure pain and pleasure taking seven factors into consideration 1. Intensity 2. Duration 3. Certainty 4. Propinquity (Blood Relation) 5. Fecundity (Wealth) 6. Purity and 7. Extent.....one will be in a position to assess every action as pleasure-giving or pain-giving.
5. The bad must be punished and good must be cultivated. The officers and rulers of bad behaviour must be castigated to prevent repetition of such actions.
6. Monarchy is ant people system. It cannot give maximum pleasure to maximum number of people. Monarchy gives significance to the pleasure and power of the ruler.
7. There is a scope for pleasure to the maximum population only in a representative democracy.
8. All people are equal. The State must strive for equality.
9. Justice must become the source of State. It must protect the people.
10. State must protect the honour and properties of individuals.
11. State must increase facilities as far as possible. It must not burden anybody.
12. Punishment should not be a revengeful act.
13. The State must distribute the physical wealth among all the people, as far as possible.
14. The representative government is useful and one can live without fear.

15. The economic management in the State must be at the highest ebb.
16. The government activity must be made useful with a limited expenditure.
17. It is better to reduce the intensity, extent and duration of the political power. It must be increased only for the good.
18. The number and tenure of the government officials should be less.
19. The people must have a right to elect their representatives directly and indirectly. They must have the right to recall them.
20. The right to vote must be equal to all. Equal right to vote can give maximum pleasure to many.
21. Direct elections will give maximum pleasure to many.
22. Unicameral legislature is better than bicameral legislature. The powers of the legislature must not be reduced. The executive and judiciary must be subordinate to legislature. The Legislature must have the right to appoint and remove the judges. The people must have every right to remove inefficient legislature.

Criticism on Bentham's Views

Bentham had mentioned that the contemporary political and social systems must be reformed on the basis of assessment and analysis of merits and demerits. But due to many reasons, the theory of Utilitarianism was criticised as follows

1. It was considered as a theory laying more emphasis on material factors.
2. They described about the pleasure of the individual but did not take into account reason and emotions which influence his actions.
3. Critics maintain that Bentham's utilitarianism is not practicable and felicific calculus is a myth.
4. The intensity of pleasure cannot be measured by Bentham's mathematical formula,

But, the utilitarian theory that the political and social systems can survive only on the maximum utility they provide won a significant place for Bentham in Political Science.

Liberalism

Liberalism took its birth against the pervading power of the State. Liberalism believes that the authority of the State must be limited and the individuals must have more liberty and freedom. This theory gained significance during the 19th century, Adam Smith, John Stuart Mill and Herbert Spencer are some of the important theorists who proposed Liberalism. The essence of this theory is that the government must have limited power and the people must have more freedom. The liberals argue that as the State and society are formed for the individuals, utmost importance must be given to individuals and their groups.

Hob House in his work 'Liberalism' proposed the basic principles of traditional Liberalism. They are the liberty of the citizen, economic liberty, personal liberty and social liberty. Liberalism had undergone many changes in the 20th century. The modern Liberalism has three major principles. 1. All the media must be within the reach of the people enabling them to understand all the problems and issues. 2. The State must have within its control all the major industries to solve the economic problems. 3. There must be wide spread education. Liberalism was supported due to the moral, political, economic and scientific factors.

Kant, Humboldt and J.S.Mill are the most important liberalists who argued that the State must have minimum duties and the individuals must have complete liberty. Humboldt opined that the State must contribute for the flowering of the personality of the individuals and it must provide only such protection to the individuals which they cannot provide themselves. The more the power of the State the less will be the growth of the individual. The liberalists believe that the individual can morally develop only with complete liberty and freedom.

State cannot have efficiency and power to satisfy all the needs of the people. If more power is provided to the bureaucrats, there is a scope for cropping up of a new type of dictatorship. The liberalists believe that extensive power of the State drives the people towards undesirable situations.

Liberty increases the productive capacity of the individuals. The intervention of the government reduces the interest of the people. The liberalists feel that trade; commerce and industries can develop better in the private sector than in public sector.

Liberalism cannot survive in the modern period.

1. It is so because most of the social welfare activities must be conducted by the government.
2. The private individuals and institutions will not have sufficient resources, efficiency and skills to undertake them.
3. The policies and aims of the government are changing so as to be useful to the people.
4. State and government are not causing damage to the individual welfare.
5. People are expecting more from the government.

Thus, Liberalism can be considered as a challenge to the power of the State.

Individualism

J.S.Mill is one of the most famous theorists who promoted the Individualism. J.S.Mill greatly influenced the political thought of the 19th century. He supported Individualism and felt that the welfare of the Individual must be increased. There must be scope for the growth of the moral values of the individual. Mill believed that a society cannot prosper without the welfare of the individual. Mill staunchly believed that development depends upon the

behaviour of the individual. New changes can be brought forth by the individuals but not by the government. The individual must have complete liberty to do research and such liberty must be given by the government to the individual.

Mill specifies that all the political systems are dependent upon the efficiency and character of the individuals. According to Mill a good government must have the following four features.

Features of the Individualism.

1. Government must develop good way of life and knowledge among people.
2. The women must be given the right to vote. There must be no discrimination between men and women in this context.
3. There must be a system of open ballot.
4. The people must have the power to recognise or reject government.

In order to remove the defects in representative system, Mill proposed proportional representation method.

The State reduces the liberty and independence of the people to promote its greatness. In such a situation, the people cannot develop. People are not fit to do good things unless they are highly developed, educated and wise. People who are adequately developed oppose the domination of the State. The intervention of the State must come down for the sake of development of the people. Mill had expressed the essence of his political ideas in his famous essay, 'On Liberty'. It is praised throughout the world. 'On Liberty' is an invocation to remove political exploitation.

Mill opined that government is the best which governs the least with minimum, interference with individual liberty. As power widens individual liberty gets more and more restricted. This is how Mill explained the contradiction between the State and individual liberty.

Criticism

Several arguments advanced in support of Individualism by Mill and others were attacked by critics.

1. The individualists felt that State is a necessary evil. But State is a social institution originated to satisfy the needs of the people. It is for the welfare of the people.
2. Some feel that free competition in economy led to many evils. Competition benefits only the capitalists. It is dangerous to the economically weak they are hit hard by it.
3. Individualism according to some, supports the jungle law - "might is right".

Socialism took its origin as a rival to Individualism.

Socialism

The English word 'Socialism' had originated from the word: 'Socious'. 'Socious' means society, the phonemic meaning reveals that socialism is related with society. Socialism came into light against the social, political and economic inequalities promoted by the capitalist system. Socialism has questioned the exploitation of man by man. Some think that socialism is an economic policy. Socialism is multi-dimensional in reality. It is an admixture of political, economic and logical systems. Some consider socialism as a separate life style.

Plato had something of socialism in some of his writings. But it came into vogue only after the French Revolution and the Industrial Revolution. During the modern times, socialism was largely propagated by Robert Owen and Charles Fourier. These are the pioneers of the socialist movement. It developed in the early days due to their writings. Their writings are the main reason for the spread of socialism in other countries.

Marx and Engels analysed the human society and explained how and by what forces the new society could be created. Marx said, "The previous philosophers tried to define the world. But my aim is to change the world". It is not an exaggeration to say that no philosopher other than Karl Marx could change the course of history in such a way. The scientific socialism was explained in a small work 'Communist Manifesto' published in 1848. Socialist movements cropped up throughout world on the basis of this small work.

Socialism - Definition

There is no uniform opinion about the definition of socialism. Many definitions appeared though substance is the same.

C.E.M.Joad: "Socialism is like a hat that has lost its shape because everybody wears it". Some of the famous definitions can be detailed in the following way:

George Bernard Shaw: "Socialism means equality of income and nothing else".

Chappell: "Socialism is that which makes the competing private investment as social investment".

Bertrand Russell: "Socialism is the advocacy of communal ownership of land and property".

Socialism could not remain simply an economic theory but progressed like a political movement. Even though many types of socialist theories prevailed. The following are the some of the important principles of Socialism

Socialism Important Principles:

A. Significance to Social Benefits: Socialism gives more significance to the society than the individual. It feels that the higher benefits of the society are more important than the benefits of an individual. The production of the goods must not be beneficial only to a few. The production policy of a country must be corresponding to the social needs.

B. Providing Equal Opportunities: The main aim of socialism is to remove the inequalities in society and provide equal opportunities to all people. It seeks abolition of opportunities on the basis of inheritance. Every individual must receive education, training and other facilities as per his taste. Opportunities must be provided for the utilisation of the capacity and efficiency without gender discrimination.

C. Abolition of Capitalism: Capitalist society seldom provides equal opportunities to all. As such economic equality can be achieved by abolishing capitalism. Capitalist system creates class ridden society and makes one class permanently exploited. The capitalists, hence, become natural enemies to the working class. There is a struggle between these two classes. Socialism is possible when the power shifts from bourgeoisie to the proletariat. It is possible only through a revolution of the bourgeoisie class.

Abolition of competitive methods: Socialism removes competition. The money will be excessively spent in capitalism. Glaring economic inequalities between the rich and the poor lead to inequalities in completion too between them. Such type of competition is quite unjust and inhuman. As such, the aim of socialism is to remove competition. Socialism aims at promoting co-operation in the place of competition in the local, national and international affairs.

D. Nationalisation of Properties: Socialism abolishes private property. The capitalist system promotes private property through the exploitation of the labourers. The property gained by exploitation keeps on growing by further exploitation. With the abolition of private property, the exploitation of labour can be removed. Socialism abolishes private property in the form of land. Land is the gift of nature. Hence no individual must use the same for his personal gains. All the industries, agriculture and trade will be managed by the State

Marxism

The philosopher who changed the course of history was Karl Marx. He fought throughout his life to change the life style of the people. Problems are the realities. Man can destroy them. Then only the world becomes a happy abode to live. The philosophers must help in this process. Karl Marx is the most important of such philosophers who entertained this thought. Marx tried and fought incessantly through out his life to remove the problems of the mankind.

Marx's ideas can be named as Marxism. The following and the basic works that promoted Marxism.

1. Das Capital
2. The Poverty of Philosophy.
3. A Contribution to the Critique of Political Economy
4. Revolution and Counter-Revolution
5. Communist Manifesto

Basic Principles of Marxism

A. Historical Dialectical Materialism: The basic feature of communism is to observe the march of society with a historical perspective. Historical perspective is dependent upon dialectical materialism. Dialectical materialism in turn is dependent upon two inseparable opposite forces and their constant mutual action. The features of dialectical materialism are practicable. They have an innate power to change the material features. This principle was applied to the social system and an analysis was attempted to show how capitalist system would change. A struggle of contradictions between the owners of the production and the producing labourers is contributing for the birth of a new society.

According to Marx, the world moves due to the effect of the clash of opposites. As the dialectical materialism was made use of to analyse human history, it is called as historical dialectical materialism. The dialectical materialistic method proved that feudal system arose due to the struggle between the land-owners and slaves in a system of slavery; and the capitalistic system was the consequence of the struggle between the land-lords and labourers in a feudal system. In the same way, communism describes that, due to a struggle in the capitalistic system new society emerges. The physical changes which form as the basis for human life contribute to the changes in the course of history

B. Theory of Surplus Value: Marx explained the theory of surplus value basing on the theory of Ricardo, which says that labour is the source of value. The price of a thing depends upon the labour and time spent in its production. It will not depend upon the law of supply and demand. The wage given to a labourer must be sufficient to meet the needs of his family. But never the wages will be in that ratio. The producer reduces the wages of the labourer and increases his profits.

According to Karl Marx the difference between the wage and price is surplus value. This surplus value should belong to the labourer, where as the producer makes it his own. Marx wants to abolish the exploitation of this surplus value. The capitalist class makes use of both the government and its machinery for its selfish purposes.

C. Class Struggle: The industrial revolution gave rise to two classes. The capitalists are those who control the factors of production and the labourers are those who are have-nots. The State functions always helps to promote the interests and supremacy of the capitalists. As a result, the society faces serious struggles between two classes. Marx calls this struggle between two classes as class struggle. He says that the entire history of society is the history of class struggles.

Society is dynamic Change is its feature. Even the capitalistic tendency is also a result of such a change. Hence it can also change. The labourers continue for some time as the exploited. The capitalists continue the exploitation to the peak level causing the proliferation of the oppressed class. Gradually, the exploited groups function in favour of new productive forces. Soon, it activities against of the Capitalists. As a result, the class struggle is inevitable in all the societies in all times. The capitalistic systems wane away due to the class struggle. The labourers score a success. And that success changes the entire social system. The right to have private property will be abolished and all the factors of production will be brought under the control of State.

D. Dictatorship of the Proletariat: Class struggle results in the establishment of the Dictatorship of the proletariat. This is a transitory stage in the attempt to establish communist society. In this stage, the capitalistic system will be destroyed. It needs certain dictatorial methods. In the second stage, the communist society is created. This will be the class less and State-less society. Such a society can develop without exploitation.

E. Communist Society Features

1. There will be only one communist party in the communist Societies.
2. No existence can be seen for capitalism and private sector.
3. Economic equality is the main aim
4. As the right to property is the source for economic inequality, it is against the right to property.
5. All the means of production will be under the collective ownership of the Society.
6. Adoption of revolutionary methods is its philosophy.
7. It is against the religion as religion is like opium to the people.

Summary

Mill's writings were of great importance to the realization of need for placing the utmost value on individual judgement and action. His essay, On Liberty, is, perhaps, the most eloquent expression of the noble liberalism which was championed by the 19th century thinkers. A close study of Bentham and Mill reveals a striking comparison between them. Both of them stood for Utilitarianism, individualism, democracy and reforms in many fields. Yet there is a considerable difference between the two. These differences may be thus summed up. Bentham regards all pleasures as one but with varying degrees. He accepted quantitative difference in pleasure but not qualitative difference. Mill did not agree with this proposition. He argues that there are qualitative differences in pleasures.

In spite of its failure and shortcomings, Marxism has made an appeal to increasing number of people. It is an accepted revolutionary philosophy of the toiling masses. Marxism provides a coherent and consistent account of the history of mankind and its scientific approach reveals a universal phenomenon of society. It is an admirable diagnosis of capitalism. We may reject Marxism but we cannot ignore the indictment which it makes of capitalism.

On the level of theory, the political impact of Marx has been extremely revolutionary. Due to his influence politics has been compelled to consider the comprehensive social context in most of its formulations. This sociological upsurge in modern political analysis is, in a large measure, a product of his reconstruction of political sociology.

Model Examination Questions

I. Write essay type answers for the following i

1. Discuss the view of Bentham on Utilitarianism.
2. Define socialism and discuss its major principles.
3. What are the basic characters of Marxism?

II. Write answers briefly for the following

1. Discuss liberalism.
2. What are the views of J.S.Mill on individualism?

III. Write short answers for the following questions in about 5 lines.

1. What is utilitarianism?
2. What are the features of individualism?
3. What are the kinds of socialism?
4. What are the basic works for marxzipan theories?
5. Discuss about proletariat dictatorship in Communism.

Glossary

Felicific-calculus, Hedonistic, Doctrine, Legal Coercion, Utilitarianism, Women's Suffrage, Classless Society, Haves and have nots, Materialism, Proletariat, Surplus Value

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6. DEMOCRACY

Objectives

After studying this unit, you should be to:

- *Identify the broad nature of Democracy*
- *Explain the meaning, definitions and kinds of Democracy*
- *Assess the importance and features of Democracy*

Introduction

The modern age is an age of democracy. All the modern States are following the democratic system. The contemporary world has developed a belief that through democracy a progressive society can be developed with liberty, equality and justice. Democracy is in practice, as a form of government, acquiring the support and acceptance of the majority of the people.

Meaning

The English word Democracy has evolved from two Greek Words Demos and Kratia. Demos means people and kratia means rule or power. Hence, democracy means the rule of the people or the power of the people.

Definition

Democracy is not simply a form of government. It is a system of State and also a way of life. Democracy is defined variedly by different political scientists. Some of the definitions can be seen below.

Abraham Lincoln: "Democracy is a government of the people, by the people and for the people".

Seeley: "Democracy is a government in which everybody has a share".

Dacey: "Democracy is a form of government in which the governingbody is a comparative-ly large fraction of the entire nation".

Wolf: "Democracy is a form of government elected by the peoplewith liberty, equality and intellect".

As per the above said definitions, democracy can be understood not only asa form of government but also a system of State promoting social values.

Features of Democracy

There are many features of democratic system. The following area few ofthem :

1. Rule by discussions.
2. Rule of the majority.
3. Protection of the rights of the minorities.
4. Rule as per the constitution.
5. Responsible government.
6. Changing the power through elections.

Kinds of Democracy

Democracy can be divided into two kinds:

- 1) Direct Democracy and
- 2) Indirectdemocracy.

Direct Democracy and Direct Democratic Divises

In direct democracy the people take part directly in the administrative activityand take part in the day to day affairs of the State. The people directly express, their views and opin-ions on the public affairs. The people congregate, as per theneed, in a specific public place and conduct all the activities of the State. In suchmeetings itself, they formulate the laws needed for them and supervise theirimplementation. Under the direct supervision of the people the government performs all the activities of the State. Direct democracy is possible only in the States with small area and lesser population. This system was in practice in the ancient city states of Greece and Rome. The ancient Greek and Roman states had limited area and less population. This method is presently practice in the Switzerland (in its cantons) and certain states of local bodies in the United States of America.

The following methods were prescribed in direct democracies enabling thepeople to play their role properly.

- (1) Referendum
- (2) Initiative
- (3) Recalland
- (4) Plebiscite.

A Referendum: This method is used to ascertain the public opinion on important legislation. In some regions, the public opinion is sought on the problems of constitutional law and ordinary law. This is called as referendum. This method helps to know the acceptance or refusal of the people of certain laws. People's decision is final. It can be of two types: Compulsory referendum and voluntary or optional referendum.

Compulsory referendum includes seeking public opinion compulsorily on certain laws made by the legislature. They will be presented before the people for their opinion. Their implementation or otherwise will depend on people's verdict. Those which are refused by the people will not be put into force.

Optional referendum involves the presenting of laws passed by the legislature for public opinion on the request of a given number of citizens. Their implementation or otherwise depends on people's decision. Referendum helps to solve the national problems as per the public opinion and maintains the supremacy of popular sovereignty. But, this method reduces the significance of legislature; it is expensive and it leads to more delay in implementing a law.

B Initiative: This is a request made by the people to the legislature to frame a law on certain national problem or policy as such. After making the law it will be presented for referendum. In this aspect, people in a specified number present a petition written form to the legislature proposing legislation. If the legislature does not approve it, a referendum is to be held where the people at large decide its fate. If the people send the proposal in the form of a law, it is known as formulative petition. Otherwise it is called non-formulative petition. This helps to make the legislatures more responsible. It helps to remove the defects in laws and policies. But this method also reduces the significance and powers of the legislature.

C Recall: Recall means to call back. The representatives will be called back by the people in case they are inefficient. Hence, this method helps to make the representatives discharge their responsibilities properly for fear of being called back on the ground of inefficiency.

D Plebiscite: Plebiscite means ascertaining public opinion on certain important aspects. This is not applicable to the laws and the constitution. People's verdict is sought on certain public problems and policies of the government. This method was first used in 1804 by Napoleon in France.

Indirect / Representative Democracy

During the modern times indirect democracy is followed in most parts of the world. This is also called as 'representative democracy'. All the modern States are wider in area and population. Hence, it is not possible to have direct democracy in these States. Indirect democracy is the only suitable system. In this method, the people do not participate directly in the administration. But the administration is run by their representatives. That is why this is called as indirect democracy. In this system, the representatives elected by the people represent the public opinion in the legislature. The role of the political parties is considerable in indirect democracy. Different political parties present their respective manifestoes to the people and try to win the elections. A party which acquires majority seats in the legislature will be in a position to get into power. It will be responsible to the people indirectly. The elections, political parties, media and public opinion are inherent parts of the indirect democracy. They play a major role in influencing the State administration.

Conditions for the success of Democracy

Democracy came into prominence in all the modern States as it is the best form of government useful to all. There are many conditions for the success of democracy. Basically, democracy can be successful when the people are dynamic. The political thinkers identified the following as fundamental for the success of democracy.

1. People must have a democratic ideal.
2. They must develop fraternal/national concepts.
3. They must be vigilant.
4. They must have the qualities of good citizenship.
5. The minority must respect the opinion of the majority. In the same way, the majority must respect the rights and welfare of the minority.
6. There must be sufficient opportunities for the people to develop their personality by drawing out their hidden talents.
7. There must be an efficient party system.
8. Along with efficient party system, there must be honest and impartial means of media like Press, Radio and T.V.
9. Independent judiciary, democratic decentralisation and powerful local-self-government are essential for the success of democracy.
10. All the people must try for national development and national integrity without discrimination of caste, religion, group, language and region, in all the problems related to people,

Democracy - Merits

Democracy is the best of all forms of government in modern times. It has many merits. Some of them can be detailed as:

1. This is a superior and lofty form of government.
2. This provides equal opportunities to all the citizens.
3. This provides good citizenship training.
4. The citizens have significance; they have a share in the government.
5. This promotes moral values.
6. This does not give any scope for revolts.
7. This provides an efficient and responsible government.
8. This follows peaceful methods.

Democracy - Demerits

There are some defects in democracy. Some of them can be detailed as:

1. Government becomes inefficient.
2. Scope of instability of the government.
3. Misuse of the theory of equality.
4. Expensive form of government.
5. Scope for the growth of irresponsibility.
6. Growth of the supremacy of the political parties.
7. Scope for class struggle.
8. Delay in administration.
9. Degradation of the moral standards.
10. Minorities will be neglected.s

Summary

Now, let us sum up the discussion so far. Democracy is the most prevalent and by far, the most preferred form of government in the contemporary world. More than half of the independent countries in the world today are democracies. Broadly speaking, the term democracy means rule by the people. However, varied meanings have been associated with it over a period of time.

Democracy may be direct or indirect. Direct democracy is a system in which the people literally rule themselves directly. It is based on the principle that political sovereignty resides in the people and therefore they may choose to determine certain policies directly rather than relying on their chosen representatives in government. It is basically a by-product of the entire development of western civilization. In the direct democracy, as originated and practiced in ancient Athens, citizens make decisions themselves, without representative institutions. The system of direct democracy is extensively used in the Swiss cantons and at the local level in Switzerland in the form of the Landsgemeinde or popular legislature. The classical model of direct and continuous popular participation in political life has been in use in township meetings of New England in the USA

In this unit, you have read about representative democracy which is the modern form of democracy. Since, large size and population of modern democratic states make it difficult to practise direct democracy as a form of government, modern democratic states have representative governments. Some people termed as representatives are elected periodically to act on behalf of the population. This is known as the system of representation. A representative democracy is a system of government in which all eligible citizens vote on representatives to pass laws for them. Democracy is, therefore, understood in modern times as a form of indirect rule by people.

Model Examination Questions

I. Write Essay Type answers for the following.

1. Define democracy and explain direct democratic devices.

II. Write answers briefly for the following questions.

1. Discuss the conditions for the success of democracy.
2. What is meant by democracy? Explain its merits and demerits.

III. Write answers to the following questions not exceeding five lines each.

1. What is democracy?
2. Define democracy?
3. Detail the methods of direct democracy?
4. What is indirect democracy?
5. Explain referendum.
6. What is initiative?
7. Explain any four features of the democratic system.

Glossary

Direct Democracy: Agenda initiative, Canton, Citizen, Electorate, Elector, Legitimacy, Petition, Popular, Sovereignty, Universal Adult Franchise, Voter

Representative Democracy: Accountability, Dissent, Elaborate, Mediocrity, oligarchy, Popular Sovereignty, Tyranny

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7. Forms of Government

Objectives

After studying this unit, you should be able to:

- *Identify the basic elements of federal and unitary forms of government*
- *distinguish between federal and unitary system*
- *Explain the changing nature of federal and unitary system*

Introduction

Governments can be classified as federal or unitary systems on the basis of division of powers between the central, regional and local authorities. This unit brings out the basic features of federal and unitary political systems. On the basis of the relationship between the Centre and the units- states or the provinces, the governments can be classified as unitary and federal. In a unitary government, all the powers of the government are vested in the central government whereas in a federal government, the powers of the government are divided between the centre and the federating units. Their distinctive features and comparative merits and demerits are given as follows.

Government is one of the important elements of the state. It is government which performs major functions of the state. The government comprises of three organs namely executive, legislature and judiciary. It makes laws and policies to conduct the various affairs of the state and daily life of the people. The government has many forms as it has been mentioned by Plato, Aristotle, Cicero, Leacock etc. Plato has mentioned three folds of classification- perfect state, imperfect state and state of ignorance.

Whereas Aristotle had classified the forms of government on the basis of numbers with sovereign power and the aim of the government. According to him the best government is the one which works in the interest of people. It becomes perverted when the government works for their own interests. Polybius classified the government into three forms monarchy, aristocracy and democracy. Leacock's classification of government is generally acceptable. He said there are two major forms of government, despotic and democratic. A despotic or a dictatorship government means where the will of one person prevails, whereas the

democratic government means the will of people prevails and sovereignty lies in the hands of the people rather than one person. If we try to do the classification of modern forms of government, it can be formed on the basis of social, economic, philosophical and historical factors. We can observe that democracy in contemporary era have different shades as it exists in -Britain, USA, France, India, Canada, Germany, South Africa.

What is Government?

The term Government comes from the term govern, which stands for 'to rule, guide, govern and direct. The term has historical roots. It is common to describe the government as Monarchy, Oligarchy and Democracy. All these terms have roots in the Greek. There is no universal definition of the term government. According to the Merriam-Webster dictionary government stands for 'the body of persons that constitutes the governing authority of a political unit or organization: such as officials comprising the governing body of a political unit and constituting the organization as an active agency.' Britannica dictionary has defined the government as 'the political system by which a country or community is administered and regulated.' On the other hand according to Blackwell dictionary 'the government' usually refers to the rulers, that group of people who are in charge of the state at a particular time. On the basis of various meanings, it can be said that the term government represents a form of system which exercises control over a society through law and order. At the same time, it can be a way of exercising power. Government exists to perform the various functions of the state. As it has been mentioned by the Soltau that government means 'all those individuals, institutions, and means which help in expressing the will of the state and give it concrete shape'.

In other words, Garner has said that 'government is a collective name for the agency or organization through which the will of the state is formulated, expressed and realized'. C.F Strong has mentioned 'if we want to make and enforce the law the state must have sovereignty, without this state couldn't exist.' The term government is mostly used in four ways. Firstly, as a body which is charged with the sense of responsibility to govern. Secondly, as a machinery or engine of state. It is a state's machinery without this state cannot exist. Thus, the government is an important organ of the state and it is vested with the rights to exercise sovereign power over the people of the state.

To perform these functions the government can be divided into three organs- Legislature, Executive and Judiciary. The primary function of the legislature is to perform the function of law making for the state and people. The main function of the executive is to enforce the laws. The major function of the government is to run the state, make rules and laws for the state, decision making and policy formulation Whereas the judiciary's major function is to adjudicate and interpret the application of laws to specific cases.

Major forms of Government

In contemporary era there are mainly two forms of government i.e., Unitary and Federal. The formation of these two forms of government is based on the method of division and concentration of power and the relationship between the Union and State or provincial government. The countries like India, USA, South Africa, Canada, Australia have federal systems. Whereas the countries like Britain, Japan, Italy, and France have adopted unitary structure of government.

Unitary Government

Unitary government is a form of government under which all the powers lie in the hands of one central government. The major power is concentrated in the hands of central government and local or state government are given required powers to perform the basic activities. The local or state government performs the functions as per the central government. It can be said that the local government operates only the way which is directed by the central government. The power and the role of local government depends on the wishes of central government. As it has been mentioned by the Dicey under unitary form of government 'the habitual exercise of supreme legislative authorities by one central power'. The central government alone has the powers to make the laws for the entire state and enforce the laws either by self or transfer of power to the local authorities. The main features of the unitary government are:

Power in the hands of Central Government: In the unitary form of government all the powers are concentrated in the hands of the central government like in Britain where the power lies in the hands of the central government i.e., Prime Minister, same as in the case of France all the powers are kept in the hands of the President. The law-making authority is not available to any other body or the institution except the power transferred and delegated by the central government to the state or local government. In France according to 1958 Constitution the central government is having all the powers and responsibility to define and implement the nation's policy. Parliament alone has the powers to make and pass the laws. The French president is also the head of the state and head of the executive, supreme commander of the military and determines the policy after the consultation with the council of ministers.

Laws, Rules and regulations: In the unitary government the power is concentrated in the hands of the central government. Thus, it is not required to distribute the powers between the centre and the state governments. Due to this, the written rules and constitution are also not required to divide the powers and allocate them between the centre and the states. The written rules can be written like France and unwritten like Britain in accordance with their conventions. Britain has a unitary form of government hence, both Houses of Parliament-the House of Commons and House of Lords have the power to make laws for the whole country.

Local or state government follows the guidelines of central government: As all the powers are in the hands of central government, it can do all the things as per its own choice and interest. There is no interference from the local government, whose duty is only to follow the instructions of the centre. The administrative and other departmental works are done by local government as per the directions given by the central government, for example in Britain the Prime Minister and Council of minister give the directions to the local body to do the work in a more efficient manner.

Flexible and easy to adapt to the environment: In the unitary government as power is in the hands of central government, it helps the government and administration to take the decisions quickly and to change them according to changing times. The central government does not require the assent of the local government, for example at the time of Covid-19 France, Britain government and administration has taken extraordinary decisions quickly. In

unitary government the central government has the power to amend the constitution according to the needs and requirements. As it has been mentioned by the E.B.Schulz, 'the principal advantage of unitary government is its flexibility and the matter of distributing powers on the territorial basis.

Uniform Administration: In the unitary government the power vested in the Central government is based on the principle of centralization of power. In such a political system the hegemony of decision-making power and function lies in the hands of central administration. According to C.F. Strong, under the unitary system the supremacy lies in the central parliament. The status of central parliament governs all the people like the British House of Commons passes all the laws and govern the local bodies. Moreover, centralization of power is also the core idea in unitary government. In such a system, the local governments are dependent on the central government. It is subordinate to the central government in all the aspects.

Federal Government

A federal state represents several sovereign states combine together and form a big state or on the other hand when a big state recognizes to divide itself into several states under one umbrella.

As Dicey has said 'A federal state is intended to reconcile national unity and power with the maintenance of state rights.' A federal state is a union of states as it has been mentioned in the Article 1 of the Indian Constitution that India is a 'union of states.' The federal state and government are a product of two kinds of forces-centripetal and centrifugal. Centripetal means when independent states agree to join hands to create a new state, the Australia and USA is the best example of such a federal state. On the other hand, centrifugal means when a unitary government transforms itself into a federal government. Under this system, the units demand a large measure of autonomy which can only be provided in a federal state. India is a very good example of centrifugal federal state.

In a federal system, the written and unwritten constitution performs a major role. In the federal state the relationship between centre and federating units is defined in awritten constitution. In such a situation it plays a pivotal role in defining the power and functions of the centre and the states i.e., the federating units. The distinct feature of the federal government is the division of powers between central government and several state governments. In USA the sovereignty lies in its constitution. If any new law is passed by the centre or a state, it tries to match the constitution. It should not violate the basic principles of the constitution. In unitary state centre can pass any law to protect and promote the interest of people but in a federal state, all the laws need to be in conformity with the constitution and must promote the interests of the states along with the people. The main features of the federal government are.

Delegation and distribution of powers: In a federal state, the government exists at least at two or more levels in a given territory. All of them perform activity through some common institutions and the power given to them on a shared basis. It can be said that in a federal government the powers are distributed and delegated between the centre and state (units) and many other local governments too. They all derive their powers from a written

constitution. It is one of the most essential features of the federal government. In the federal state, the constitution works as a sovereign over both central and the state government. For example, in America, the powers are distributed between the central government and fifty state governments. Both centre and state work on their defined spheres of functions. The central government works on the area related to national importance, which is related to the nation as well as people, for example, the foreign affairs, diplomacy, trade, international negotiations and treaties etc. whereas, the state and local government works related to state affairs like local and state level issues of education health, sanitation, roads etc.

Written and Rigid constitution: In federal government, the powers are distributed and divided between the central and state governments. Thus, at this situation it becomes essential and binding to define the powers in a written and enacted constitution. A written document can only give the effective distribution and division of power. The unwritten constitution may generate and bring some misunderstandings, confusion, and disagreements between the central and state governments. As it can be observed in the case of USA, India and Canada, they have written constitutions.

In the federal system of government, it has been said that the written constitution is rigid. It is needed to protect the nature of the federal structure. The central and state governments together have the power to amend the written constitution. Moreover, it is necessary to maintain the stability and nature of the federal state. Under this method mutual consent between centre and states is required. The method followed to amend any part of constitution related to federal structure requires special majority i.e., 2/3rd majority. For example, in America if there is any amendment in the constitution required by the government related to the federal structure the amendment follows two stages, at the first stage it requires 2/3rd majority of both the houses (Senate and ...) or the convention called by the congress on the demand made by 2/3rd members of the state assembly. At the second stage, the passed amendment is either approved by the 3/4th state legislatures or by special convention in 3/4th of the states. It is only after passing through both the stages that the amendment is incorporated in the constitution.

Anchoring role of Judiciary: Judiciary plays a pioneering role to protect and promote the federal nature of the state. It is the judiciary which protects and interprets the constitution. In India and USA, the judiciary utilizes the power of judicial review over the laws of the centre and the state governments. The judiciary not only interprets or protects the constitution but also solves the disputes between the centre and the states or between the state and the state. Like in India the Supreme Court solves the issues related to river waters between the states. In the federal state, there are always various issues like the boundary disputes, resources sharing, etc between states which are resolved by the supreme court.

In such a situation, the role judiciary is very important to solve the disputes between centre and states. As it has been mentioned by the J. S. Mill 'the constitutional authority of central and regional government alike should be precisely and clearly defined but the power to decide between them in any case of dispute should not reside in either of the government, or in any functionary subject to it, but in an umpire independent of both. In this regard, it can be said that the Judiciary performs such a key role in USA, Canada, and India.

Dual Administration and Citizenship: A federal state featured by the dual administration-at the centre government for the people of federation and other at the level of state government. The nature of the functioning of administration at the centre and state level government is totally independent but it also works as a mutual support basis on the subject of national interest. For example, to fight with the Covid-19 the USA, Canada and India central and state government is incorporating to overcome from this global pandemic. In the federal structure of the government the citizens have to follow two sets of laws-central laws and the state laws.

Moreover, in the federal government each person gets individual citizenship of state and centre. In other words, it can be said that people of federal state get double citizenship-one is common union citizenship of whole nation, and another is the state as unit of which the person is resident. For example, in Australia, America and Canada the dual citizenship can be found. In USA the people enjoy the citizenship of USA as well as the state.

Bicameral legislature: In a federal state, the legislature at the central level establishes bicameral legislature. In one house-the people of central government are given representation to centre, while the other house represented by the units of the federation. The USA and Canada, have bicameral legislature. In the USA the Senate i.e., Upper House represents the states whereas the house of representative represent centre. In the USA, the people of the state have been given equal representation in the house of representation and the 50 states have been given equal representation.

Equality to all the unit states: The federal system of government follows one key principle is to treat all the state or units as equal basis. It never gives special or extra preference to any state on the basis of its size, population, resources etc. It is due to this requirement all the states given equal seats in one or two houses of the central legislature for example, in America Senate all state represented by two members either the state is large in size or population. As K. C Wheare mentioned that the framers of federation must ensure that all the units can maintain their independence within the sphere allotted to them and work the federation. Principally, it can be said that the federal government takes neutral or middle path between the centre and the unit affairs. The system is supported by the method of distribution of power between the central and state governments.

Check Your Progress

1. What are the core features of federalism?
2. What is a Unitary System? Give examples.

An Analysis

In the contemporary world, almost all the countries have adopted the democratic form of government. In which most of the states have followed either the unitary or the federal form of government. If we can do the analysis of both the forms of government, we may find some merits and demerits are there. It can be understood under different points, these are:

- (a) **Stable and totalitarian government:** If we analyse and compare the unitary and federal form of governments it can be noticed that the unitary government is stronger

and more powerful when compared to federal government with regard to taking the decisions and in policy making. There are chances that the unitary government can turn into a totalitarian dictatorship. It is due to the power which is kept in the hands of the centre and there is no check on the activities of the government. There are high chances of misuse of power. For example, it can be observed that in Pakistan, many times the government was overthrown by the military. In Pakistan many times the military had overtaken the government and established the military government.

- (b) The division of powers between the centre and states is a weakness for both the central as well as the state governments. The central government finds it difficult to implement the policies, programs and decisions without support from the state government. On the other hand, state governments also find it difficult to implement the schemes and policies without the support from the central government.
- (c) The nature of constitution: The Constitution has a very important position in a democracy and in the Unitary or the federal form of government. In a unitary form of government, the constitution is flexible. It is easy to amend by the central government. Whereas, in the federal form of government the constitution is rigid and not easy to make amendment that is due to maintaining the equitable relationship between the centre and the states. As we can see the difference in the America's constitutional amendment and Britain's constitutional amendment. It can be easily noticed that the USA has witnessed only a few constitutional amendments whereas Britain has experienced a number of constitutional amendments.
- (d) Administration and governance: The administration plays a very important role in both the forms-unitary and federal governments. In unitary government, administration is flexible. The flexible constitution ensures to fulfil the demands and needs of the people according to changing times. The unitary system also adapts the situation according to the social needs and environment. It is due to the system that provides for the creation of a powerful central government with full discretion to uses its power to amend the constitution according to the requirements. As it has been mentioned by the Gettell that unitary system is known for its uniformity and freedom from repetition, wastefulness and extravagance. But the unitary government is suitable only for the small or homogeneous states. For large states where there is multicultural system with multiple languages, religion, and regional diversity. In such a situation, the federal government will be the most suitable government. In the unitary system, due to the existence of single executive and legislature for the whole state there is dominance of administration by the bureaucracy.
- (e) Conflict and the Stability in the state: A strong desire for unity among the people is the first and prior condition for the formation and success of the federal government. Thus, the idea of 'unity in diversity' has become a hallmark for a successful federal government. The diverse interests of the federating units sometimes create conflict with the units and with national interests. Many times, it creates conflict and unhealthy competition between the regions. For example, regional loyalties, racial, linguistic and religious issues sometimes dominate. The unitary government is suitable for small states with single identity in terms of language, culture and eth-

nicity. However, for big states like India, USA, China, Russia etc. which are multi-cultural, multiethnic, multilingual, and multi religious a federal state is suitable. Due to the concentration of powers in the central government, which is located far away, it fails to satisfy the needs of the local people. Apart from this, the local government don't have much power or administrative agencies to solve the local problems.

Check Your Progress

1. Compare and contrast the Unitary and Federal Forms of Government
2. What are the merits and demerits of Unitary and Federal Governments

Conclusion

The era of globalization has established and changed many things. Now, all the forms of government-unitary or federal government are trying to protect and promote the voices of individual with the model of good governance. Both the forms of government have their own positive and negative points. It's the nature of the state which decides the best form of government-unitary or federal. In modern world, most of the countries are trying a mixed model like unitary features with the federal government-unitarian federalism. For example, India according to Article 1 of the Constitution is a 'union of states' but in practice it is more of a quasi-federal state -the centre is more powerful than the states. It is due to giving more power to the central government to take up the national decisions whereas autonomy to the states has been given to solve the local issues. The principle of 'unity in diversity' or the 'union with autonomy' in actual practice is always a source of individual identity and protection to units in the system of federal government. The Federal system is the most suitable system for the large state in terms of size, population and diversity-it protects and promotes the interests of people in terms of language, culture, religion, race and class. The centre cannot be powerful and strong without cooperation and support from the local or state government. Thus, most of the modern states are trying to build a cooperative federal state which can provide better conditions and services to the people to make the federation as a whole a success.

Model Question Papers

Short Questions

1. What Is Unitary System?
2. What is federal System?
3. What do you understand Government?
4. What are the Major Forms of Government?

Essay Questions

1. What are the important features of the Federal system?
2. What are the important features of a Unitary system?
3. Compare and contrast between Federal and Unitary systems?
4. What are the merits and demerits of Unitary and Federal Governments

Glossary

Government: the group of people with the authority to govern a country or state.

Federal Government: The system has multiple hierarchy levels, with both the central authority and the states (or provinces) both being sovereign.

Unitary Government: Unitary government is a kind of government system in which a single power, which is known as the central government, controls the whole government.

Further reading

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8. ORGANS OF GOVERNMENT

Objectives

We will examine the three main organs of the Modern Governments Viz., Legislature, Executive and Judiciary After going through this unit, you should be able to know:

- *Identify the basic elements of federal and unitary forms of government*
- *Explain the three principal Organs of the Governments*
- *Analysis the Powers and Functions of those Organs*

Introduction

The state is a necessary and universal institution for civilized human society. Government is the agency of the state through which the State expresses and executes its objectives of public welfare. According to Prof. Garner, "In the absence of government, the population will be unaffiliated, unorganized, non-political people and it will not be possible to have any group work". In the words of Gattel "Government is made up of a group of its organs, whose functions differ, but whose responsibilities and goals are the same and whose cooperation is essential for success".

It is therefore clear that the government is a necessary element of the state. Despite the population, territory and sovereignty, even if the government is not there, the imagination of the state is not possible. The government has been called the soul of the state, which has the responsibility of law enforcement, implementation of law and the right to punish those who violate the law. In order to fulfill these three basic objectives, the organization of the government can be expressed as the following three organs.

Legislature

Meaning of the Legislature- Of the three organs of the government, the status of legislature is the highest. The legislature, commonly known as the Parliament. The English word parliament, is derived from the Latin word Parliamentum which means speaking or discussing. In ancient times, laws were not made, but were found in society. They were called

public rules. In the Middle Ages, the Council of Legislative Assembly was called Parliament, in which the King interacted with the judges on the petitions submitted for redressal of grievances. In the modern democratic system, the British Parliament is the world's first democratic parliament. Hence, the Parliament of Britain is called the mother of all parliaments.

In the current era, the legislature is the most influential organ in all the democratic countries, which expresses the public opinion or national desire. In the words of Prof. Garner, "Of all the organs through which the will of the state is expressed and applied, the place of the legislature is unquestionably the highest". In such a situation, the legislature can be said to be the mirror of the state's desire which is the main means of expression of the public's will. This is a representative meeting of the public which provides legal form to the general rules of society in democratic governance. The administrator is the regulator of administration (executive). In India, the legislature is called Parliament; in United States Congress, Parliament in Britain and Diet in Japan.

Functions of the Legislature

The functions of the legislature can be expressed as follows-

1. Law Making Function- The main and important task of the legislature is to create the laws. Parliament, in accordance with social conditions, creates new laws and makes necessary amendments to the old laws. It eliminates unnecessary laws. Under the law making, the three-tier system is most popular in which-

First- Bills are drafted and presented in Parliament.

Second - Detailed discussion on the bills is made by the committees.

Third-The bills are implemented by the House. This process in the bicameral parliament is made by the second house and the legislation becomes law by the signature of the President.

2. Executive Function - In Parliamentary democracy, the executive is responsible to the legislature. By asking the questions to the Cabinet, the work is stopped by the legislature through the proposal, by bringing in the censure proposal and ultimately by the no confidence motion. In the words of 'Bezahat' - "The formation of legislature is formally for the formulation of law, but its main function is to make and control the executive". In the presidential system, the legislature controls the executive. In the United States, the approval of the Senate is required on the appointments and treaties made by the President.

3. Financial Function - There is complete control of legislature over the Central finances. Without the permission of the legislature, the executive can neither impose any type of tax on the public nor make any kind of expenses. The details of income and expenditure are presented annually to the legislature. The national budget is passed by the legislature. If the legislature does not agree with the annual budget presented by the executive, then the crisis becomes a problem to the government. The legislature considers the Auditor's report.

4. Judicial Function-In many countries of the world, the legislature also fulfills judicial work. In England, the parliament discusses matters of privilege. There the highest appellate

court is the House of Lords. In the USA, the Senate works as a court to consider the question of impeachment imposed on the President. In India, it can hear the impeachment cases against the President, the Vice President and the judges and can remove them from their post. Parliament is the master of this process, so it reserves the right to punish the convicted person for loss of the house's respect.

5. Election Function - The administration of many countries of the world also fulfills the election-related work. Members of the Central and State Legislative Council participate in the election of the President, Vice President and members of the Rajya Sabha in India. In France and China, the President is elected by the parliament. The highest executive officer in Switzerland is elected by the governor.

6. Constitutional Amending Function - The legislature from time to time also performs the functions related to constitutional amendment to keep the constitution of the country unchanged. The procedure for constitutional modifications in different countries is different. After acceptance by the 2/3 members of the Constitution Amendment by the Congress in America, it is necessary to get approval by 2/3 state legislative assemblies. Three methods of constitutional amendment in India are in vogue - by simple majority, by special majority and by special majority and ratification by at least half of the state legislatures.

7. Function in relation to foreign affairs - Determination of mutual diplomatic relations with foreigners, War and peace announcements are done by the executive. The work agreements done by the nations is approved by the legislature. The legislature also supports the executive in determining the country's foreign policy.

8. Other Functions - In addition to the above-mentioned activities, the legislature directs the executive in the establishment of various corporations. and the tribunals It decides on the representations submitted by the Commission. In India, the declaration of emergency by the President is approved by the Parliament. The restructuring of states in the federal structure is also done by the legislature.

In fact, the legislative body is an important organ of the government. Along with legislation, analysis of governance policies and proposals, passing or accepting critique and making meaningful initiatives towards realizing the aspirations of the people is a major task. In the words of Prof. Laski - "The real work of Parliament is to monitor the process of administration so that the personal freedom of the citizens can be safe".

Organization of Legislature

In the beginning of the republican regime, there was a single House legislation in most of the countries, but gradually it was felt that the legislature must be bicameral to curb the power of the first house and to reconsider the work done by the first house. The question of being a member of the administrative or bicameral has been a matter of controversy in political analysts. On the one hand, Sir Henryman's statement is that "There must be a second house." On the other hand, Laski is of the opinion that "it is wrong that the second house is an effective guarantee to protect the association".

In most countries today the bicameral administrative system is in vogue. One is called first house, lower house or representative house, whose election is directly done by the pub-

lic. In India it is called Lok Sabha, in England the House of Commons and in America House of Representatives. The second house has been given the name of the Upper House, the Second House or the Senior House. In India it is called Rajya Sabha, House of Lords in England and Senate in America.

Single House Legislature-Bicameral Legislature Argument in favor of the bicameralism:

1. Check on the autocracy of the First House -The legislature must be restrictive bicameral so that it does not become autocratic. The autonomy of the first house will be checked naturally as a result of the existence of the first house. In the words of Leacock - "a gentleman may be overwhelmed and unresponsive".

2. In accordance with the democratic traditions - If there is a single house legislature, then the power is centered in the hands of the House, which is likely to create the risk of human freedom because power makes the person or institution corrupt. Power will be decentralized in the bicameral legislature and all sections of society will be represented.

3. Support to First House - After the excessive increase in the work of the State, the first house cannot do justice with all the bills. There is a need for adequate time and eligibility to pass the public welfare bills carefully. Work can be divided by having two houses of legislation. Those Bills which do not have special differences can be presented in the first house. The first house can focus its attention on more important problems.

4. Helpful in formation of public opinion - After the passage of a bill in a House, the process of passing the bill in the second house takes time. In this way before getting the bill in the second house, the public gets the time to think about the bill. There is an opportunity to express their views on the proposed bill by the general public, the political party and the press.

5. Experienced and Efficient: Because the first house is popular, many times qualified and efficient people do not win the election. In such a situation, the country would be deprived of its merit. If seen in the second houses of countries like England, India, America, it is clear that members of the upper houses of these countries are highly experienced in political terms. The country takes benefit from their political maturity and experience. In the words of J.S.Mill, "If the lower house is a House of Representatives of the people, then the Upper House is the House of the Politicians and Artists, because it is the nomination or election of members on the basis of Literature and Social Services.

6. Suitable for the unitary system: In different units of unitarian states, there is a lot of difference in terms of area and population. The first house represents the entire nation in the bicameral system, the second house represents the provincial units. No change can be brought about in the fundamental form of provincial units without the consent of the second house. Thus, the protection of the interests of all the units of the association can be possible.

7. The means of judicious ideas: - The second house is the first effective way to ban the House's hasty and arbitrary laws. Its number of members is relatively small. Based on the qualifications and experience, the second house can peacefully reach the diagnosis by considering a problem. Representatives of the public are passionate, revolutionary, and impractical. They are often prepared to make such laws, which may do more harm than the good. In such a case, the second house may put an end to the laws enacted arbitrarily.

8. Historical Experience: Democratic History is also a big argument in favor of the utility of the second house. At the time of the Civil War in England (1549- 60) after the Civil War and from 1777 to 1787 in the United States and for a while in France, there was a single house legislation, but in all these countries, the experience of a single house legislature was not good and the autocracy increased in the government. As a result, in the states of England, France, America, Mexico, Spain, Portugal etc., the bicameral legislature was accepted in place of a single house legislature.

Obviously, the natural tendency of hatred, tyranny and corruption of one House needs to be kept under control by the other house. Blanchetti has rightly said: "Four eyes always look better than two eyes, especially when it is necessary to consider a question from different perspectives."

Executive:

The executive is another important organ of government. In ancient times, the executive was the supreme authority. Policy making, policy implementation and judicial work were done by the head of the government. In the modern democratic polity, the nature and powers of the executive have changed. In most countries, executives are multiplied by singles and due to the principle of power dissociation, the establishment of executive law has been established. Head of the nation, President, the Chief of the Governing Council, the Council of Ministers and the Administrative Officers come under the executive.

Meaning and definition of the ExecutiveThe executive is an important organ of the government that results in the laws created by the legislation. In political science, the word 'executive' is used in a compressed and comprehensive terms. In the broadest sense, the President, the Prime Minister and his ministerial council and the group of administrative officials who are related to implementing the will of the state come under the executive, whereas in the constricted sense the executive means only the head of the state and the government and the ministers. Its actual nature is the political executive that determines policies. In India, the President, Prime Minister and his Cabinet are examples of the executive.

1. **Gilchrist**, "The executive is that branch of government which carries out or executes the will of the people as formulated in law."
2. **Dr. Finer**: " The executive is the body of the government that does the remaining functions of the legislation and the judiciary".
3. **Garner**: "The executive is the axis around which the administration system revolves".

Thus, the executive is born with the development of the state. This is the real part of the government by which all organizations, office bearers and agencies implement the collective desire of the state expressed as law. There are mainly two parts of the executive- political executive in which the President, the Prime Minister and his Cabinet come and the permanent executive in which the administrative personnels come.

Types of Executive

1. Nominal Executive- When the head of state or state is only nominally seen, and powers are used instead of self, then it is called nominal executive. In the constitutional arrangement, all powers have been given to the emperor or the President by the Constitution, but he uses these powers only in consultation with the Prime Minister and the Cabinet. All the functions of the government are done in the name of the President in India and in the name of the Queen in England, but they themselves do not have the freedom to use these powers. Actually, the executive power is in the hands of the Prime Minister and the Cabinet.

2. Actual Executive: - When the head of state is not nominal and exercises all the powers of the state on his own, then it is called the actual executive. The USA president is an example of the actual executive.

3. Parliamentary Executive: - Where the executive is in mere name and in reality, the powers are exercised by the prime minister and his ministerial staff, it is called parliamentary executive. In this, the Prime Minister and the Cabinet are liable to the executive for their work and the executive fully controls the legislature. In England, France and India there is a similar type of executive.

4. Presidential Executive: When the President uses the actual powers and is not liable to the executive for his actions, it is called the Presidential Executive. In it, there is no effective control of the executive on legislature. There is a presidential executive in America.

5. Single and Plural Executive: - When the last authority to decide on executive matters lies in one person, it is called a single executive. In the parliamentary and presidential system, the focal point of governance is the Prime Minister and the President. So, there is a single executive.

There is a single executive in America, India and England. While executive power is not rooted in a person, it is contained in groups of individuals and it is called multiple executive, such as Switzerland and former Soviet Union's executive. The executive powers in Switzerland reside in a federal council of 7 members.

6. Authoritarian Executive: - When a person takes possession of power without statutory means and becomes an autocrat, it is called the authoritarian or dictatorial executive. In 1936, General Franco had taken possession of the powers in the same way. Mussolini- Hitler dictatorship is the prime example of power. In India's neighboring states, this type of executive has been emerging from time to time.

Functions of the Executive -

In the past years, the work of the executive has increased, and the nature of the Legislature has also changed. In the philanthropic nature of the state, the executive has been getting many resources to satisfy the human aspirations. As a result, the work of the executive has increased. The functions of the executive can be discussed as under:

Internal Administration: The State is an internally organized society, and its purpose is not fulfilled unless the internal peace is established. It is a natural task of every executive to pro-

vide internal and external security and peace to the citizens. The executive governs according to the law made by the legislature. The heads of the various departments of the government are the ministers, who cooperate with the collective responsibility under the leadership of the Prime Minister in determining and implementing the state's policy. The executive holds complete control over the appointment, discipline and staff of the employees for their work.

2. Diplomatic Functions- In general, the legislature determines the foreign policy of a state, but it makes least interference in the real rule of the foreign Department. The executive operates the contact relations with foreign states. All the agreements, negotiations, war or peace announcement with different states are made by the executive. The approval of the executive on these agreements and treaties is just a formality. The Executive appoints its ambassador to oversee diplomatic operations and welcomes foreign ambassadors here.

3. Legislative Functions: Although the lawmaking function is primarily of the legislature, the executive also provides its support to it. In the parliamentary system, the executive gives permission to convene a session of the Parliament, to dissolve the first house, and to present all important bills, including diplomacy. No Bill can be passed without the approval of the executive. Only after the President's signature in India, the bill takes the form of law. Ascribed legislation has further increased the legislative power of the executive. In special circumstances, the executive also issues ordinance, which gets the same importance as the law made by the legislature.

4. Financial Functions: Theoretically, the entire control of the country's income-expenditure is made by the legislature, but in practice, this work is done by the executive. In India and England, the money is presented to the legislators and in the first house, on the basis of majority, party discipline is passed as per their wishes. The budget is prepared in the United States under the direction of the President. The Executive does the task of raising and lowering public taxes for the necessary funds. The executive holds control over and inspects the entire income-expenditure.

5. Judicial Function: In each state, the Executive also performs some judicial functions, including the appointment of judges and the act of pardon. Judges of High and Supreme Court in India are appointed by the President. The Prime Minister of India, Britain and America have the right to reduce, eliminate the sentence given by the Supreme Court, and to grant pardon to the criminals.

6. Military Functions: The President is the supreme commander of the armed forces. The executive is responsible for the security of the country. The Executive does this work through the Department of Defense. The appointment of senior military officers is executive. Military help can be taken not only for external security but also for internal peace. The executive declares war or peace. In India, the President announces emergency. In an emergency, the executive can also apply military rule.

7. Other Functions: In addition to the above mentioned works, the Executive also does some other tasks like making plans for economic progress, giving degrees or honors to famous people, providing citizenship to foreign citizens in the country, special services Arranging financial assistance, important work in public health, public education and industry etc.

Judiciary

The judiciary is the third and most important organ of the government. It is possible only in the presence of judiciary that the main difference between the democratic government and the authoritarian government can be seen. The judiciary is the only way to establish the rule of law. In the words of Marriott, "As far as the important functions of the government are concerned, judicial work is most important, because it is directly related to the citizens. Regardless of how wide the machinery and mechanisms of the law building are, whether the organization of the judicial system is complete, the life of the citizens can be unhappy, and the danger of his property can arise if there is a delay in judging or a fault in justice or the interpretation of the law is biased or misleading"

Meaning and Importance of Judiciary

Man is a thoughtful creature. The ideas of each person can be different. Reciprocal conflict is also very natural due to the difference in views. At the same time, the ruling classes can also cut down the rights of citizens and misuse their powers. In such a case, there must be an independent judicial power, which can solve the mutual disputes of individuals and force the government to live in its limits. In the opinion of Prof. Laski, " judiciary of a state can be defined as a group of officers whose work is to complain about violation or breaking of any particular law in the state, between different people or between citizens and the state, and that resolves and decides ". Thus, the judiciary is the institutional arrangement to resolve disputes arising out of the prevailing laws in society.

Lord Bryce has expressed the importance of the judiciary in these words: "If the rule of law does not work with integrity, then it will be assumed that salt has lost its basic nature. If judiciary gets dissolved in darkness, then how can the intensity of darkness be estimated?" The importance of judiciary increases further in the democratic and federal regime. In the federal system, division of rights between the union and the state units is there, so the possibility of legal conflict between the two is high. Only a free and fair judiciary can overcome this struggle. In fact, the judiciary is not only required to do justice but also to protect the freedom of the people and punish those who violate the laws. Laski wrote: "When we know how the nation does justice to us here, then we know what level of moral character it has." Professor Garner emphasized the importance of judiciary in very simple words. "In the absence of judiciary, a decent state cannot be imagined."

Organization and Functions of judiciary Organization

1. Judges elected by the public - Judges in some nations of the world are elected by the public through direct election system such as in some of the provinces of the US and Switzerland. But the system is faulty because in it the election of qualified persons is doubtful, and the judge can be a victim of the debate. Prof. Garner has said that "The main drawback of the judges elected by the public is that it is born of weak and free- of-charge courts".

2. The judiciary elected by the Legislature- Some Cantons of Switzerland and the former Soviet Union judges are appointed by the legislature. In it there is the danger of the judiciary's being a puppet of the executive. Besides, judges are not likely to be appointed on the basis of merit but on the basis of party's political beliefs.

3. Judiciary appointed by the executive - Judges in most countries of the world have been appointed by the executive. This arrangement stops the political debate, and the person is appointed as a judge.

Functions of Judiciary:

In general, the judiciary of each country fulfills the following tasks-

1. Giving Judgement and the punishment to the criminals: - The judiciary's first task is to do justice according to the law and punish the infringer of the law according to the law. The judiciary disposes of disputes between individuals and individuals and states or states. Civil, judicial and constitutional matters, know the facts and decide on the basis of the legal reasoning given by their respective parties. It has been the judicial function of the Judiciary to punish the violator of the law since ancient times.

2. Interpretation of the Constitution: - The language of the constitution and law is often difficult to understand in general. Sometimes the interpretation of the law in connection with the disputes arises out of the Constitution and various lawsuits become the fundamental task of the judiciary. Where the law is silent or obscure, the judiciary not only clarifies the law, but also produces different types of laws from its decisions, which is called case laws. The interpretation of judicial law by the judiciary and the importance is the same as made by the legislature.

3. Protection of Constitution: - The judiciary is the custodian of the Constitution of the country. In particular, the constitutional states have the supremacy of the Constitution. If the is no executive or administrative executive, then the judiciary declares it unconstitutional and protects the constitution. In 2015, the Supreme Court of India declared the 'National Judicial Appointment Commission' as illegal and preserved the law provided in the Constitution.

4. Protection of Fundamental Rights: - The Constitution of each country has given its citizens some fundamental rights. Whenever the fundamental rights of the citizens are infringed, the citizens take refuge in the judiciary to protect these rights. The court protects the rights of citizens by issuing different types of articles. The right to constitutional remedies in India is an important means of protection of the fundamental rights under which the court protects the fundamental rights of the citizens by postponing demonstration, permutation, protest, inducement and rights.

5. Settlement of Union-state disputes: - In the federal system, the division of powers between the Center and the States is done by the Constitution. But there is a dispute about powers in the Central and States at times, in which the judiciary preserves the interests of both, settling disputes through judicial and legislative decisions. Therefore, it is imperative to have a free and fair judiciary for the federal regime. The judiciary can force the union and states not to encroach in the area of each other.

6. Consultation related Functions: - Another important task of the judiciary is to give advice to the executive. It advises the executive on the need for hearing and settlement of the cases along with the need for constitutional issues. The judicial committee of the Privy Council of Britain has the power to consult the State President on legal issues. Although the US Supreme Court has no consultation jurisdiction. But with the approval of the constitution in India under Article 143, the judiciary has the right to give advice.

7. Administrative Functions-The judiciary has adequate authority in relation to its internal administration. The highest and higher courts determine the terms, conditions, appointments, transfers, etc. of their subordinate officers/employees themselves. In the internal administration of the court there is no interference of executive in the judicial administration. The task of implementing the small rules of the internal administration of the court itself is of the judiciary.

8. Miscellaneous Functions: In addition to the above works, the judiciary also performs some other important functions such as issuing the certificate of marriage, divorce and citizenship, punishing any person on their defamation, appointing the trustee of public property, the bankrupt firm, for the appointment of 'receiver', appointment of guardians of minors, certification of testament names, judicial review etc. Chief Justice of the Supreme Court presides over the meeting of the Senate convened to discuss the impeachment brought against the President or a judge in America. In India, the Commission is constituted under the chairmanship of judges for matters related to corruption and misuse of powers.

Independence of judiciary

Independent and impartial judiciary is essential in any democratic and federal system. The independence of the judiciary means that there should be no interference of the executive and legislature in the functioning of the judiciary and the interpretation of the laws made by it should be given due recognition. 'Hamilton' has written about the importance of the judiciary's independence: "How good is the law of any state, without a free and fair judiciary, it is inexhaustible." The freedom of the judiciary can be protected by the following means-

1. Appointment of judges: The first requirement of the judiciary's freedom is the method of appointment of judges. The basis of appointment of judges is only qualification and experience, not political fidelity. Often three types of judges' appointments have been prevalent throughout the world-, appointment of judges by the public, by the legislature and by executive. Appointment of judges by the public or by the legislature is not considered good. It will be a risk of being a statesman rather than being the judge. Therefore, the best way to appoint judges is appointment by the executive. Occasionally the executive appoints judges on the basis of political recognition. In Article 124 (3) of the Constitution in India, the President has given the right to appoint the judges in consultation with the Chief Justice of the Supreme Court. But in the emergency, the then government had ignored three senior judges and appointed their favorite Ajitnath Roy as Chief Justice. Even in the Supreme Court in 2015 the Supreme Court declared the National Judicial Appointment Commission as unconstitutional, that in the 6-member commission three members, including the Law Minister, are representing the executive and every member has got Veto Power. It is therefore necessary that an independent and unbiased judiciary should be appointed by the executive.

2. Long and safe Tenure- The tenure of the judge should be properly prolonged. It is neither a lifetime of a judge of the Supreme Court of America nor the short term of 4 or 5 years like communist nations. The age of the retirement age of the judge should be fixed and the proper arrangements for the removal of the corrupt and incompetent judges are inherent in the constitution. The way of judging the judges is neither so easy nor the executive should be

misused by the day, and neither is it too harsh that despite the constitutional violation by the judge, he can not be removed. There has been adequate provision in this regard in the Indian Constitution. Here the judges have been given long and safe tenure and also the provision of removal by impeachment process.

3. Sufficient Salary and Allowances: To maintain the independence and fairness of the judiciary, it is necessary that the judges get adequate and appropriate salary allowance. Hamilton wrote in his book Political Elements "It is human nature that the person who has power with the vision of his livelihood. He has a strong force of resolve power too. "If the lives of the judges remain inadequate, then they can become corrupt in the temptation of money. Therefore, they get salary allowances according to their social status level and the legislatures will not have the right to interfere in normal circumstances under the rewards they receive.

4. Separation from the executive: Having executive and judicial power in the hands of a single person, it is possible to disregard the principle of justice. The judiciary is required to be exempted from the stipulations of the executive. In the Constitution of India, in the Directive Principles of State Policy (Article 50) it is expected that the executive shall not interfere in the functions of the judiciary. In the work of the judges, the executive or the legislature should not interfere until the constitution is conducive to their conduct and behavior.

5. Restrictions advocacy and on appointment after retirement- To prevent misuse of power, it is necessary to prevent the judges from practicing law after retirement, at least in that court, where he has been the judge. At the same time, if the judge is appointed as the Ambassador, the Governor or the Minister after retirement, then it is likely that he will be loyal to the Executive during his term. As a result, coming near retirement, he will be violating the natural law of justice with the will of the state's legislature seeking a reward. The judge should have a proper pension after retirement and his services should be used in the judicial commission or Judicialtribunal. The term judicial review was first used in the United States. There is a system of judicial review in the countries where there is currently a strict constitution and fundamental rights, especially in the countries of federal rule. A provision of judicial review has been made in the Indian Constitution too.

Meaning of Judicial Review: - The judicial review gives the Supreme Court the right to protect the constitution. If the Legislative Assembly of the Union and the States violate its constitutional limits or makes any deficiency in the fundamental rights, then any such law made by the Parliament, or the Legislature can be declared by the Supreme Court as illegal. Also, the Supreme Court can review the decisions given earlier and change the decision in light of new facts. This power of the court is called judicial review.

Basis of the judicial review- the constitution principle works on two bases. Supremacy of the legislature or supremacy of the constitution in the UK, the legislature is paramount and it has got unlimited power of law making. While the United States and India has the supremacy of the Constitution. In Indian Constitution, the powers of all the units of governance (center-state) are obtained from the Constitution.

If any unit of governance encroaches upon the powers of others, then the judiciary has been empowered to declare it illegal. In India, the Supreme Court has not been given as much power as it has been given to the Supreme Court in the US. In the Indian constitution, the word 'process established by law' has been adopted like the Japanese Constitution. The Indian Constitution gives the Supreme Court the right to declare the law invalid made by the federal and state legislative assembly. While the term 'procedure established by law' in America has been adopted. Under this, the US Supreme Court examines the validity of the law on the basis of legislation, whether proper procedure for legislation has been adopted or not. This arrangement of the American Constitution shows the intervention of the judiciary in the work of the legislature. In the words of Prof. Laski, "due to the power of judicial review, the Supreme Court has become the third house of the Congress."

Summing Up

The Governance of any country requires the making of laws, their execution and interpretation which is carried out by legislation, executive and Judiciary respectively.

The executive includes the political executive and bureaucracy. It implements the laws and directs the administration. In parliamentary democracies, it initiates laws also. Currently the role of executive has increased tremendously.

In democracies, the legislature is elected by and represents the people, and the legislature claims to represent the sovereign will of the people. The Legislature may be unicameral or bicameral.

The judiciary settles the disputes and interprets the laws and constitution. It protects individual rights. And it is the guardian of laws and the constitution. It has also got the power of Judicial review which has led to judicial activism in recent years. All this requires the judiciary to be independent and impartial.

Glossary

Separation of powers: Separation of powers divides the mechanism of governance into three branches i.e., Legislature, Executive and the Judiciary. Although different authors give different definitions, in general, we can frame three features of this doctrine.

Legislation is the act or process of making or enacting laws. Some people think there should be more legislation in the area of education and some people think there should be less - governments debate the matter periodically.

Executive: The executive, also referred to as the executive branch or executive power, is the term commonly used to describe that part of government which enforces the law, and has overall responsibility for the governance of a state.

Judiciary: The Judiciary is the third organ of the government. It has the responsibility to apply the laws to specific cases and settle all disputes. The real 'meaning of law' is what the judges decide during the course of giving their judgements in various cases.

Judicial Review: Judicial review can be understood as a form of court proceedings, usually in the administrative court where the lawfulness of a decision or action is reviewed by a judge.

Questions: Short Questions

1. Explain the meaning Of Legislature
2. Explain the Importance Legislature in Modern state.
3. What does Nominal Executive Mean?
4. What is Judicial Review?

Questions: Essay Questions

1. Explain the functions of legislature clarifying its meaning?
2. Examine the meaning of executive, what are the major types and functions?
3. Describe the means through which the independence and impartiality of Judiciary is ensured.
4. Explain the concepts of Judicial Review and Judicial Activism?

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9. MAKING OF INDIAN CONSTITUTION

Objectives

After going through this lesson, you will be able to understand:

- *The historical background of the evolution of the Indian Constitution*
- *The various developments in the making of the Indian Constitution.*
- *The role of the Constituent Assembly in the making of Constitution of India.*
- *The role of the Drafting Committee in the making of Constitution of India.*
- *The significance and importance of the Constitution.*

Introduction

Constitution is generally described as a fundamental law of a country. It is a set of laws which defines the principal functions of the organs of the government of a particular state. It is a legal document having rules and regulations which every citizen has to follow. Generally, constitutions are of two types, written and unwritten. A written constitution is essentially an important document that contains ideas regarding organization of a government that is formally contained in one basic law.

The Indian constitution is one of the most important and best constitutions in the modern world. It is a biggest written constitution which describes everything in detail. Evolution of our constitution has a great historical significance and background. Origin of the Indian constitution starts with the Regulating Act of 1773 in the British colonial rule. After going through many constitutional developments, the Indian constituent assembly came into being.

Historical Background of Indian Constitution:

Indian constitution evolved itself from so many historical events and developments, demands and aspirations of the people expressed during the freedom struggle. In response to the demands raised during the freedom struggle, the British Government tried to introduce various reforms in India, such as Government of India Act of 1858, Minto-Marley

reforms of 1909, Montagu Chelmsford reforms in 1919 and Government of India Act of 1935. These reforms were also intended to pacify the people of India and leaders of the Indian National Movement.

The Britishers came to India in the name of East India Company in 1600 A.D. as traders. The British Government directly assumed the power and responsibility with respect to Indian Administration by making of Government of India Act in 1858. The British Crown became the sovereign ruler of India since 1858. This rule continued till India became Independent on 15th August 1947. The Sepoy Mutiny of 1857 which also known as the First War of Independence resulted in enacting the Government of India Act, 1858. This Act liquidated the British East India company (which had been ruling the British India under the auspices of the British Parliament) and transferred its functions to the British Crown. With the formation of the Indian National Congress in 1885 the hopes and aspirations of the Indian people increased, and they demanded greater autonomy ultimately leading to complete freedom.

The partition of Bengal by Lord Curzon in 1905 led to Swadeshi Movement. With the encouragement of British rulers Muslim League was formed in 1906. The differences between the liberals and the extremists led to the split in the Indian National Congress during the Surat Session in 1907.

Indian Council Act - 1909:

This Act is popularly known as the Morley-Minto Reforms. John Morley, the then secretary of state for India and Minto, the then Viceroy of India jointly initiated this Act. This Act has increased the strength of the Central Legislative Council from 16 to 60 and Provincial Legislative Councils to a minimum of 30 to a maximum 50, also members were permitted to ask supplementary questions and move discussion on budget.

Separate electorate was given to the Muslims. Thus, Lord Minto was known as father of communal electorate. For the first time it provided for the association of Indians with the Viceroy's Executive Council. Satyendra Prasad Sinha became first Indian to join Viceroy's Executive Council. It also provided for separate representation to Universities, Zamindars, District Boards, Municipalities and Chambers of Commerce who were to elect the members.

The Government of India Act - 1919

It was declared for the first time on 20th August 1917 by Lord Montague, the then secretary of state for India that the goal of the British rule was the establishment of a responsible Government in India. Accordingly, Lord Montague and Lord Chelmsford, the Governor General of India together prepared the Government of India Act in 1919 by incorporating various constitutional reforms. It is also popularly known as Montague - Chelmsford reforms.

This Act introduced Dyarchy in provinces. The Subjects of administration were to be divided into transferred and reserved categories. Bicameralism was introduced for the first time at centre, upper house was known as council of states and lower house was legislative assembly. This Act extended communal representation for Sikhs, Indian Christians, Anglo-Indians, and Europeans. It also provided limited Adult Franchise based on the property, tax

payment and education. It had started a new office, Office of High Commissioner for India in London, it also provided for the establishment of public service commissions.

The Government of India Act - 1935

After going through Simon Commission Report, deliberations of Three Round Table Conferences and declaration of communal award by Ramsay MacDonald, the then British Prime Minister announced Government of India Act 1935. It is the biggest act made by British Government in India having 321 sections and 10 schedules.

This Act incorporated federalism in India comprising both provinces and states. It also divided powers between the centre and states into three lists - Federal List, Provincial List and Concurrent List. The federal court was established in Delhi. The Reserve Bank of India was established, and Burma was separated from India. It established Federal and Provincial Public Service Commissions. It extended the principle of communal representation to scheduled castes, women, and labour.

After declaration of 1935 Indian Government Act in 1942 Cripps Mission offered "Dominion Status to India, but it was rejected, and a "Quit India Movement" was started in 1942. The Cabinet Mission visited India in 1946 to discuss transfer of power from the British government to the Indian political leadership. The Mountbatten Plan was released on 3rd June 1947 and declared partition of India. India became an Independent State on 15th August 1947 and first Cabinet was formed.

Demand for Constituent Assembly

It was in 1934 that the idea for a Constituent Assembly to draft a constitution for India was first proposed by M. N. Roy, a Radical Humanist and pioneer of communist movement in India. The Indian National Congress officially demanded a constituent assembly for the first time in 1935. Finally, the British Government accepted the demand of a constituent assembly for the first time authoritatively in the proposal of August Offer of 1940. Sir Stafford Cripps, a cabinet member of British Government visited India with a draft proposal of making of Indian constitution. Which is popularly known as "Cripps Mission". But due to separate Pakistan demand, Muslim League rejected Cripps Mission proposal. Finally British Government sent "Cabinet Mission" in 1946. This mission consisting of three members- Lord Petrick Lawrence, Sir Stafford Cripps and A. V. Alexander. This delegation suggested formation of a constituent assembly by elected members to draft a constitution for Indian.

The Constituent Assembly:

The constituent assembly of India constituted in November 1946. It was set up as a result of negotiations between the Indian leaders and Cabinet Mission Plan. Elections to the constituent assembly were conducted in July 1946. The members of constituent assembly were elected indirectly by the provincial legislatures under the provisions of Cabinet Mission Plan, 1946.

The total strength of the constituent assembly was 389, of which 292 were to be elected from British Provinces, 93 were to be nominated from Princely States and 4 members were

from chief commissioner's areas. Each province was allocated seats in proportion to its population. Also, the seats were further allocated to three communities - Muslims (78), Sikhs (4) and General (210), in proportion to their population. Roughly one member was to represent a population of one million.

Elections to the constituent assembly was held for 296 seats (292 British Indian Provinces + 4 Chief Commissioners Provinces) and completed by July-August 1946. The congress secured an overwhelming majority in the general seats, while the Muslim League managed to sweep almost all the seats reserved for Muslims. The Congress won 208 seats and Muslim league 73. And remaining 15 seats were won by independents and other minor parties like the Scheduled Caste Federation, The Unionist Party, The Communist Party of India and Krishak Praja Party. The Assembly included representatives of all sections of India like Hindu, Muslims, Sikhs, Parsis, Indian Christians, Anglo-Indians, members of scheduled castes and scheduled tribes' community including 15 women from all these sections. Except Mahatma Gandhi and Mohamed Ali Jinnah all important leaders were elected to constituent assembly.

Working of the Constituent Assembly:

The first meeting of the constituent assembly was conducted on 9th December, 1946 which was boycotted by the Muslim League. The strength of the constituent assembly was reduced to 299 due to the announcement of partition of the country as per the Mountbatten Plan on 3rd June, 1947 and a separate constituent assembly was proposed to state of Pakistan. The first meeting was thus attended by only 211 members. Dr.Sachchidananda Sinha was elected as temporary chairman and later Dr.Rajendra Prasad was elected as permanent president of assembly. Similarly, both H. C. Mukherjee and V. T. Krishnama Chary were elected as the vice-presidents of the constituent assembly. B. N. Rau was appointed as legal advisor to the assembly.

Objectives Resolution:

On 13thDecember 1946 Jawahar Lal Nehru introduced the historic "Objectives Resolution" in the constituent assembly, the resolution was unanimously adopted by the assembly on 22ndJanuary 1947. It laid down the fundamentals and philosophy of the constitutional structure and outlined the defining ideals of the constitution of independent India, and provided the framework within which the work of constitution making was to proceed. This resolution proclaimed India to be an independent sovereign republic, guaranteed its citizens justice, equality, and freedom. Objectives resolution is the basis of the preamble.

Sources of Indian Constitution

Before drafting the constitution, the members of the constituent assembly of India made a detailed study of various constitutions of different countries in the world. The constituent assembly drafted the constitution considering important features of the prominent constitutions of other countries as well as the Indian Government Act, 1935. The main provisions of the constitution and their sources are given below.

Sl. No.	Sources	Provisions Borrowed
1.	Government of India Act - 1935	Federal System, Governor, Public Service Commission, Judiciary, Emergency Provisions and Administrative details.
2.	British Constitution	Parliamentary Government, Rule of Law, Single Citizenship, Bicameralism, Cabinet System etc.
3.	US Constitution	Fundamental Rights, Independent Judiciary, Judicial Review, Impeachment of President and other constitutional functionaries, etc.
4.	Irish Constitution	Directive Principles of State Policy, Election method of President.
5.	Germany Constitution	Suspension of Fundamental Rights during Emergency.
6.	Canada Constitution	Appointment of Governor, Residuary Powers, Federal Structure with Strong Centre.
7.	Australian Constitution	Concurrent List, Joint Sittings of Parliament.
8.	USSR Constitution	Fundamental Duties, Socio-Economic and Political Justice in Preamble.
9.	South African Constitution	Procedure for amendment of constitution, Election of Members of Rajya Sabha.
10.	Japanese Constitution	Right to Life and Liberty and procedure established by Law.
11.	French Constitution	Republic, the ideals of Liberty, Equality and Fraternity in Preamble.

Major Committees of the Constituent Assembly:

To facilitate the work of making of constitution, the assembly constituted 22 committees, of which 10 were on procedural affairs and 12 committees were on substantive affairs. Some of the names of major committees and their chairmen are given below.

Sl. No.	Name of the Committee	Name of the President
1.	Union Powers Committee	Jawaharlal Nehru
2.	Union Constitution Committee	Jawaharlal Nehru
3.	Provincial Constitution Committee	Vallabhai Patel
4.	Drafting Committee	B. R. Ambedkar

5.	Fundamental Rights Sub-Committee	J. B. Kripalani
6.	Minorities Sub-Committee	H. C. Mukharjee
7.	Tribal Areas Sub-Committee	Gopinath Bardoloi
8.	Excluded Areas Sub-Committee	A. V. THakkar
9.	Rules of Procedure Committee	Rajendra Prasad
10.	States Committee	Jawaharlal Nehru
11.	Steering Committee	Rajendra Prasad
12.	Advisory Committee	Vallabhai Patel

Drafting Committee:

Among all the 22 committees of the Constituent Assembly, the most important committee was the Drafting Committee set up on 29th August 1947 under the Chairmanship of Dr. B. R. Ambedkar to prepare a draft constitution for India. It consisted of seven members. They were:

1. Dr. B. R. Ambedkar (Chairman)
2. N. Gopalaswamy Ayyangar (Member)
3. Alladi Krishnaswamy Ayyar (Member)
4. Dr. K. M. Munshi (Member)
5. Syed Mohammad Saadullah (Member)
6. N. Madhava Rao (He replaced B. L. Mitter who resigned due to ill-health) (Member)
7. T. T. Krishnamachari (He replaced D. P. Khaitan who died in 1948) (Member)

The drafting Committee, after taking into consideration the proposals of the various committees, prepared the first draft of the constitution, while deliberating upon the draft constitution, the assembly discussed and disposed of as many as 2,473 amendments out of total of 7,635.

The constituent assembly of India held eleven sessions, with sittings spread over 165 days. In between the sessions, the work of revising and refining the drafts was carried out by various committees.

The constitution of India was adopted on 26th November 1949 and 284 members signed the constitution on 24th January 1950. The making of the constitution has taken a long period of 2 years 11 months and 18 days. The constitution came into force on 26th January 1950.

Summary:

This chapter clearly explained about the historical background and evolution of Indian constitution. Leaders of Nationalist Movement had fought for both independence as well as the making of Indian constitution. After going through several demands British Government has accepted to elect Constituent Assembly under the provisions of Cabinet Mission Plan, 1946. Various committees constituted by Assembly made a detailed study of various constitutions of modern world. Drafting committee under the chairmanship of Dr. B. R. Ambedkar has taken proposals from various committees and drafted the constitution of India. This lesson has explained in detail the process of making of Constitution of India. This unit will serve the students in a proper way for understanding various provisions and developments in the making of the Indian Constitution.

Glossary

By reading this glossary the student is able to understand the important provisions of the constitution of India.

- Constitution: It is a fundamental law of the country. It explains the principal functions of the various constitutional bodies.
- Objectives Resolution: It was prepared by Jawahar Lal Nehru and introduced on 13th December 1946, this was unanimously adopted by the Constituent Assembly on 22nd January, 1947. Based on this resolution Preamble was drafted.
- Sources of Indian Constitution: The makers of Indian Constitution have borrowed many important ideas from various constitutions of the world. Specially Britain, US, Irish, Russian and Canadian Constitutions etc.
- Schedules of the Indian Constitution: These are tables which have additional information that is not mentioned in the articles. Originally Indian Constitution had 8 schedules, presently there are 12 schedules in our constitution.
- Parts of Indian Constitution: The original constitution contained 22 parts and 395 articles. Each part explains about a specific subject.

Question Paper :

8 Marks Questions

1. Explain historical background of the Indian constitution.
2. Write a note on the making of Indian constitution.

4 Marks Questions

1. Examine the role of Drafting Committee.
2. Write about Government of India Act, 1935
3. Explain about the Objectives Resolution.
4. Discuss the various Schedules of the Indian Constitution.

2 Marks Questions

1. When was the demand for a Constitution Assembly made?
2. Indian Councils Act, 1909.
3. Write two sources of the Indian Constitution.
4. Discuss two important committees of the Constituent Assembly.

1 Mark Questions

1. The idea of constituent assembly was put forward for the first time by _____.

- | | |
|------------------------|--------------------|
| a) Dr. B. R. Ambedkar | b) M. N. Roy |
| c) Dr. Rajendra Prasad | d) J. B. Kripalani |

2. The first meeting of the constituent assembly was held on _____.

- | | |
|---------------------|----------------------|
| a) 9thDecember 1946 | b) 11thDecember 1946 |
| c) 15thAugust 1947 | d) 26thNovember 1949 |

3. Who was the constitutional advisor to the constituent assembly _____?

- | | |
|------------------------|-----------------------|
| a) Dr. Ragendra Prasad | b) Dr. B. R. Ambedkar |
| c) B. N. Rau | d) Jawahar Lal Nehru |

4. Who was the Chairman of the Drafting Committee _____?

- | | |
|-----------------------|----------------------------|
| a) Dr. B. R. Ambedkar | b) Dr. Ragendra Prasad |
| c) Hamsa Mehta | d) Dr.Sachchidananda Sinha |

5. The Constitution of India was formed by the constitution assembly under _____.

- a) 1940 - August Offer
- b) 1942 - Cripps Mission
- c) 1946 - Cabinet Mission Plans
- d) 1935 - Indian Government Act

6. Indian Constitution was enforced on _____.

- a) 26th November 1949
- b) 15th August 1947
- c) 24th January 1950
- d) 26th January 1950

7. Who was the first temporary chairman of constitution assembly _____?

- a) Dr. Sachchidananda Sinha
- b) Dr. Rajendra Prasad
- c) Dr. B. R. Ambedkar
- d) D. P. Khaitan

8. How many members were there in the constitution assembly?

- a) 226
- b) 288
- c) 389
- d) 398

9. Who proposed the objective resolution?

- a) K. M. Munshi
- b) T. T. Krishnama Chary
- c) Gopala Swamy Ayyangar
- d) Jawahar Lal Nehru

10. How long did it take to prepare the constitution of India?

- a) 1 year 11 months and 18 days
- b) 2 year 11 months and 18 days
- c) 3 year 10 months and 13 days
- d) 2 year 8 months and 12 days

Key:

1. (b)
2. (a)
3. (c)
4. (a)
5. (c)
6. (d)
7. (a)
8. (c)
9. (d)
10. (b)

10. PREAMBLE AND THE SALIENT FEATURES

Objectives

After studying this lesson, you will be able to:

- 1. Describe the preamble of the constitution.*
- 2. Explain the relevance and importance of the preamble.*
- 3. Identify the salient features of the Indian constitution.*
- 4. To understand the nature of the Indian constitution.*
- 5. To understand the importance of the fundamental rights, directive principles of state policy and fundamental duties.*

Introduction

Constitution is the basic law of our country. It is the source of all governmental activities. It was formulated by the Constituent Assembly. This Assembly was set up in November 1946 by indirect method of elections. Indian constitution lays down certain rules and regulations. It also incorporated the ideals like liberty, equality, fraternity, rights, and duties. It proclaimed India as a democratic, sovereign and democratic republic. Political values like the rule of law, socialism, secularism and justice can also be found in the Indian constitution.

Constitution of India starts with a preamble. It reflects the aims, objectives, aspirations and basic principles of the constitution. Many important features of the constitution have evolved from the preamble. In this chapter you will be able to understand the philosophy of the preamble and the salient features of the Indian constitution.

Preamble:

The constitution of India begins with a preamble. It is also known as a preface or the introduction to the constitution. It contains the philosophy of the entire constitution. It reflects the aims, objectives and the nature of the constitution. Preamble of Constitution was prepared on the basis of the 'Objectives Resolution' drafted and moved by Pandit Jawaharlal Nehru on 13th December 1946 and adopted on 22nd January 1947 by the Constituent

Assembly. Preamble has been amended by the 42nd Constitutional Amendment Act in 1976 which added three new concepts- socialist, secular and integrity.

Text of the Preamble:

The preamble of Indian Constitution in its present form reads as follows:

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

JUSTICE, Social, Economic and Political;

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

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

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

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

Importance of preamble :

Preamble reflects the dreams and aspirations of the founding fathers of the nation. It is a key to the interpretation of the constitution, and it explains the objectives of the constitution. The preamble signifies the following important components.

1. The beginning words "we the people of India" indicates that the constitution derives its authority from the people of India and people as the source behind the making of the constitution.
2. It describes the nature of Indian State; it declares India to be of a sovereign, socialist, secular, democratic and republic.
3. It declares the aims and objectives of the constitution to secure to all its citizens;
 - a) Justice- social, economic and political.
 - b) Liberty of thought, expression, belief, faith and worship.
 - c) Equality of status and opportunity and
 - d) Fraternity, to promote among all, assuring the dignity of the individual and maintaining the unity and integrity of the nation.
4. The Constitution was adopted on 26th November, 1949 and the Preamble declared that the constitution is made by the people themselves.

K.M. Munshi, member of the drafting committee of the constituent assembly rightly quoted that the preamble is the "horoscope of our sovereign democratic republic, Pandit

Thakur Das Bhargava, another member of the constituent assembly described that the preamble is the "Soul of the constitution, key to the constitution, it is the jewel set of the constitution. It is a proper yardstick with which one can measure the worth of the constitution".

Salient features of the Indian Constitution:

Every country in the modern world has a set of laws that facilitate the proper functioning of the country. The Indian constitution consists of a set of rules and regulations that helps to govern the Indian nation. The Indian constitution is unique in its nature and spirit. It is one of the utmost important constitutions in the world and was enacted after all the known constitutions of the world. The makers of Indian constitution have adopted the best features of most of the major constitutions of the world. Though several provisions were borrowed from other constitutions, the Indian constitution has various salient features that distinguish it from other constitutions of the world.

The constitution of India was drafted by the constituent assembly which was formed in December 1946. Prominent leaders like Jawahar Lal Nehru, Dr. Rajendra Prasad, Sardar Patel, Dr. B.R. Ambedkar, K.M. Munishi were the members of the constituent assembly. Dr. Rajendra Prasad was elected as the president of the constituent assembly and Dr. B. R. Ambedkar was the chairman of drafting committee. The constituent assembly completed its task in 2 years, 11 months and 18 days. The constitution of India was adopted on 26th November 1949. It came into force on 26th January 1950. Indian constitution was characterized by several ideologies like liberalism, socialism and Gandhism.

Some of the important features of the constitution of India include the following:

Longest Written Constitution:

Constitutions in the world are classified into two types, one is in written form like the American constitution, another one is in unwritten form like the British constitution. Indian constitution is a written document and longest of all the written constitutions of the world. It is unique in nature, very comprehensive, elaborate and detailed document. It was drafted, debated and enacted by the constituent assembly. Originally the Indian constitution consists of 395 articles, 22 parts and 8 schedules. Presently, it consists of a preamble, about 470 articles, divided into 25 parts and 12 schedules, 105 amendments were carried out since 1951. The 7th part was deleted, four new parts (4A, 9A, 9B, 14A) and four new schedules (9, 10, 11, 12) were added to the constitution.

Several factors have contributed for the bulkiness of the constitution. All the matters relating to the structure and functions of union and states as well as union territories, provisions regarding constitutional bodies are made in a very detailed manner. Similarly, several things relating to the Fundamental Rights, Directive Principles of State Policy, Fundamental Duties, centre-state relations were elaborately discussed in the constitution.

Drawn from various sources:

Dr. B.R. Ambedkar, the father of Indian constitution proudly said that the constitution of India has been framed after "ransacking all the known constitutions of the world". Which means the constitution of India has borrowed most of its provisions from the various consti-

tution of other countries. The Indian constitution has also been influenced by the Government of India Act, 1935. More than half of the provisions of Indian constitution are taken from Government of India Act 1935. The federal System, Judiciary, Governors, Emergency Provisions, The Public Service Commission and other important administrative details are drawn from the Government of India Act, 1935.

Fundamental Rights, independent judiciary, judicial review were taken from USA constitution. Parliamentary form of government, rule of law, single citizen ship, cabinet system ect. are borrowed from British constitution. Directive principles of state policy and fundamental duties derive their inspiration from the Irish and the former USSR (now Russia) constitutions respectively. The other various provisions of the Indian constitution have been taken from the constitutions of Australia, Germany, France, Canada, South Africa, Japan and other countries.

Combination of Rigidity and Flexibility:

There are two types of constitutions in the world, they are rigid and flexible. A rigid constitution like American constitution is one that requires a special procedure for its amendment. A flexible constitution, like the British constitution for instance, is one that can be amended in the same way that ordinary laws are produced. The constitution of India is neither rigid nor flexible, but it is the combination of both. Article 368 of the India constitution prescribes the method of amendment which is both rigid and flexible.

There are three ways in which the constitution can be amended:

- a) Amendment by simple majority of the parliament, for example the formation of new states, changing the boundaries of states, citizenship etc.
- b) Amendment by special majority of the parliament i.e. 2/3 majority of the members of each house (Lok Sabha and Rajya Sabha),for example fundamental rights and directive principles of state policy.
- c) Amendment by special majority of the parliament and the ratification of at least half of the state legislatures, for example election of the president, supreme court and high courts, representation of states in parliament etc..

Hence, our constitution has a combination of both rigid and flexible methods of amending procedure.

Federal System with Unitary Features:

The constitution of India has adopted a federal system of government. However, the term 'federation' has nowhere been mentioned in the constitution. Article 1 of our constitution states "India that is Bharat shall be a union of States".It has features of both a federal and a unitary system. Government of India acts as a unitary state in emergencies and federal state on ordinary conditions. The establishment of an All India Federation was introduced into modern India by the Government of India Act of 1935, which separated powers between the centre and the provincial governments.

Indian constitution contains of all the essential features of a federation, such as written, rigid constitution, supremacy of constitution, two sets of governments, division of powers, independent judiciary, bicameralism etc.. However, the Indian constitution also contains certain distinct unitary features like single constitution, strong centre, single citizenship, single integrated judiciary, All India services, emergency provisions, appointment of state governors by the centre etc. Hence, the constitution of India has been described federal in structure but unitary in spirit, as K.C. Where said that India is a "quasi federal" state. Therefore, Indian constitution contains more federal features than that of the unitary system.

Parliamentary form of Government:

Indian constitution has adopted British parliamentary form of government. The parliamentary system is based on the close relations between the legislative and executive organs. It is also having two types of executive heads, nominal (president) and real (prime minister). Collective responsibility of the executive to the legislature, majority party rule, dissolution of the lower house, ministers should be the members of legislature, etc..are the distinct features of Indian parliamentary system. The role of Prime Minister is very significant in this government. The parliamentary form of government is also known as the "west minister" model of government, cabinet government, prime ministerial government etc. The constitution establishes the parliamentary system at both the centre and state level.

Fundamental Rights:

Indian constitution is liberal democratic in nature. The constitution of India confirms the basic principle that every human being is permitted to enjoy certain basic rights. The fundamental rights are granted and guaranteed by the constitution to all citizens without any discrimination these rights are meant for promoting the idea of political democracy. The fundamental rights are justiciable and protected by the judiciary. Whenever these rights are violated, the courts of law issue writs for enforcement of these rights.

The fundamental rights are incorporated in part III of Indian constitution from Articles 12 to 35 and derived from the constitution of USA (Bill of Rights). Originally, the constitution provided for seven fundamental rights, they are:

1. Right to equality (Articles 14-18)
2. Right to freedom (Articles 19-22)
3. Right against exploitation (Articles 23-24)
4. Right to religion (Articles 25-28)
5. Cultural and educational rights (Articles 29-30)
6. Right to property (Article 31)
7. Right to constitutional remedies (Article 32)

However, the right to property was deleted from the list of fundamental rights by 44th Constitutional Amendment Act. So, at present, there are only six fundamental rights in Part III of Indian constitution.

Fundamental Duties:

The fundamental duties were not included in the original constitution of India. But they were added later in 1976 through the 42nd Constitutional Amendment Act on the recommendation of the Sardar Swaran Singh Committee. These duties were incorporated in Part IV-A and Article 51-A of the constitution, they were inspired by the constitution of erstwhile USSR, at that time fundamental duties were 10, later the 86th Constitution Amendment Act of 2002 added one more fundamental duty namely a person "who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years". So, at present, there are 11 fundamental duties in Part IV-A of the Indian Constitution. They are respecting the constitution, national flag, national anthem, to protect the sovereignty, unity and integrity of the country, safeguarding public property, to preserve the rich heritage of our composite culture etc. are some of the fundamental duties. These duties are obligations which every citizen is expected to fulfil. However, these duties are non-justiciable in nature.

Directive Principles of State Policy:

The makers of the Indian constitution adopted directive principles of state policy from the Irish constitution. They were included in Part IV of Indian constitution from articles 36 to 51. They are the one of the unique features of our constitution. They can be classified into three categories- Socialistic, Gandhian and Liberal/ Intellectual. The directive principles of state policy are meant to fulfil the ideal of social and economic justice to all the citizens. They aimed at establishing a welfare state in India. They seek to realising important ideals of Justice, Liberty, Equality and Fraternity as incorporated in the Preamble to the constitution. According to Dr. B.R. Ambedker, the father of Indian constitution "DPSP is a novel feature" of the Indian constitution. These principles are non-justiciable which means they are not enforceable by the courts of law for their violation. However, these principles are fundamental in the governance of the country, and it shall be duty of the state to apply these principles in making of laws.

Directive principles of state policy include certain programmes like fair distribution of wealth, equal pay for equal work, provision of employment opportunities to the people, adequate means of livelihood, provide early childhood care and education for children below fourteen years, uniform civil code, conservation of wild life, prohibition of cow slaughtering etc.

Integrated and Independent Judiciary:

Indian constitution adopted an integrated and independent judicial system. The Supreme Court is the highest court of India. It is at the apex of the Indian Judicial System in the country, below the supreme court there are high courts at state level, but their decisions are subject to the appeal to the supreme court. Moreover, the organisation and jurisdiction of high courts and appointment, transfer and service conditions of high court judges are the matter under the control of the union government. Thus, the High Courts of the states are not independent but subordinate to the Supreme Court.

The makers of Indian constitution made Indian judiciary system independent and impartial one. This feature of independent judiciary has been borrowed from the constitution

of USA. The Supreme Court in India is the guarantor for the fundamental rights of the people and acts as the guardian of the constitution. It has the power of judicial review. Our constitution separated judiciary from executive and has made various provisions to ensure its independence in the matters of appointment of judges their tenure, salaries and allowances, fixed service conditions, promotion etc.

Universal Adult Franchise:

Indian constitution provides universal adult franchise to all the citizens. Our democracy functions based on "one person one vote one value". The right to vote has been granted to every citizen who has attained 18 years of age. This right to vote has been given to all without any discrimination based on caste, creed, race, religion, sex, wealth or place of birth. Citizens elect their representatives to Lok Sabha, the state legislative assemblies and local bodies. The makers of Indian constitution felt that such an arrangement would facilitate the realization of popular sovereignty. The voting age was reduced to 18 years from 21 years in 1989 by the 61st Constitutional Amendment Act. However, a citizen may be deprived of his right to vote on the grounds of unsound mind, insolvency, criminals in jail and those following corrupt or illegal practice.

Single Citizenship:

In Federal form of government like USA, the citizens enjoy double citizenship, though the Indian constitution is federal and has two sets of government (union and states) it provides for only single citizenship for all the citizens. It means every Indian is a citizen of India who is born in India or who resided in India for a specific period irrespective of the place of birth or place of residence all citizens of Indian territory can secure employment in any part of the country and enjoy all the rights equally anywhere in India. This facility can build a united and integrated India.

Emergency Provisions:

The constitution of India has elaborately discussed the emergency provisions in Part 18 from Articles 352 to 360. The President of India has the power to impose emergency rule in any state or all the Indian states if the of part security or all of India is threatened by war, external aggression or armed rebellion. These emergency provisions incorporate in Indian constitution to safeguard the unity, integrity, sovereignty and the security of the country.

Summary:

This chapter clearly explained about the preamble and salient features of Indian constitution. The constitution of India is one of the best and unique constitutions in the world. The makers of the constitution influenced and taken many important concepts from different existence constitutions of the world. Indian constitution is the result of hard work and deliberations carried out by many intellectuals and noble personalities in the constituent assembly in which Dr. B.R. Ambedker has played an important role in making of Indian constitution as the chairman of the drafting committee.

This unit has explained about the several features of Indian constitution have been discussed in an extraordinary way. This unit will serve the students in a proper way for under-

standing various provisions of Indian constitution and especially the preamble, and enlightens the students about the Indian parliamentary, federal system, fundamental rights, fundamental duties, directive principles of state policy and independent judicial systems, adult franchise etc. in a proper manner.

Glossary

By reading this glossary the student can be able to understand meaning of important concepts of Indian constitution.

- **Preamble:** It is the introduction to the constitution that reflects the aims, aspirations and objectives of Indian constitution.
- **Federal form of Government:** It is the combination of two sets of governments i.e. union and the states.
- **Bicameral Legislature:** Having two chambers or houses in legislature body. Indian parliament has two houses (Lok Sabha and Rajya Sabha).
- **Constituent Assembly:** It is an elected body set up to make new constitution in 1946. Indian constituent assembly was formed with Dr. Rajendra Prasad as its chairman and Dr. B.R. Ambedkar as chairman of drafting committee.
- **Democracy:** It is a system of government by, for and to the people, in short it is 'rule by the people'. Government is elected by the people in the universal adult suffrage.
- **Equality:** Every person is being equal in status and socio-political and economical rights.
- **Judicial Review:** It is the power of courts to review statues or administrative acts and determine their constitutionality.
- **Parliament:** A union legislature that formulates laws, prepares the budget and forms the government in a parliamentary system of governance.
- **Prime Minister:** He is the head of the government and presides over the council of ministers in parliamentary form of government. He formulates all the policies of the country.
- **Republic:** A country in which the head of the state is elected and is not hereditary. It is against t the monarchy.

Question Paper Model:

8 Marks Questions

1. Discuss the salient features of Indian constitution.
2. Explain the importance of preamble of the constitution.

4 Marks Questions

3. What are the objectives of the Indian constitution?
4. India is a Quasi federal state- discuss.
5. Write about emergency provisions in Indian constitution.
6. Distinguish between fundamental rights and directive principles of state policy.

2 Marks Questions

7. Write about parliamentary government.
8. Universal Adult Franchise.
9. Unitary and Federal features of Indian constitution.
10. Integrated and independent judiciary.

1 Marks Questions

The Indian constitution is _____. ()

- (a) Rigid (b) Very rigid (c) Flexible (d) Partly rigid and partly flexible

Who said Indian federalism is a Quasi federalism. ()

- (a) Austin (b) Dr. B.R. Ambedkar
(c) K.C. Where (d) Sir Ivor Jennigs

Which of the provisions in the constitution to ensure the independence? ()

- (a) Parliament (b) Judiciary
(c) Executive (d) Citizens

Which of the following is the most essential feature of federal government? ()

- (a) Division of Powers (b) Supremacy of Parliament
(c) Single citizenship (d) Integrated Judiciary

How many schedules consists in the Indian Constitution? ()

- (a) 8 (b) 10 (c) 12 (d) 14

Directive principles of state policy was adopted from _____. ()

- (a) USA constitution (b) Irish constitution
(c) Britain (d) USSR constitution

The constitution of India describes India as _____. ()

- (a) Federation (b) Quasi federal
(c) Unitary state (d) Union of states

Presently how many fundamental rights provided by the Indian constitution? ()

- (a) 7 (b) 6 (c) 10 (d) 11

Which article of the Indian constitution deals with fundamental duties? ()

- (a) 51 (b) 51(A) (c) 52 (d) 52(A)

Which of the following is begins with - "we the people of India". ()

- (a) Preamble (b) Fundamental rights
(c) Fundamental duties (d) Directive principles of state policy

Key:

- 11. (d)
- 12. (c)
- 13. (b)
- 14. (a)
- 15. (c)
- 16. (b)
- 17. (d)
- 18. (b)
- 19. (b)
- 20. (a)

11. FUNDAMENTAL RIGHTS

Fundamental Rights, Duties and Directive Principles of State Policy

Objectives

After studying this unit, you should be able to:

- *Understand the nature of Fundamental rights in the Indian constitution*
- *Get an idea about a list of fundamental duties.*
- *Nature and scope of the Directive principles of state policy*
- *Difference between the Fundamental rights and the Directive principles of state policy*

Introduction

Fundamental Rights are the basis for the very existence of Indian citizen. They are the essence of our Constitution. They form part of the life and blood of our independent Nation. They also comprise the very root of our democratic system. Several freedom fighters like Dadabhai Nauroji, Chittaranjan Das, Motilal Nehru and Bala Gangadhar Tilak strongly pleaded for the provision of some Fundamental Rights for the enjoyment of freedom and independence. Their demand gained momentum with the establishment of the Indian National Congress in 1885. The extremist leaders in the Congress affirmed that "Freedom is the birth right of Indian and Britishers shall voluntarily quit Indian Territory". The Nehru Report (1928) also recommended for the incorporation of some fundamental rights in the proposed constitution for the realization of materialistic and psychological interests of Indians. Later the Karachi session of Indian National Congress formulated a report mentioning the fundamental rights and duties of Indian citizens. The report became the basis for the incorporation of fundamental rights in the new constitution. Sardar Patel acted as the Chairman of the Sub-Committee on Fundamental Rights set up by the Constituent Assembly. This Sub-Committee had vehemently criticized the passive attitude of the British government on fundamental rights. It had recognized that seven fundamental rights were to be guaranteed to Indians. Its proposal was approved by the Constituent Assembly.

SIGNIFICANCE OF FUNDAMENTAL RIGHTS

Fundamental Rights "are of great significance. They serve as the best means to safeguard the life, liberty and property of individuals. They act as the main instruments for realizing the inherent talents and of the individual. They limit the excessive interference of the Legislative and Executive bodies in the domain of individual freedoms. Various Judicialabridged or confiscated by others including the government. The judges of organizations in the country safeguard these rights in case they are infringed, the Supreme Court and High Courts issue several writs in order to preserve the fundamental rights while delivering justice at an appropriate time. M V Pylee described that Fundamental Rights remain as an armour of individual liberty, a code of conduct and a strong basis for the Indian democracy.

FUNDAMENTAL RIGHTS GUARANTEED IN INDIAN CONSTITUTION

Fundamental Rights are incorporated in Part -IIIrd(Articles 12 to 35) of our Constitution. In the beginning there were seven fundamental rights. They are:

1. Right to Equality (Articles 14 to 18)
2. Right to Freedom (Articles 19 to 22)
3. Right against Exploitation (Articles 23 to 24)
4. Right to Freedom of Religion (Articles 25 to 28)
5. Cultural and Educational Rights (Articles 29 to 30)
6. Right to Property (Articles 31)
7. Right to Constitutional Remedies (Articles 32)

The Constitution (Forty-second) Amendment Act 1976 imposed certain restrictions on the right to property. Later, the Constitution (Forty -fourth) Amendment Act 1978 deleted this Right from the list of Fundamental Rights and declared it as a legal right. Since then, six fundamental rights are available for Indian citizens.

Article 19 (f) and 31 of our constitution in the beginning guaranteed this right to the citizens.

Article 19 (f) provided freedom for the citizens to acquire, possess, enjoy and dispose of the property according to their wish.

Article 31 states that no persons shall be deprived of his property except by

the authority of law. Later on, some significant changes were made in the form of 31A, 31B, 31C and 31D. Article 31A empowers the state to take over private property in the public interest. Article 31AB provides scope for giving protection to Land Reforms acts of the State Governments by including them in the Ninth Schedule, Article 31 was added by the Constitution (120 Amendment) Act 1971. It declared that any Law seeking to implement the Article 39(B) and 39 in the case of Directive Principles of State Policy shall not be void. The Constitution (42nd Amendment) Act, 1976 restrained the courts for interpreting the Acts of

such Acts are against the spirit of Articles 14, 19 and 31. Finally, the Constitution (43rd Amendment) Act, 1978 deleted the right to property from the list of fundamental rights. Since then, the right to property remained a large right.

RIGHT TO EQUALITY

This is the first Fundamental Right Mentioned in five Articles from 14 to 18 of our constitution. This Right establishes the Rule of Law

Article 14 guarantees equality before law and equal protection of law for all individuals residing within the territory of India. The words 'equality before law' means that all individual shall be subject to the same laws, same courts and same procedures. There shall be no discrimination between individuals on the grounds of wealth, status of position. The phrase 'equal protection of law' implies that every citizen shall be accorded the same treatment in similar circumstances.

Article 15 provides that the State shall not discriminate any citizen on the grounds of religion, race, caste, sex and the place of birth. According to Article 16 all citizens shall enjoy equal opportunities in the matters of employment or appointment to any office in India. Recently the Article 16 was amended by the Constitution (Eighty fifth Amendment) Act 2001, to provide for reservation to the government servants belonging to the Scheduled Castes and Scheduled Tribes.

Article 17 abolished Untouchability and declared the practice of Untouchability as a cognizable offence. It empowers the Parliament to enact law in this regard. Accordingly, the Untouchability (Offences) Act, 1955 was enacted, later it was amended and renamed (in 1976) as Protection of Civil Rights Act, 1955.

Article 18 also forbids the State to confer any title other than military or academic distinction on the citizen. It prohibits the citizens to accept any title from any foreign State without the consent of the President of India. Similarly no person holding an office of profit or trust under the state shall, accept any present employment or office of any kind from any foreign state. However, the state may honour the citizens for their outstanding performances, by conferring on them some titles like Bharat Ratna, Padma Vibhushan, Padma Sri, and some other military titles such as Param Veerchakra, Veerchakra, etc. The Supreme Court in 1996 held that they are not titles of nobility and, hence, do not violate Articles 14 or 18, provided they are not used as titles or prefixes or suffixes to the name of the awardees.

RIGHT TO FREEDOM

This right comprises a charter of liberties. It protects the individuals from the repressive acts of the executive.

At present Article 19 provides six freedoms to every citizen. They are as follows;

- i. Freedom of speech and expression,
- ii. Freedom to assemble peaceably and without arms,
- iii. Freedom to form associations or unions,

- iv. Freedom to move freely throughout India,
- v. Freedom to settle in any part of India, and
- vi. Freedom to practice any profession or to carry on any occupation, trade or business.

These six freedoms are essential for the development of every individual and the success of a democracy. They also contribute to the development of society in social, economic and political spheres. However, citizens shall enjoy these freedoms without affecting the sovereignty, integrity and secularism of our state. The state can impose reasonable restrictions against the enjoyment of these freedoms, if necessary.

According to Article 20 no person shall be penalized unless he disobeys the law. It grants protection against arbitrary and excessive punishment to any person who commits an offence. No person shall be prosecuted and punished for the same offence more than once. No person shall be forced to give evidence against himself.

Article 21 provides that no person shall be deprived of his liberty except according to the procedure established by law.

Recently the Constitution (Eighty-sixth Amendment) Act, 2002 inserted a new Article 21A. It proclaims that the State shall provide free and compulsory education to all the children of the age of six to fourteen years in such a manner as the state may by law determine. The Supreme Court held that 'Right to live' is not merely confined to physical existence but it dignify and many other rights as part of Article 21.

Article 22 states that no person who is arrested shall be detained in custody without being informed of the grounds for such arrest. No person shall be denied the right to consult and to be defended by a legal practitioner of his choice. Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such detention excluding the time necessary for the journey from the place of arrest to the court of the magistrate. No such person shall be detained in custody beyond the said period without the authority of the magistrate. The above safeguards are available to the citizens only. They are not applicable to a) aliens of enemy states and b) persons detained under a law provided for the prevention of terrorist activities. The Constitution authorizes the Parliament to make laws providing for the preventive detention. Hence in this regard, the Parliament has formulated several Acts imposing restrictions on the freedoms of the citizens.

RIGHT AGAINST EXPLOITATION

This right is conferred on individuals for recognizing, preserving and promoting their dignity and self-respect. Its ultimate purpose is that neither the state nor the affluent sections shall exploit the individuals.

Article 23 prohibits all sorts of inhuman acts such as sale and purchase of human beings and other similar forms of forced labour. Article 24 prohibits the employment of children below the age of fourteen years in a factory, mine and such other hazardous fields. However, the state is entitled to impose compulsory military service for public purposes without any discrimination.

RIGHT TO FREEDOM OF RELIGION

Articles from 25 to 28 of our Constitution deal with this right. These Articles relate to secularism of our political system. Our constitution provided this right to transform India into a Secular State. The citizens of India as well as foreigners enjoy this right.

Article 25 empowers every person to profess, practice and propagate any religion conforming to the better public order, morality and health. It entitles the state to make legislation in order to regulate the activities connected with the religious practices.

Article 26 guarantees every religious group or denomination to:

- i. Establish and maintain religious and charitable institutions,
- ii. Manage its own religious affairs,
- iii. Own and acquire movable and immovable properties, and
- iv. Administer such property in accordance with law.

Article 27 prohibits imposition or collection of taxes from individuals maintaining or promoting religion. It also abolishes the collection of taxes from the individuals by the state authorities for the benefit of a particular religion.

Article 28 prohibits religious instructions in any educational institution wholly managed or aided by the state.

CULTURAL AND EDUCATIONAL RIGHTS

Article 29 and 30 provide for the cultural and educational rights to Indian citizens.

Article 29 enables every citizen to protect his own language, script and culture irrespective of communal, regional and linguistic considerations. It also enables the minorities (religious and linguistic as well) to preserve their language and culture.

Article 30 forbids special treatment to any citizen in the admission into educational institutions either wholly or partly funded by the state on the ground of caste, religion, region, colour, language or gender. However, the state can provide special facilities for preserving the language, culture and script of the minorities. The state shall extend financial assistance to them in this matter. Religious, educational and cultural rights are also applicable to the minorities along with majority sections of the people.

RIGHT TO PROPERTY

Right to Property (Article 31) was deleted Chapter IIIrd by 44th Constitutional Amendment Act, 1978. Now, it is not a Fundamental Right. It is a legal right under 300 A. This right provides right to property under law and implies that the citizen can acquire, dispose property.

RIGHT TO CONSTITUTIONAL REMEDIES

This right (Article 32) is the most important fundamental right. It acts like a fence for all fundamental rights. enables individuals to get relief when their fundamental rights are violated or abridged by others including the government. It allows them to move the appropriate court,, seeking protection against infringement of their rights by other individuals and private or government organizations. The Supreme Court and various State High Courts issue several I writs like habeas corpus, prohibition, certiorari and quo warranto etc for regulating or restricting the acts s of offenders and those resorting to the infringement of fundamental right as the soul of the fundamental rights.

Article 32: this provides powers to the supreme court (under Article32) and high courts (under article 226) to issue the writs.

The types of writs are:

1. Habeas Corpus
2. Certiorari
3. Prohibition
4. Mandamus
5. Quo- Warranto

1) Habeas Corpus:

Habeas Corpus means 'to have the body' of' it is a writ that is enforced to protect the fundamental right to liberty of an individual against un lawful detention. This writ commands a public official to deliver a detained person in front of the court and provide valid reasons for the detention. The court then examines the cause and legality of detention.

2) Certiorari:

In the literal sense it means 'to be certified or to be informed' it is issued by a higher court to a lower court or tribunal either to transfer a case pending with the latter to itself or to squash the order of the latter in a case. It can be issued on the following grounds: excess of jurisdiction lack of jurisdiction and error of law. Its nature is both preventive as well as curative.

3) Prohibition:

Prohibition means 'to forbid' it is a writ issued by a higher court to a lower court to prevent the latter from exceeding its jurisdiction or usurping a jurisdiction that it does not possess. Writ of Prohibition can only be issued against judicial and quasi-judicial authorities. It is not available against administrative authorities, legislative bodies and private individuals.

4) Mandamus:

Mandamus means 'we command' This writ of mandamus is issued to a subordinate court, an officer of the government, or a corporation or other institution commanding the

performance of certain acts or duties. Unlike Habeas Corpus, Mandamus cannot be issued against a private individual. The writ of mandamus can be used to order the completion of a task or in other cases, it may require an activity to be ceased.

5) Quo-Warranto:

Quo warranto means 'by what authority or warrant' it is issued against a person who claims or usurps a public office. Through this writ, the court inquires 'by what authority' the person supports his or her claim. Through this writ, the court enquires into the legality of a claim of a person to a public office. This writ prevents the illegal assumption of a public office by an individual.

RESTRICTIONS ON THE FUNDAMENTAL RIGHTS

Are very significant for the personality development of Indian citizens. Indian citizens have to enjoy these rights with wisdom, reason and rationality and in a positive manner. They have to utilize these rights for their development and for social progress. In view of the above, the following restrictions are imposed on the fundamental rights of the citizens:

Citizens enjoy fundamental rights without any inhibition and restraint under normal circumstances. But these rights can be abridged, curtailed or restricted by the Union Government during the period of emergency, keeping in view of the peace and order in society., under Articles 352,356 and 360.

The President of India, under Article 359, can suspend all fundamental rights except those mentioned in Article 19. The proclamation of the President IS applicable to the whole of India or any part thereof. But such proclamation shall be approved by the Union Parliament.

Parliament by an act may impose restrictions on the Clauses 456 and 7 of Article 22, For instance Parliament passed various Detention ACS Su as National Security Act (NA), Prevention of Black Marketing and Maintenance of Essential Commodities Supply Act (1980). Essential Services Maintenance Act (ESMA, 1981), Prevention of Terrorist Act (POTA, 2002), etc.

Article 33 empowers the Parliament to restrict or: abrogate the Fundamental Rights of the members of the armed t forces. Article 34 provides for the restriction on rights. Dr.Ambedkar described that this Fundamental Rights while martial l law is in force in any territory of India. It empowers the parliament to identify any g government servant or any other person for any act done by him in connection with maintenance or restriction of order in any area where martial law was in force.

GLOSSARY

1. Writ: a form of written command in the name of a court or other legal authority to act, or abstain from acting, in a particular way.
2. Justiciable: capable of being determined by a court of law; liable to be brought before a court for trial; subject to jurisdiction.

3. Magna Carta: Magna Carta was issued in June 1215 and was the first document to put into writing the principle that the king and his government was not above the law. It sought to prevent the king from exploiting his power, and placed limits of royal authority by establishing law as a power in itself.
4. Special majority: This refers to a majority of 2/3rd members present and voting supported by over 50% of the total strength of the House.

SUMMARY

Article 12 to 35 contained in Part IIIrd of the Constitution deals with Fundamental Rights. These are inspired from the Constitution of America. They contain basic human freedoms where every Indian citizen has equal socio-political and economic rights. These rights apply universally to all citizens of India, irrespective of their race, place of birth, religion, caste or gender. They are enforceable by the courts, subject to certain restrictions. However, this does not mean that they are absolute or immune from Constitutional amendment. They abolish untouchability, forbids trafficking and forced labour, promotes secularism etc. Initially there were 7 fundamental rights but Right to Property was removed as a Fundamental Right through 44th Constitutional Amendment Act in 1978. In 2009, by the 86th Constitutional Amendment Act the Right to Education Act was added. Every child between the age of 6 to 14 years is entitled to free education.

Model Examination Questions

I. Answer the following questions in about 30 lines in each

1. Explain the Fundamental rights in constitution of India.
2. Discuss the features of Fundamental rights.

II .Answer the following questions in about 15 lines in each

1. Write briefly on the Right to Property?
2. Write briefly on the Right to Equality?
3. Habeas Corpus
4. Mandamus

III. Multif Choice Questions:

1. 'Fundamental Rights' are

- | | |
|-----------------|---------------------|
| (A) Justifiable | (B) Non-justifiable |
| (C) Flexible | (D) Rigid |

2. Fundamental Rights

- (A) Cannot be suspended
- (B) Can be suspended by order of Prime Minister
- (C) May be suspended on the will of President
- (D) May be suspended during Emergency

3. Under which of the following articles, the Indian Constitution Guarantees Fundamental Rights to the citizens?

- (A) Articles 12 to 35
- (B) Only Articles 12 to 30
- (C) Only Articles 15 to 35
- (D) Only Articles 14 to 32

4. Under which Article of the Constitution of India, Fundamental Rights have been provided to citizens?

- (A) Articles 112 to 115
- (B) Article 12 to 35
- (C) Articles 222 to 235
- (D) None of the above

5. Which one of the following Articles of the Constitution deals with the fundamental rights related to the exploitation of children?

- (A) 17
- (B) 19
- (C) 24
- (D) 25

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12. DIRECTIVE PRINCIPLES OF STATE POLICY & FUNDAMENTAL DUTIES

Introduction

Directive Principles of State Policy are one of the salient features of the Indian Constitution. They are included in Part IVth from Articles 36 to 51. These principles help realize the objectives mentioned in the Preamble of our constitution. The makers of our constitution drew them from the Irish constitution. Dr, B.R. Ambedkar made a comparison of these principles with the Instrument of Instructions of the Government of India Act, 1935. The only difference is that the Instrument of Instructions was directed to the executive, while these Directive Principles convey instructions both to the legislatures and the executives. The Directive Principles are applicable to the Executive and the Legislature in the Union, the States and all local authorities functioning in the country. G.N. Joshi described that these principles constitute a very comprehensive political, social and economic programme for a modern democratic welfare state.

The Directive Principles were originated in the Roman State. Later they were adopted in Spain and... Ireland. Many states like former Czechoslovakia, Yugoslavia and the present China had also adopted these principles. The Weimer constitution of Germany also cited these principles in its Chapter on rights.

The framers of Indian constitution felt that these principles would achieve the social welfare and nations' prosperity. They were conscious of the interests of the common man in India. Their aim was to provide adequate opportunities to achieve the all-round development of individuals. These principles aim at establishing the welfare state. They are meant to achieve social and economic democracy in India.

Many factors were taken into consideration for the inclusion of these principles in our constitution. These include (a) Karachi Congress Resolution (1931); b) Universal Declaration of Human Rights (1948); c) Gandhiji's teachings; and d) Socialist Principles; etc.

The following are the characteristics of the Directive Principles of State Policy:

1. The Directive Principles of State Policy are in the form of directives or instructions issued to successive governments in India.
2. They are positive in nature as they extend the jurisdiction of the governments at various levels in India.

3. The enforcement of these Principles depends upon the availability of resources.
4. They are popular in nature as they aim at the establishment of egalitarian society.
5. They are supposed to be implemented by any party in power irrespective of its political ideology.
6. Failure to implement these principles is not considered as a breach of law.
7. They are non-justifiable in nature as no one can force the government implement them immediately. The governments enjoy discretion in implementing these principles.
8. They aim at realizing political democracy, achieving economic equality and bringing out social harmony in the country.
9. Social welfare, instead of individual progress, is the theme of these principles.

CLASSIFICATION

M.P.Sharma, G.N.Joshi and others broadly classified the Directive Principles of State Policy under three heads. They are:

1. Socialist Principles
2. Gandhian Principles
3. Liberal-Intellectual Principles

Let us discuss each of them. and also, additional Directive Principle's and others included in other part of the Constitution.

SOCIALIST PRINCIPLES

1. Article 38 provides that the state shall strive to promote the Welfare of the people by securing and protecting a social order in which justice (social, economic and political) shall be ensured to the people.
2. Article 39 stipulates that the state shall take steps for:
 - a) Provision of adequate means of livelihood.
 - b) Equal pay for equal work for men and women
 - c) Decentralization of Nation's wealth
 - d) Equitable distribution of wealth
 - e) Elimination of economic inequalities
 - f) Preserving the health and strength of workers
 - g) Protecting childhood and youth against exploitation

3. Article 41 seeks the state to ensure the right to work, education and public assistance in case of unemployment, old age, sickness, disability, etc.
4. Article 42 points to say that the State shall make provision for securing just and humane conditions of work and maternity relief for women
5. Article 43 directs the state to provide all workers (agricultural, industrial or otherwise) a living wage and conditions of work ensuring a decent standard of life, full enjoyment of leisure, , social and cultural opportunities.
6. Article 46 makes the state obligatory to promote the educational and economic interests of people belonging to the scheduled castes, scheduled tribes and other weaker sections on one hand and to protect them from social injustice and all forms of exploitation on the other.
7. Article 47 insists on the State to raise the level of nutrition and standard of living of the people and for the improvement of public health.

GANDHIAN PRINCIPLES

Gandhian ideology is incorporated in several Articles of the Directive Principles. Gandhian Principles help promote the ideal rule in India. They are reflected in Articles 40,43,46,47,48,48A and 49.

1. Article 40 refers to the organization of Village Panchayats and endow them with adequate powers so as to function as units of self-government.
2. Article 43 refers to the promotion of cottage industries on individual or cooperative basis.
3. Article 46 directs the State to promote the educational and economic interests of the weaker sections with special care.
4. Article 47 directs the State to endeavour to bring about prohibition of intoxicating drinks and of drugs.
5. Article 48 instructs the State to organize agriculture and animal husbandry on modern and scientific lines. It also emphasizes on prohibition of slaughter cows, calves and other reared cattle.

1. Liberal-Intellectual Principles

These Principles relate to the provision of basic education, uniform civil code, independent judiciary and international peace. They are incorporated Articles 44,45, 50 and 51 of constitution.

1. Article 44 directs the state to bring uniform civil code throughout the country.
2. Article 45 prescribes that the state shall provide free and compulsory education for all the children below 14 years of age. The Constitution(86 Amendment) Act, 2002 substituted the following words in Article 45: State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

3. Article 50 stipulates that the state shall take measures to separate the judiciary from the executive.
4. Article 48A directs the State to protect and safeguard the environment, the forests and wild life.
5. Article 49 instructs the State to protect the monuments, places and objects of national importance.
6. Article 51 envisages the state to endeavour a) to promote international peace and I security; b) to maintain just and honourable relations between nations; c) to foster respect for international law and treaty obligations; and d) to encourage settlement of international disputes by arbitration.

Additional Principles

The constitution (42nd and 44th) Amendment Acts of 1976 and 1978 added a few more subject so the list of Directive Principles. While constitution (42) Amendment Act inserted Articles 39A, 43a and 48A. the Constitution (44) Amendment Act, included Article 38A. They comprise the following:

1. Provision of free legal aid to the poor (Article 39A)
2. Securing participation of workers in the management of the industry (Article 43A)
3. Protection and improvement of environment and the richness of forests (Article 48A)
4. Provision of adequate opportunities for the development of children (Article 38A)

IMPLEMENTATION OF DIRECTIVE PRINCIPLES

1. Zamindari Abolition and Land Reforms. The central and state governments have made such laws to remove extreme concentration of land in rural areas. The Zamindari Abolition acts and similar other such measures have been incorporated in the 9th Schedule of the Constitution to give protection to them from judicial review.
2. Planning. Planning commission was set up with express purpose of developing the country through a planned strategy that would also secure to the people social and economic justice. 12 five-year plans have been implemented. Now the Planning Commission has been replaced by NITI(National Institute for Transforming India) Aayog as a policy think-tank.
3. Special Protection of the interests of the weaker sections of the society. Reservation in government Jobs and seats in educational institutions for SCs, STs and BCs. SCs and STs have been provided reservations in the legislature and BCs and women in local bodies. Special Commissions for monitoring the welfare of SCs, STs, BCs, women and minorities have been set up. The State has enacted several laws for protecting the rights and interests of women and children and for preventing them from exploitation.

4. Development of Agriculture and Animal Husbandry. Agriculture has been modernized by providing improved agriculture inputs, seeds fertilizers and irrigation facilities. Various steps have also been taken to organize animal husbandry on modern and scientific lines.
5. Encouragement to Small Scale and Cottage Industries. Several Boards have been set up for the promotion of cottage industries all India Khadi and Village Industries Board, Silk Board, All India Handicrafts Board, All India Handloom Board, the Coir Board and several other boards have been established for the purpose.
6. Labour Welfare Legislation. Industrial Disputes 'Act (1947), The Factories Act 1948, Minimum Wages Act 1948, Mines Act 1952, Maternity Benefit Act 1961, Child Labour Prohibition and Regulation Act (1986) have been enacted to protect the interests of the labour. Workers 'participation in management of industries has been secured.
7. Steps towards the Raising of Living Standards. Community Development Programme, Integrated Rural Development Programme, National Rural Employment Programme (now called as Mahatma Gandhi National Rural employment Guarantee Programme (2006) , Self-Employment Programmes have been launched to secure better livelihood opportunities.
8. Free and Compulsory Education. By the 86th Constitutional Amendment, the Indian state has implemented the Directive Principle contained in Article 45 by making Right to Education, a fundamental right of the children between the age group of 6-14. It also lays down that the state shall endeavour to provide early child hood care and education for children until they complete six years of age.
9. Constitutional Status to the Panchayat Raj. 73rd Constitutional Amendment Act (1993) has accorded the constitutional status and protection providing for uniform three tier Panchayat Raj system to translate into reality Gandhiji's dream of self-reliant villages.
10. Panchasheel and Non-Alignment. Acting under the directives given by Article 51, the government has adopted Panchsheel and Non-Alignment as the fundamental features of the Indian foreign policy.

Criticism

Ivor Jennings, Prof. Srinivasan, G.N. Joshi, Prof. K.T. Shah, K.C. Wheare and other eminent writers considered the Directive Principles of State Policy as hollow promises, show-case articles and solemn resolutions that are mere ornamental in nature. Ivor Jennings pointed out that these principles possess no uniform doctrine. He questioned the very propriety of mentioning them in the constitution. Prof. K.T. Shah described them as the cheques payable by a bank at its convenience." Naseeruddin Ahmad criticized that these principles are like New Year wishes which are violated on the next day.

Conclusion:

Thus, if we look at the legislations and many social welfare policies, the efforts have, no doubt, been seen to be impressive. Hardly any field of public welfare is left untouched. However, the implementation of the Directive principles has been slow and has not shown the intended effect of removing economic, social and political injustices. Moreover, given the neo-liberal economic development model that has been chosen since 1991, the tendency of wealth being concentrated in a few hands is increasing and the state's effort to intervene to implement Directive Principles is being discouraged in the name official discipline.

Relationship between Fundamental Rights and Directive Principles of State

Both fundamental Rights and Directive principles are complimentary and supplementary to each other. No democratic political system can be complete without providing for the politico-civil and the socio-economic dimensions of democracy. The fundamental Rights constitute the former and the Directive principles constitute the latter. The fundamental rights mainly protect the rights of individuals while directive principles ensure the well-being of the entire society. Basically, Fundamental Rights restrain the government from doing certain things while the directive principles exhort the government to do certain things.

Therefore, at times, when government intends to implement Directive principles, it can come in conflict with the fundamental rights of the citizen. The problem arose when the government sought to pass laws to abolish zamindari system. These measures were opposed on the ground that they violated right to property which was a fundamental right till the 44th Amendment (1978). However, keeping in mind the societal needs that are greater than the individual interests, the movement amended the constitution to give effect to the Directive Principles. This led to a long legal battle. The executive and the judiciary took different positions.

In the Champak Dorairajan case (195 L), the Supreme Court ruled that the Directive Principles have to conform to and run as subsidiary to the Fundamental Rights. It also held that the Fundamental Rights could be amended by the parliament by enacting constitutional amendment acts (as per Article 348). As a result, the Parliament made the First Amendment Act (1951), the Fourth Amendment Act (1955) and the Seventh Amendment Act (1964) to implement some of the Directive Principles. But, in the Golaknath case (1967), the Supreme Court held that the Fundamental Rights cannot be amended for the implementation of the Directive Principles. The Court rejected the contention and limited the scope of Art. 13 by ruling that the word Law 'in Art. 13 would not include within its compass a constitution amending law passed under Art. 368. The Parliament reacted to the judgment and enacted the 24th Amendment (1971) and 25th Amendment (1971). 24th Amendment Act declared that the Parliament has the power to take away any of the Fundamental Rights by enacting Constitutional Amendment Acts. The 25th Amendment Act inserted a new Article 31C so that Fundamental Rights cannot come in the way to implement socialistic Directive principles and also to prevent the courts' interference (Judicial Review).

Basic Structure Judgement

In the Kesavananda Bharati case (1973), the Supreme court held that the parliament has the power to amend any part of the constitution including Fundamental Rights without disturbing the basic features of the constitution and declared that the Judicial review is one of the basic features.

1. It ruled that Fundamental Rights were beyond the amending powers of Parliament, was overruled.
2. The Constitution (Twenty- Fourth Amendment) Act, 1971(giving powers to parliament to amend any part of the Constitution) was valid.
3. Article 368, as amended, was valid but it did not confer power on the Parliament to alter the 'basic structure' or 'the frame work of the Constitution'. Thus, in the Kesavananda Bharati case, The Supreme Court invented Basic Structure Doctrine'.

42nd and 44th Amendments

Later. 42nd Amendment Act (1976) extended the scope of the Article 31C by including in its protection any law to implement any of the Directive Principles (not merely socialistic principles). In other words, 42nd Amendment Act accorded the legal primacy and supremacy to the Directive principles over the Fundamental Rights conferred by Articles 14, 19 and 31. However, this extension was declared as unconstitutional and invalid by the Supreme Court in the Minerva Mills Case (1980). It means the Fundamental Rights conferred by Article 14 and Article 19 are accepted as subordinate to the Directive Principles specified in Article 39 (b) and 39 (C). Article 31(Right to Property) was abolished by the 44 Constitutional Amendment Act (1978).

The final position is that the Parliament can amend the fundamental Rights to implement the Directive Principles, so long as the amendment does not damage or destroy the basic structure of the constitution. In the Minerva mills case (1980), the Supreme Court categorically held that the Indian Constitution is founded on the bedrock of the balance between the Fundamental rights and the Directive Principles. To give absolute primacy over the other is to disturb the harmony of the constitution.

Difference between Fundamental Rights and Directive Principles of State Policy

Fundamental Rights and the Directive Principles of State Policy are two important features of the Indian constitution. Both are important from the social perspective. They differed from one another as under:

<ol style="list-style-type: none"> 1. Fundamental Rights are legal in nature and are spread from Article 12 to 35 in Part IIIrd of the Constitution 2. They are guaranteed by the Constitution 3. They restrict the sphere of state activity and also impose reasonable restrictions on individual 4. They are individual-oriented 5. They do not allow other to interfere in one's rights due to their imperative nature . 6. These rights help in transforming India 7. These rights are conferred on the citizens 8. Fundamental Rights own to the constitution of the United States 9. This are the prototype Rights provided in the constitution of the United States 10. They are enforceable without aeparate legislation 11. These rights are incorporated in part IIIrd of the Indian constitution from Articles 12 to 35 	<ol style="list-style-type: none"> 1. Directive Principles of State Policy are socially nature and are spread from Article 36 to 51 in part IV of the Indian constitution 2. They are not guaranteed by the Constitution. 3. They extend the sphere of state activity and safeguard the economic and social interests of people 4. They are social welfare-oriented 5. They are not imperative as they do not entitle a person of file a petition in a court of law 6. They enable the state to achieve social and economic democracy in India 7. They are meant to the society at large 8. They owes to the constitutions of Ireland 9. They are largely the replica of the instrument of instruction provided in the Government of India Act 1935 10. They can be implemented only by making a relevant legislation 11. They are embodied in part IVth of the Indian constitution from Articles 36 to 51
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SUMMARY:

Articles 36 to 51 under Part-IVth of the Indian Constitution deals with Directive Principles of State Policy. The Constitution lays down certain Directive Principles of State Policy, which though not justiciable, are 'fundamental in governance of the country', and it is the duty of the State to follow these principles in making laws. These are directed in such a way that the State shall strive towards a welfare state where socio, economic and political justice goes hand in hand and collective development of the citizens takes place. They ensure sustainable development by reducing inequalities. They also direct the state to create policies to protect the environment. They promote equal distribution of resources and opportunities thereby eradicating social evils such as poverty and discrimination.

Model Examination Questions:

I. Answer the following questions in about 30 lines in each.

1. Write a note on the Directive Principles of state policy?
2. Discuss the features of Directive Principles of state policy?

II .Answer the following questions in about 15 lines in each.

1. Write briefly on Gandhian Principles?
2. Write briefly on Kesavananda Bharati Vs The state of Kerala case (1973)?
3. Discuss on the socialist principles?
4. Article-39

III. Multifl Choice Questions:

Q1. The Directive Principles of State Policy (DPSP) have been borrowed from?

- (a) The Spanish Constitution
- (b) The British Constitution
- (c) The German Constitution
- (d) The Irish Constitution

Q2. Which Part of the Indian Constitution deals with the Directive Principles of State Policy?

- (a) Part XI
- (b) Part III
- (c) Part IV
- (d) Part VII

Q3. What does Article 44 of the Constitution of India talk about?

- (a) Separation of judiciary from the executive.
- (b) Protection and improvement of the environment.
- (c) Promotion of co-operative societies.
- (d) Uniform civil code for the citizens.

Q4. Which Article of the Indian Constitution talks about the promotion of international peace and security?

- (a) Article 43
- (b) Article 51
- (c) Article 47
- (d) Article 55

Q5. What does Article 50 of the Constitution of India talk about?

- (a) Promotion of the concept of a welfare state.
- (b) Protection and improvement of the environment.
- (c) Separation of judiciary from the executive.
- (d) Organization of agriculture & animal husbandry.

FUNDAMENTAL DUTIES

INTRODUCTION

Fundamental Duties are a salient feature of the Indian Constitution. They are added in our constitution by Article 51A through the Constitution (42nd Amendment) Act, 1976.

The Indian National Congress has set up a committee during the emergency (1975-77) under the Chairmanship of its senior leader Swaran Singh to consider a few changes, to be brought forth in the Constitution including the incorporation of Fundamental duties.

The Committee in turn has suggested a few Fundamental Duties to be incorporated in the Indian Constitution. Having accepted many of the suggestions the Union Government has introduced them in the Constitution (42nd Amendment) Bill. The bill, later on became an Act under the Constitution (42nd Amendment) Act, 1976. The amendment included ten Fundamental Duties in the form of Article 51A. These Fundamental Duties came into force

with effect from January 3, 1977 throughout the country. But now there are 11 duties. The 11th duty was added by the Constitutional Amendment Act, 2002. They are as follows:

1. To abide by the constitution, respect its ideals and institutions, the national flag and the national anthem;
2. To cherish and follow the noble ideals which inspired our national struggle for freedom;
3. To uphold and protect the sovereignty, integrity and unity of India;
4. To defend the country and render national service when called upon to do so;
5. To promote harmony and the spirit of common brotherhood amongst the people of India, transcending religious, linguistic, regional or sectional diversities; renouncing the practices derogatory to the dignity of women;
6. To value and preserve the rich heritage of our composite culture;
7. To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
8. To develop the scientific temper, humanism and the spirit of inquiry and reform;
9. To safeguard public property and to abjure violence; and
10. To strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and Achievement
11. To provide opportunities for education to his child or ward between the age of six and fourteen years.

SIGNIFICANCE OF FUNDAMENTAL DUTIES

The Fundamental Duties aim at making Indian citizens socially Conscious and responsible. They are in consonance with the Universal Declaration of Human Rights adopted by the United Nations Organization in 1948.

Some writers have broadly grouped the above fundamental duties under three categories. The first category of duties refers to respecting the aims of the constitution, constitutional law and democratic institutions. The second category of duties covers the matters such as fraternity and cooperation among the people. It also includes unity in diversity, eschewing regional, communal and caste-oriented tendencies. The third category of duties refer to the safeguarding of the public property and shunning, the violence. Certain aspects like scientific temper and doing away with superstitions are also included in this category.

Though it may not be directly possible for the judges to enforce these Duties in letter and spirit, these Duties cannot be ignored totally in the interpretation of the various constitutional provisions.

Justice Verma Committee on Fundamental Duties of the citizens (1998) identified the existence of legal provisions for the implementation of some Fundamental Duties. They are

1. The prevention of insults to National Honour Act (1971)
2. The Protection of Civil Rights Act, 1955
3. There are various criminal laws against promoting enmity between different sections of the society
4. The Wild life (Protection) Act of 1972
5. The Forest (Conservation) Act of 1980.

As suggested by the verma committee, there is an imperative need for wider dissemination of information and generating greater awareness in regard to the Fundamental Duties of the citizens and obligations of citizenship and this must assume the dimensions of a peaceful, nationwide and mass based movement.

SUMMARY

Fundamental duties are set out in the Part IV-A of the constitution in article 51-A. Fundamental duties were added to the constitution in 1976 since the government felt it is important to maintain balance in the democracy. These are moral obligations on all the citizens to promote integrity, unity, and prosperity. They keep a check on anti-national and anti-social activities.

Unlike fundamental rights these are not justifiable and cannot be enforced in the court of law. There is a lot of criticism surrounding this point. However, parliament can provide for the imposition of penalty or punishment for failure to fulfil any of them.

Model Examination Questions:

I. Answer the following questions in about 30 lines in each

1. Write a note on the Fundamental duties of the Indian Constitution?

II . Answer the following questions in about 15 lines in each

1. Write briefly on Swarna Singh Committee ?
2. Explain the Significance of Fundamental duties?

III. Multifl Choice Questions:

1. Fundamental duties are in which part of the Indian Constitution?

- a) Part-III b) Part-IV c) Part-IV A d) Part-IV B

2. Fundamental Duties were added by which Constitutional Amendment Act?

- a) 41st CAA b) 42nd CAA c) 43rd CAA d) 44th CAA

3. How many fundamental duties were suggested by Swarna Singh Committee?

- a) 8 b) 9 c) 10 d) 11

4. How many fundamental duties were added by the 42nd Constitutional Amendment Act 1976?

- a) 8 b) 9 c) 10 d) 11

5. Which of the following fundamental duty was added by the 86th Constitutional Amendment Act, 2002.

- a) Duty to pay taxes
b) Duty to vote
c) Duty to develop scientific temper, humanism
d) Duty to provide opportunities for education to his child between 6 to 14 year

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13. INDIAN FEDERAL SYSTEM

Objectives

After studying this unit, you should be able to:

The objectives of a federal system are as follows:

- To provide sovereign powers to both the Centre and the States.*
- To safeguard and promote the unity of the country, while at the same time accommodate regional diversity.*
- Motivating forces or the process of emergency of Federations.*
- Characteristic features of Federal Government*
- Factors for the growth of Federal Power*
- Merits and demerits of Federal Government*
- Differences between the Federation and Confederation*
- Causes for Contestation in India Federation*

Introduction

Modern Governments are classified into unitary and federal form of Government on the basis of geographical allocation of powers. A federal Government is a dual government. The word 'federal' is derived from the Latin word 'Foedus' which means 'treaty or agreement'.

It has been defined as follows: -

A federation is formed by the coming together of a number of States contiguously situated, i.e., geographically close States, desiring union rather than unity. It may come into existence as a result of integrating or disintegrating forces. Independent States may agree to join hands and thereby form a federation.

In a federal form of Government both the Centre and State Governments are given Constitutional status. In a federation, both the Centre and State governments having their own powers are co-ordinate and independent authorities within their allotted spheres of jurisdiction. Through division of powers the national interests and the interests of States are reconciled.

MOTIVATING FORCES OR THE PROCESS OF EMERGENCY OF FEDERATIONS.

Some states decided to come together because of the threat of external forces and of aggressions from other state. Switzerland (in 1848), Canada, Australia, were formed has federation due to the fear of external of threat.

Another important factor for the emergency of Federation has been a sense of nationalism, a sense of belongingness to a common cause, to common cultural and to a common heritage.

CHARACTERISTIC FEATURES OF FEDERAL GOVERNMENT

- (1) Supremacy of the Constitution. -In a federation there is the supremacy of the Constitution. The entire federal structure comes into existence on the basis of the Constitution. Both the Central and State Governments are under the authority of the Constitution. They act according to it.
- (2) Written and rigid Constitution. -All the Constitutions of federations are written and rigid. The written Constitutions are rigid. It implies that the process of amending the Constitution is deliberately made difficult so that the position of any government may not be adversely affected. The provisions of the Constitution cannot be easily amended by the Central or the State Governments single-handedly.
- (3) Two types of governments. -A federal government consists of two sets of governments-one at the Central and the other in the States. Both the Centre and the State Governments exist within the same geographical boundaries of a country.
- (4) Division of powers. In a federal government, powers are divided and distributed between the Centre and the States. Normally functions that concern the entire federation are given to the federal government and functions of regional importance are distributed among the federating units. In order to avoid disputes over the division of powers it becomes necessary to incorporate the scheme of division of powers in the Constitution. Different methods have been followed for the division of powers. In the first place the powers of the Centre are specified and the rest are left to the States, for example, America. Secondly, the powers of the States are mentioned, while the rest are left to the Centre, for example, Canada. Thirdly, the powers of both governments are mentioned, for example, India.
- (5) Independent judiciary. -Federal government implies the existence of an independent judiciary which resolves the conflicts between the Centre and the units as well as the units themselves. The judiciary acts as the guardian and final interpreter of the Constitution. It is the duty of the judiciary to see that both the Centre and States operate within the limits set by the Constitution. If the actions of either conflict with the provisions of the Constitution the judiciary declares them as ultra vires.
- (6) Existence of bicameral legislature. -Federal government implies the existence of bicameral legislature. Generally, the Lower House gives representation to the people whereas the Upper House gives representation to the States.

- (7) Dual citizenship. Some federal governments provide for dual citizenship. That means, people living in a federation can exercise two citizenships. First, they will get the citizenship of the provinces in which they are living and at the same time, they can also enjoy the citizenship of the nation. For example, both in the U.S.A. and Switzerland citizens enjoy double citizenship. However, in India, all citizens have only one national citizenship.

DELIBERATIONS IN THE CONSTITUENT ASSEMBLY

The founding fathers of Indian constitution desired to provide a strong, viable and effective nation state to check and ameliorate the fissiparous and centrifugal forces and affect a broad development base. Several members have made valuable suggestions in this regard. For instance, Shyam Prasad Mukharjee forcefully argued for a strong centre in the federal scheme on account of the chequered history of our country.

Dr.B.R,Ambedkar favoured a strong united centre much stronger than created under the Government of India Act 1935 so that India would to be able to raise its head high in the comity of nations T.T.Krishnamacharya expressed that a powerful centre with federal feature and unitary bias was required for preserving the national unity and for checking disruptive tendencies inherent in Indian society. K.M.Munshi expressed the same view.

He stated that the units in Indian were not sovereign states like the American states in the eighteenth century coming together to form a federation. Ambedkar, in his concluding speech, eloquently mentioned about the federal character of Indian constitution. To quote him. "The basic principle of federation is that the legislative and executive authority is partitioned between the centre and the states not by a law made by the centre but by the constitution itself. The states under our constitution are in no way dependent upon the centre for their legislative or executive authority. The centre and the states are co-equal in this matter. The chief mark of federalism... lies in the partition of the legislative and executive authority between the centre and the units by the constitution. This is the principle embodied in our constitution. There can be no mistake about it. The change of centralization defeating federalism was therefore false".

Dr.Rajendra Prasad, Chairman of the Constituent Assembly, explained the basic federal feature of the Indian constitution thus. "If the provisions of our constitution have been well throughout the bulk need not disturb the equanimity of our mind. The administration and the distribution of powers among the various organs of the state are concerned between what were the provisions and what Indian states were before. They are now more or less on the same footing and as time passes, whatever little distinction still exists is bound to disappear".

In the above backdrop of historical transition from ancient republics through unitary federalist, imperialist to freedom, we may surely say that Indian constitution is a federal constitution in as much as it establishes a dual polity comprising union and the states each endowed with in their own sphere of powers and responsibilities. Its federal scheme is a unique one as it can be both unitary as well as federal according to the requirements of the time and circumstances. In normal times it is framed to work as federal system. But in times of war or emergency or defence, it is designed as to make it work as though it was a unitary

system. The Indian federation does not suffer from the faults of rigidity or legalism. It is a flexible and adaptable federation. Single Judiciary, Single citizenship, uniformity in fundamental laws, a common All India Service Commission etc. are some of its special and distinguishing features. It is both federal in deed and unitary in need-a Euro-American module.

CONSTITUTIONAL PROVISIONS

Although the Constituent Assembly of India provided a new kind of federalism to meet India's peculiar needs, the significant absence of the expressions like federation, federalism or federal in the constitutional vocabulary has led the constitutional experts to doubt the appropriateness of the appellation "Federal" to the Constitution of India. This peculiarity has influenced them to label Indian constitution with different names i.e., quasifederal, unitary, centralist etc. They seem to have ignored the historical pulls, pressures and circumstances under which the Indian constitution was formed. They have conceived only the centralist provisions of the constitution like the emergency powers of the president, Parliament's power to amend the constitution (Article 368), single citizenship, integrated judiciary etc. However, HM Seervai stated that the principle of federation is neither a myth nor watered down in the Indian constitution and the principle of federation is dominant in the constitution.

Federation is a basic feature of our constitution in which the Union of India is permanent and indestructible within the territorial limits set in Article 1 and the Law made by Articles 2 to 4 with a permanent entity with its boundaries alterable by the Parliament of India by creating new states and their boundaries and not sovereignties. As the constitution of the India being permanent and not self-destructive, so the union of India is indestructible. But the word not self-destructive does not mean that the constitution is not amenable to change. It implies mutuality and common purpose for the process of change

with continuity between the Center and the State promoting the social, economic, and cultural advancement of its people and to create fraternity among the Indians. Both the Center and the State are co-operative and co-ordinate institution having independence and interdependence. They ought to exercise their respective power with mutual adjustment, respect, understanding and accommodation to render socio-economic and political justice to the people of India.

The constitution makers without using the expression 'federal' unequivocally presented a new module of federation for India to meet India's peculiar needs keeping into consideration the nerves of the past to meet the present challenges laying the strong foundation for the future growth as well as development. The federal features as prescribed by K.C Wheare are applicable to Indian polity. These relate to the a) written constitution b) supremacy of the constitution c) single judiciary etc. However, Prof Sawyer gave a broad interpretation on how Indian adopted a federal constitution. He stated thus "the sub- continent of India was another area which by reason of size, population, regional (including linguistic) differences and communications problems presented an obvious federal situation, if not the possibility of several distinct nations".

In this context two questions were considered by the founding fathers. These relate to 1) how to achieve a federal economic and fiscal integration and 2) how to foster the developed areas. The founding fathers have realized that not much had been done for economic development in per-independent phase. The Sarkaria Commission report on centre -state relations (1988) in this regard rightly remarked thus" To catch up with the industrially developed nations, the progress that took them centuries, had to be compressed into decades. The nation was committed to a socio-economic revolution not only to secure the basic needs of the common man and economic unity of the country but future to bring about a fundamental change in the structure of the Indian society in accordance with egalitarian principles.

PECULIAR FEATURES OF INDIAN FEDERATION

Indian federal system follows a unique pattern of division of legislative powers. All the subjects of legislation are set out in three lists in the seventh schedule of the constitution. There is an enumerated union list and an enumerated state list. The residuary powers of legislation are vested in Parliament. There is also a detailed enumeration of concurrent sphere. This was done to assuage the vigour of rigidity and legalism. Although our constitution does not expressly provide for the grant of ancillary powers like the Canadian constitution, the principle of ancillary power is regarded as the corollary to the plenary powers of legislation. These two elements, concurrent list and ancillary powers, have injected considerable elasticity into the Indian federal system. The states have to strive for transforming Indian federality into co-operative federation. In this connection we may quote the flowing characteristics of the Indian federation.

- 1) Indian federation has dual polity but single citizenship
- 2) There is a scope for mutual delegation of executive powers. The President of India may with the consent of government of a state, entrust either conditionally or unconditionally to the state government or its officers functions in relation to any matter to which the executive power of the Union extends (Art 258). Similarly, the Government of a state is authorized to entrust the state is authorized to entrust the state with the executive power, with the consent of the Government of India to that government or its officer (Article 258 A).
- 3) There is a provision for adjustment of financial powers between the union and the states on mutual co-operation basis.
 - a) The proceeds from stamp duties and excise duties on medicinal and toilet preparations as specified in the union list and levied under a Law of Parliament are assigned to the state. (Article 268).
 - b) The union government is authorized to levy and collect succession and stamp duties in some areas as specified in the constitution and any such net proceeds are assigned to the state and distributed among them. (Articles 269).
 - c) Income tax, other than agricultural income, is levied and collected by the union government but has to be distributed between the union and the states (Article 270).

- d) The Parliament is authorized to provide that the whole or any part of the net proceeds of the excise duties (other than duties on medicinal or toilet preparations) shall be distributed among the states in accordance with the principles determined by the Parliament (Article 272).
- e) There is a provision for the Finance Commission for making suggestions regarding the distribution of revenue resources between the union and the states (Article 280)
- 4) The constitution of India does not maintain dual system of public services. The members of the All-India services though appointed by the union may be employed under union or state governments.
- 5) The Judicial system under Indian constitution is unified and integrated. Though administration of justice is a state subject, appointments to the High court judges are made and their removal is done by the union.
- 6) The constitution of India authorizes the President of India to setup Inter State Council for the settlement of disputes of non-legal nature and for establishing co-operative and harmonious relations between the states.
- 7) The above special features of Indian constitution contain the spirit of co-operation between the union and the states. These features manifest the example of the modern concept of co-operative federalism.

However, it is a common knowledge that the Indian federation also contained some features which may be termed as 'unfederal' and which are entrusted to bend towards a strong centre. These features pull the polity in opposite directions, and give rise to various kinds of regional, cultural, political, financial and social tensions in the federal state relationship. They are related to the following.

- 1) Parliament can make laws on state list in unusual circumstances as provided in Articles 249 and 253. Even in normal circumstances it can make such laws under Article 249 Parliament on the request of the Council of States backed by a resolution of 2/3rds majority acceptance can make a law on any matter included in the state list for a temporary period. Again under Article 252 Parliament, on a request of legislatures of two or more states, can legislate on any matter in the state list. Further, Parliament can make a law for the whole or any part of the territory of India for implementing any international agreement. Lastly, Parliament can make laws on matters of state list during emergency
- 2) The president of India appoints the state governors {Article 155}, The governors hold office during the pleasure of the president {Article 156}
- 3) Parliament may by legislation a) form a new state b) alter, increase or reduce the area of any state (Articles 2&3).
- 4) The previous sanction of the president is required for introducing certain bills in the state legislature {Article 254{2}}

- 5) The union government releases grants in aid to the states as determined by the Finance Commission and National Planning Commission
- 6) During emergency the federal polity is transformed into a unitary system under Articles 352, 356 and 360
- 7) The constitution empowers the union to issue directives to the states in regard to the exercise of their executive authority. Especially the union has power to issue administrative directives to the states (Articles 256 & 257)

An analysis of the above points out that even though Indian federation is co-operative in nature, there are the same principles which negate the co-operative federation. As India has vast diversities in religious, regional, cultural, financial, social, political, ethnic matters, there is every possibility of dominance of the centre over the states. Such a dominance negates democracy and particularly participatory democracy. Participatory democracy, it may be remembered, is a concomitant of co-operative federation. The two elements would generate a kind of communitarian culture. Co-operative federation would also ensure a composite culture. To be more specific, co-operative federalism and composite culture are concomitant to each other.

Co-operative federation is, therefore, a panacea for all centre state contestations and also an antidote for all regional, cultural and ethnic conflicts. It is a federalism of functions rather than of powers, and is marked by the practice of co-operation between national and state governments. It is a general approach rather than a specific programme. It is based on the assumption that the national and state governments are partners in the common aim

for achieving general welfare of the people. It envisages minimum frictions between various constituents of a federation. Hence there is an urgent need to generate a cooperative federal culture so that individual autonomy and communitarian spirit become complementary to one another.

CAUSES FOR CONTESTATION IN INDIA FEDERATION

1. Erosion of loyalty to the nation: The concept of loyalty to the nation which was nurtured during the Indian freedom movement has become distinctly weaker. This is due to the fact that India which began with the concept of 'co-operative federalism' has degenerated into a disintegrating federalism. In recent years regional parties occupied a prominent place in the regional and national political affairs. They have been influencing or bringing pressure on the coalition governments at the centre for realizing their sub-national or provincial interests.
2. Erosion of central institutions: The second cause for the contestation in Indian federation is the decay of the central institutions. Various central institutions like, the parliament, All India services and central agencies like union public service commission and national planning commission. The indulgence of the centre in the affairs of the states on several occasions like imposing president's rule, appointment of politicians as state governors without taking the states into confidence, and nomination of party men to Rajya Sabha membership from the state legislative assemblies etc have eroded the moral authority of the central government and affected the legitimacy of

the federal structure. 3. All India Services: The personnel working in All India services were often illtreated by the State governments when the former acted with dignity, total objectivity, fairness, over the last two decades. Some honest civil servants, have been victimized by some of the state governments. Also, there was a fall in the norms of administration at different levels in the various governments. Hence the erosion of central and state administration have weakened the bonds of India's federalism.

4. National Planning Commission's excessive role: In the early years the National Planning Commission played a valuable role and received the Praise of one and all. But in course of times its role become a controversial and complicated as it surpassed the resolutions of the parliament and union council of ministers. The states were forced to depend on its mercy for the approval of their budgeted proposals and other financial obligations. As it is an extra constitutional body and as it was chaired by the Prime Minister, it surpassed all the established rules and regulations and began discriminative treatment by allotting more grants to politically dominant groups there by ignoring the interests of many of states.
5. Misuse of Article 356: Article 356 was incorporated in the constitution to tackle the emergency situation posing threat to constitution-law and order and national sovereignty. Its origin could be traced in section 93 of the Government of India Act., 1935. Several members of the Constituent Assembly like K.T. Shah, H.V. Kamath, and H.N. Kunzru expressed their apprehensions about the misuse of Article 356 saying that it would enable the centre to interfere on the slightest pretext in the affairs of the State. Article 356 has been used so far for 110 times and misused for several political and party considerations. There were instances where the Article was applied for a) suspending and dissolving the Assemblies to serve the interest of the party in power at the centre b) continuing the President's Rule without either suspending or dissolving the Assembly c) Without exploring the possibility of installing an alternative government d) imposing President's Rule without warning and on the basis of subjective assessment of the governor about the issue of having gavgub confidence of the Assembly in the ministry. Justice HR Krishna Iyer said that the Article 356 was the most abused and maligned Article.

SUMMARY

The Indian federal polity during Nehruvian era worked to a great extent on democratic lines of taking into account the view of the states on various issues., But Nehru's favour towards National Planning Commission led to unitary trend. However, the Indian federal polity was accommodative of several socio-cultural and linguistic demands for reorganization of Indian states. The idea of self-rule was granted to a limited extent in terms of functionality and authority of legislation.

But during the period between 1966-1977 and 1980-1984. Prime Minister Indira Gandhi in much contrast to her father adhered to and patronized personalized politics' resulting in the growth of Prime Ministerial polity. Under this polity, Chief Ministers of congress ruled states were nominated by the Prime Minister and the former remained in office during her confidence. This deviation from the basic spirit of parliamentary democracy caused further

centralization of decision making (rulemaking) at various levels of governance. The Governors during this period began playing a partisan role in the state politics (especially in times of hung Assemblies) as the agents of the centre.

The subsequent Prime Ministers, either heading single majority governments or coalition led ministries have also adopted the same policy. The constitution was practiced more in breach than in spirit. Article 356, which has been invoked more than one hundred times covering almost all the states, is the glaring example for this trend. Some constitutional experts remarked that the rulers conceived Indian democratic and federal polity a device for sustaining the class divisions in the country. Hence there is a great need for diverting their thoughts by a people-oriented development strategy.

Further, there is an urgent need to have both a strong centre and states for working of a co-operative and balanced independent federal polity. Then only there will be no contestations between the centre and the states. Also, Indian federation will be governed on positive, rationally relevant and equipoised bases.

MODEL QUESTIONS

I. Answer the following questions in about 30 lines in each.

1. Explain the Nature of Indian Federal System?
2. Discuss the Unitary Features of Indian Constitution?

II. Answer the following questions in about 15 lines in each.

1. Write briefly about State list?
2. Write briefly on Bicameralism?

MULTIPLE CHOICE QUESTIONS

1. According to which article president can impose national emergency

- (A) 356 (B) 360 (C) 352 (D) None of the above

2. How many times financial emergency was imposed in India

- (A) One (B) Two (C) Three (D) Never imposed

3. Which act is considered as beginning of federalism in India?

- (A) 1784 Pitt's India Act (B) 1781 Amendment Act
(C) 1773 Regulating Act (D) None of the above

4. Which court is the apex judicial institution in India?

- (A) Supreme court (B) High court (C) District court (D) Municipal court

5. According to the which article Comptroller and auditor general of India appointed?

- (A) 72 (B) 78 (C) 148 (D) 324

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14. THE UNION EXECUTIVE

THE PRESIDENT- THE VICE PRESIDENT

THE PRIME MINISTER

THE PRESIDENT

Objectives

The objective of this lesson is to explain the powers and functions of the President of India, the Vice-President, The Union Council of Ministers and the Prime Minister.

Introduction

Part V of the Indian Constitution from Articles 52 to 78 deals with the matters of the Union Executive. Union Executive is consisted of the President, The Vice- President and the Union council of Ministers headed by the Prime Minister.

The President is the Nominal Executive head.

The Vice-President is Ex-Officio Chairman of the Rajya Sabha.

The Union Council of Ministers includes cabinet Ministers, Ministers of the State and Deputy Ministers.

The Prime Minister is the leader of Union Council of Ministers.

All the Ministers including the prime Minister are appointed by the President.

THE PRESIDENT - QUALIFICCATIONS:

Article - 58 of the Indian Constitution deals with the following qualifications for the President.

A) A Citizen of India

B) Completed the age of 35 (Thirty Five)

- C) Qualified for election as a member of the House of the People.
- D) Must not hold any office of Profit under Government of India or Government of any State or Local or other authority. But a sitting President or Vice-President or Governor of any State or a minister either of Union or State is not disqualified for the election of the President.

ELECTION PROCESS OF THE PRESIDENT:

The President is elected by an Electoral college in accordance with the system of Proportional Representation by means of single Transferable vote. The Electoral college is consisted of:

- A) The Elected members of both the Houses of the Parliament.
- B) The Elected members of Legislative Assemblies of States.
- C) The Elected members of the Legislative Assemblies of the Union Territories of Delhi and Puducherry.

PROCEDURE OF ELECTION:

The President is elected by an Electoral college consisting of elected members of the Union Parliament and State Legislative Assemblies. The elected members of the National capital of Delhi and Puducherry also cast their vote in the Presidential Election. The President is elected by the members of the Electoral college according to the method of Proportional Representation by means of single transferrable vote. The voting at the elections is by secret ballot. Let's go through the detailed procedure of election. The value of the vote of an M.L.A is worked out of the Assembly. The quotient thus obtained is to be divided by 1000. Fractions of half or more should be counted as one and added to the quotient. If is less than half, it is ignored. This may be shown as follows:

$$\text{Value of vote of an MLA} = \frac{\text{Last Census Population of state}}{\text{Total number of elected members of the Assembly}}$$

Egg: Population of a State = 1, 00, 00, 000

Elected members of Assembly = 100.

$$\text{Value of Each vote} = \frac{1, 00, 00, 000 + 1, 000}{100} = 100$$

$$\text{Value of vote of M.P.} = \frac{\text{Total value of All Assembly members}}{\text{Total Number of elected members of both houses of the parliament}}$$

Eg: Elected members of both the houses of the parliament =	750
Total value of MLA's votes =	50, 000
Value of the vote of M.P. = 50, 000 =	663
	750
Therefore the value of the vote of one MP =	67

to be A Candidate should obtain a quota of votes to win the election. The quota is decided by dividing the total number of valid votes polled by the number of members to be elected plus one and by adding one the quotient. One must secure the fixed quota of votes to be elected to the office. A procedure of eliminating the candidate who secures the least number of votes and transferring his vote, to other is followed till one candidate gets the quota, this is followed if no candidate wins in this first count. This method is followed to keep the election of the President above narrow political consideration.

TERM OF OFFICE:

Article - 56 of the Indian constitution deals with the term of the President. The President shall hold office for a term of Five years (5 years) from the date of assuming office. The President may resign before the term by addressing the letter to the Vice- President.

IMPEACHMENT:

Article - 61 of the Indian Constitution deals with the impeachment of the President. The Indian President may be removed from the office through impeachment by the Parliament members on the ground of violation of the constitution. The removal of the President through a judicial process of the Parliament is called impeachment.

So far, no president has been removed through impeachment.

PRESIDENTIAL SUCCESSION:

If the office of the President falls vacant due to any reasons such as resignation, removal, death etc., The Vice-President of India becomes an acting President. He / She cannot discharge the functions of the President more than six months. Within six months elections should be conducted to the office of the President.

OATH OF OFFICE:

Article - 60 of the Indian Constitution deals with the oath of office of the President. The President takes oath of office in the presence of the Chief Justice of India and in his absence in the presence of the senior most judge of the Supreme Court of India. While taking the oath he promises that he will discharge his functions and devote himself to the service and well being of the people.

SALARY AND EMOLUMENTS:

The President is entitled to the emoluments of Rs. 5, 00, 000/- (Rs. Five Lakhs) for month and other allowances.

POWERS AND FUNCTIONS OF THE PRESIDENT:

The President of India is Constitutional head of the Indian Republic. The President has many powers and functions which are termed as Executive Powers in the Article - 53 of the Indian Constitution. As we have adopted Parliamentary form of Government the President exercises his powers on the advice of the Union council of Ministers headed by the Prime Minister.

The powers of the President are not classified anywhere in the constitution. For the sake convenience they can be divided into two types

Namely:

1. Normal Powers
2. Emergency powers

NORMAL POWERS:

The normal powers of the President may be classified into six (6) types.

Namely

- A) Executive Powers
- B) Legislative powers
- C) Financial powers
- D) Judicial powers
- E) Military powers
- F) Diplomatic powers

A) EXECUTIVE POWERS:

Article - 53 of the Indian Constitution says that all Executive powers of Union shall be vested in the hands of the President and shall be exercised by him directly or through the officers subordinate to him. The President makes many high level appointments like the Prime Ministers, Union Council of Ministers, State Governors, Judges of the Supreme and High Courts, Chairman and members of statutory commission, Union Public Service Commission (UPSC), Attorney General of India, Chief Election Commissioner of India.

Normally the President makes all these appointments on the advice of the Union Council of Ministers headed by the Prime Minister.

B) LEGISLATIVE POWERS:

Even though the President is not the member of any house of the Parliament. He is regarded as an integral part of the Parliament. The President can summon and prorogue the houses of the Parliament. He has power to dissolve the Lok Sabha. He can summon joint sitting of both the houses of the Parliament. He nominates Twelve (12) members to the Rajya Sabha from the fields of science, Arts, Literature and Social Services. He can address the Parliament. He can issue ordinances when the Parliament is not in the session. Money Bills can be introduced only in the Lok Sabha and with the prior consent of the President. A bill passed by the Parliament becomes a law only after it gets the assent of the President. He can send messages to the houses of the Parliament.

C) FINANCIAL POWERS:

The Financial Bills are introduced in the parliament with the prior permission of the President. The Budget is laid down before the Parliament by the President. He constitutes a Finance Commission from time to time. He sends the reports of the Finance Commission, Comptroller and Auditor General of India and The Union Public Service Commission etc., to the Parliament for its consideration and approval.

D) JUDICIAL POWERS:

The President appoints judges of the Supreme and High Courts. He has the power to grant pardons, reprieves, respites or remissions of punishments or to suspend or remit of commute the sentence of any person convicted of any offence.

E) MILITARY POWERS:

The President is the Supreme Commander of Defense forces. In that capacity he can declare war, treaty or peace with other countries.

G) DIPLOMATIC POWERS:

The President appoints Ambassadors to Foreign Countries. He makes Treaties and Agreements with other countries subject to the ratification by the Parliament. He represents our Nation in International affairs.

9.10.2 EMERGENCY POWERS: Articles 352 to 360 deal with Emergency powers of the President. The President is empowered to exercise three types of emergency powers.

They are:

A) National Emergency (Article - 352)

B) State Emergency or President's Rule (Article - 356)

C) Financial Emergency (Article - 360)

NATIONAL EMERGENCY (ARTICLE - 352)

If the President is satisfied that a grave emergency exists in the country or any part of its Territory and threatened by war or external aggression or Armed Rebellion, he may impose National Emergency on the written advice of the Union Council of Ministers. Such proclamation has to be approved by the Parliament with a majority of not less than 2/3rd members present and voting in each house within a month.

The proclamation shall be in force for six months. It can be extended with approval of the Parliament for another six months.

During the National Emergency the Union Parliament is empowered to make laws on the subjects of the state list. All the Fundamental Rights except Article - 20 and 21 will be suspended by the President. So far this Emergency has been declared three (3) times. In 1962, 1965 and 1971 because of war and in 1975 because of internal disturbances.

B) STATE EMERGENCY OR PRESIDENTS RULE (ARTICLE - 356)

If any State Government does not work according to the provisions of the Constitution, President's Rule can be declared according to Article - 356. This is also known as State Emergency or Constitutional Emergency. During this the state Administration will be carried out by the Central Government. The State Assembly may be suspended or dissolved.

This Emergency proclamation shall be approved by the Parliament within two months. Since 1950 the Presidents Rule has been proclaimed more than 110 times.

C) FINANCIAL EMERGENCY (ARTICLE - 360)

If there is a great danger to the Financial stability in the country present can declare Financial Emergency according to Article - 360. During this the salaries of all the employees including Supreme Court and High Courts can be reduced to some extent. The central Government gets total powers on financial matters. So far Financial Emergency has not been declared in India till date.

As we have Parliamentary Form of Government there are two heads. Namely Head of the State / Nation and the Head of the Government. As per Article - 74 of the constitution, the President (Who is head of the Nation) is obliged to act in accordance with the advice of Union Council of Ministers headed by the Prime Minister.

The real powers are exercised by the Council of Ministers headed by the Prime Minister who acts as the head of the Government.

He / She has to protect the Constitutional values and also the conventions of the Parliamentary Democracy.

The first President of India was Babu Rajendra Prasad and present and 15th President is Droupadi Murmu.

THE VICE - PRESIDENT

INTRODUCTION:

Articles 63-71 deal with the Vice-President of India. On the pattern of American Constitution. Indian constitution also provides the office of the Vice-President. Article -63 says that there shall be a Vice-President.

THE VICE-PRESIDENT - QUALIFICATIONS:

He must be a citizen of India. Above 35 years of age should not hold any office of profit and should have all qualifications which are necessary to become the Rajya Sabha member.

ELECTION OF THE VICE - PRESIDENT:

The Vice- President is elected by all the Parliament members indirectly.

TERM OF OFFICE:

The term of Vice- President is 5 years. He can resign before the term also addressing the letter to the President.

SALARY:

The Constitution does not provide any salary of the Vice-President. However the Vice-President is ex-officio chairman of the Rajya Sabha. In that capacity he gets a monthly salary Rs. 4, 00, 000/- (Rs. Four Lakhs) and other facilities.

REMOVAL:

The Vice-President may removed by the Rajya Sabha members on the basis of resolution passed by the members with 2/3rd majority. It should be supported by the Loksabha members.

POWERS AND FUNCTIONS OF THE VICE-PRESIDENT:

The Indian constitution has not given any special powers to the Vice-President. However he performs two important functions.

1. The Vice-President is the Chairman of the Rajya Sabha. He presides over the Rajya Sabha meetings. In that capacity only he gets his salary.
2. The Vice-President can discharge the functions of the President during temporary absence of the president. If the office of the President falls vacant due to any reason such as death, resignation, removal etc the Vice-President can discharge the functions of the President.

However he cannot discharges the functions of the President more than six months. Within six months elections must be conducted to the office of the president.

In this way, the Vice-President of India plays an important role in law making process of the Union Parliament by acting as a chairman of the Rajya Sabha. Even though the constitution has not given any special powers to him, the office of the Vice-President can be regarded a great dignity and prestige. The persons like S. Radha Krishnan, Venkat Raman, K.R. Narayanan, Venkiah Naidu etc. have brought highest respect to this post.

The first Vice-President was S. Radha Krishnan and the Present Vice-President is Jagdeep Dhankhar.

THE PRIME MINISTER

INTRODUCTION:

As we have adopted the Parliamentary form of Government in India there are two heads. Namely Head of the state and Head of the Government. The Head of the State is President and the Head of the Government is Prime Minister. The Prime Minister is the pilot of the Union Council of Ministers. It is very necessary to study different aspects with which the Prime Minister plays his / her role. Thus, this lesson deals with two aspects, Namely the Union Council of Ministers and The Prime Minister of India.

THE UNION COUNCIL OF MINISTERS COMPOSITION:

Article - 74 of the Indian Constitution says that there shall be council of Minister with the Prime Minister to advise the President in enjoying his powers. All the ministers including the Prime Minister are appointed by the President. The main qualifications to become minister is that.

- 1) He must be a citizen of India.
- 2) He must have the membership in either House of the Parliament.

TERM AND REMOVAL:

All the ministers including the Prime Minister constitutionally continue the office during the pleasure of the president but in practice and actually they continue the office as long as they have the majority support in the Loksabha. The Indian constitution did not provide any classification of the ministers but there are three categories of ministers namely:

1. Cabinet Ministers
2. Ministers of State
3. Deputy Ministers

In addition, there may be parliamentary secretaries by the Prime Minister.

1. CABINET MINISTERS:

The most important departments like Home, Defence, Finance, Agriculture, Railways

etc are given to these ministers. These ministers should have a lot of experience and efficiency in the administration. The cabinet ministers enjoy independence and liberty in decision making power in the respect of their departments. They take part in the decision making policy of Government and in the discussions with the Prime Minister in all important matters.

2. MINISTERS OF THE STATE: These ministers generally work under the cabinet ministers. Sometimes some of the ministers may be given independent charge of portfolio.

3. DEPUTY MINISTERS: The Deputy Ministers have to work under the Cabinet ministers. They do not take part in cabinet meetings. They do not enjoy any independent powers.

POWERS AND FUNCTIONS OF UNION COUNCIL OF MINISTERS:

1. The Union Council of Ministers are responsible for the administration in the country.
2. They implement various policies and programmes of the Union Government.
3. The ordinances are issued by the President on the advice of the Union Council of Ministers only.
4. They are responsible for the administration of various departments.
5. The Council of Ministers are responsible for law and order in the country.
6. The National issues like Economic, Educational, Cultural, Social and other matters are protected by the ministers.
7. The Cabinet is responsible for the defence of the country.
8. They prepare budget and present it to the Loksabha.
9. Financial matters in the country area controlled by the Union council of Ministers.
10. They enjoy the power of Judicial Review.
11. They make various rules and regulations for the welfare of all sections in the country.
12. They make different plans for all round development of all sections in the country.
13. They maintain friendly relations with Foreign countries and Foreign Policies are implemented by the ministers.

In this way, the Union Council of ministers play an important role in the administration of Country. In practice, the total administration will be carried out by the ministers only.

THE PRIME MINISTER OF INDIA:

The Prime Minister is the real head of the Union Government. He enjoys a number of powers like American President. He can be described as "Moon Among the Stars". He is the first among the equals. The first Prime Minister was Jawahar Lal Nehru and the Prime Minister is Narendra DamodharDas Modi.

APPOINTMENT:

Article - 75 (1) says that the Prime Minister shall be appointed by the President Normally after the elections to the Loksabha the President invites majority party leader to form the government and appoints him as the Prime Minister. But if no party gets enough majority, the President can appoint anyone as Prime Minister who in his opinion can form the Government.

CHECK YOUR PROGRESS: 6

QUALIFICATIONS :

According to the constitution the member of either house of the Indian Parliament can be appointed as the Prime Minister. But in practice and convention it is better the Prime Minister has to belong to the Loksabha only. So far all the Prime Ministers except Smt. Indira Gandhi in 1966, Deva Gowda in 1996 and Man Mohan Singh - 2004 hailed from the Lok Sabha.

If the Prime Minister does not have membership in either house of the Parliament, he has to be elected to either house of the Parliament within six months from the date assumption of the office.

TERM AND REMOVAL:

According to Article - 75(2) of the constitution, the Prime Minister and his council of Ministers shall continue in the office during the pleasure of the President, but in practice they can continue in the office as long as they have support and confidence of majority members in the Loksabha.

POWERS AND FUNCTIONS OF THE PRIME MINISTER:

The Indian Constitution has not provided any special powers and functions to the Prime Minister. But in practice he exercises many powers and functions which are as follows:

FORMS THE GOVERNMENT:

The Prime Minister forms the ministry. All the Union council of Ministers are appointed by the President on the advice of the Prime Minister. The Prime Minister is absolutely free to select the ministers as per his choice. He can change the ministers and he can ask any minister to resign. So, the Prime Minister is maker and unmaker of Government at the Union Level.

ALLOCATION OF PORTFOLIOS:

After the formation of the ministry the Prime Minister allocates the portfolios to his ministers. He can change the portfolios of the ministers.

LEADER OF THE CABINET:

The Prime Minister is the Leader of majority party in the Parliament. In that capacity he implements the policies and promises of his party. He controls the party members in the Parliament.

LEADERSHIP IN THE PARLIAMENT AND MAJOIRTY PARTY:

The Prime Minister is the Leader of majority party in the parliament. In that capacity, he implements the policies and promises of his party. He controls the party members in the parliament.

LINK BETWEEN PRESIDENT AND THE PARLIAMENT:

The Prime Minister communicates all the decisions of the Parliament to the President. He also informs the messages to the President to the Parliament.

LIK BETWEEN PRESIDENT AND CABINET MINISTERS:

The Prime Minister communicates the cabinet decisions to the President. He also communicates the messages of the President to Cabinet Ministers.

LEADER OF THE LOKSABHA:

The Prime Minister is regarded as the leader of the Loksabha. In that Capacity he takes part in the meetings of the Loksabha and the Rajya Sabha.

LEADER OF THE NATION:

The Prime Minister is the Leader of the Nation. In that capacity he visits the different places in the country and solves the problems of the people.

MAKER OF FOREIGN POLICY:

The Prime Minister plays an important role in shaping the Foreign policy of the Nation. The friendly relations with other countries depend on the personality and efficiency of the Prime Minister.

Jawahar Lal Nehru played a significant role as the main founder of the policy of Non-Alignment.

In this way the Prime Minister plays most important role in the Government. The role Of the Prime Minister ultimately depends on his experience, Charisma, Sincerity, Dedication, efficiency, Personality, Quality of his ministers, support from the Loksabha, his ministers, party and Civil servants.

SUMMARY :

The President is the Nominal Head of the state.

He is constitutional Head

He is the first citizen of India.

All the Executive powers of the Union Government are vested in him according to Article - 53.

The President is elected by an Electoral college consisting of elected members of the Parliament and elected members of state Legislative Assemblies including the elected members of the Legislative Assemblies of Delhi and Puducherry.

Their Emergency powers are of three types. They are

- A. National Emergency (Article - 362). This was declared so far three times because of war and one time in Internal disturbance.
- B. President's Rule or State Emergency (Article - 352). More than 110 times, this has been declared.
- C. Financial Emergency (Article - 360). This has not been declared so far.

POWERS AND FUNCTIONS OF THE PRIME MINISTER:

- 1. Forms the Government
- 2. Allocation of Portfolios
- 3. Leader of the Cabinet
- 4. Leadership in the Parliament and Majority party.
- 5. Link Between president and the Parliament
- 6. Link Between President and Cabinet Ministers.
- 7. Leader of the Lok Sabha.
- 8. Leader of the Nation
- 9. Maker of Foreign Policy.

The first Prime Minister was Jawahar Lal Nehru and the present prime minister is Narendra Damodhar Das Modi.

CHECK YOUR PROGRESS ANSWERS:

1. Who are the members of the Electoral college ?

A. The Electoral College members are: elected members of both the Houses of Parliament, elected members of the state legislative Assemblies. The elected members of the Legislative Assemblies of Delhi and Puducherry.

2. Mention any three Executive powers of the president.

A. According to Article - 53 of the Executive powers of the Union shall be vested in hands of the president and shall be exercised by him directly or through the officers subordinate to him. The President makes several appointments. Some of them are the Prime Minister, The Union Council of Ministers, the State Governors, Judges of the Supreme and High Courts, Chairman and members of the Statutory Commissions, Election Commission, Election Commissioner, Union Public Service Commission etc.,

3. Write the effects of the National Emergency.

A. During the National Emergency the Union Parliament is empowered to make laws on the subjects of the state list. All the fundamental rights except Article - 20 and 21 will be suspended by the President. So far this emergency has been declared three (3) times. In 1962, 1965 and 1971 because of war and in 1975 because of internal disturbances.

4. Write the functions of the Vice-President.

A. The Indian constitution has not given any special powers to the Vice-President. However he performs two important functions.

He is the chairman of the Rajya Sabha. He presides over the Rajya Sabha meetings.

He can discharge the functions of the President during the temporary absence of the President.

5. Write the organization of Union Council of Ministers.

A. There are three categories of Minister, namely Cabinet Ministers, Ministers of State and Deputy Ministers.

6. How is Prime Minister Appointed ?

A. Article - 75(1) says that the Prime Minister shall be appointed by the President Normally after the elections to the Loksabha the president invites majority party leader to form the Government and appoints him as the Prime Minister. But if no party gets enough majority, the President can appoint anyone as Prime Minister who in his opinion can form the government.

7. Explain the powers and functions of the Prime Minister.

A. The Prime Minister is head of the government. He forms the government. He allocates the portfolios to the ministers. He is the leader of the cabinet, party and parliament. He is the leader of the Nation and maker of Foreign policy.

MODEL EXAMINATION QUESTIONS:

8 MARKS QUESTIONS.

1. What are the powers and functions of the President of India ?
2. Examine the Emergency powers of the President.
3. Explain the powers and functions of the Prime Minister.

4. MARKS QUESTIONS:

1. Explain the method of Election of the President of India.
2. Write Legislative powers of the President of India.
3. Write a note on Executive powers of the President of India.
4. Discuss the powers of the Vice-President of India.
5. How is the Prime Minister appointed ?

2. MARKS QUESTIONS:

1. By whom is the Indian President elected ?
2. Name of Four persons who acted as the President of India.
3. How is the President of India impeached from his office ?
4. How many types of Ministers are there in the Union Government ? Identity their categories.
5. How many times and in what context the Indian President used Article- 352 ?
6. Mention the types of Ministers in the Union Government.

1. MARK QUESTIONS:

1. Who is the integral part of the Indian Parliament? ()

A) President B) Prime Minister C). Vice-President D). Loksabha Speaker.

.Who presides over the joint session of the Indian Parliament ? ()

A) President B) Vice-President C) Prime Minister D) Loksabha Speaker

.Who convenes the joint session of the parliament ? ()

- A) Lok Sabha Speaker
- B) President
- C) Vice-President
- D) Prime Minister

4. By whom is Vice-President elected ? ()

- A) Home Minister
- B) All Parliament Members
- C) Rajya Sabha Members
- D) President.

5. Who is the Supreme Commander of the Indian Armed Forces ? ()

- A) The President
- B). The Vice-President
- C) The Prime Minister
- D) Defence Minister of India

6. Who was the first Prime Minister of India ? ()

- A) JawaharlalNehru
- B) Lal Bahadur Shastri
- C) Indira Gandhi
- D) Rajiv Gandhi.

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15. UNION LEGISLATURE

Objectives

After reading this chapter you will be able to;

- *Understand the nature of the Indian parliamentary system*
- *Describe the composition of Indian parliament; the Rajya Sabha and Lok Sabha*
- *Explain the power and functions vested with the parliament*
- *Get an overview the importance of parliamentary committees in the smooth functioning of the government*

Introduction

The Indian government follows the parliamentary form of government. It is also known as the Westminster model of government. Article 79 to 122 in part V of the constitution deals with the organization, composition, duration, officers procedures, privileges, powers and so on of parliament at the union level. It is the highest law-making body in the country. Framers of the Indian constitution adopted a parliamentary form of Government to promote the principles of democracy such as participation by people in the decision making process, accountability of executive and soon.

According to Article 79 parliament consists of the President of the country, Council of States which is also known as Rajya Sabha and the House of the People which is also called Lok Sabha.

Parliament = Lok Sabha + Rajya Sabha + President.

COMPOSITION OF THE TWO HOUSES

Parliament of India is bicameral legislature which means it consists of two houses of parliament. They are:

Council of States (Rajya Sabha)

House of People (Lok Sabha)

Composition of Rajya Sabha

It is the upper House (second chamber or House of Elders) of the parliament. It represents states of the Indian union. The Rajya Sabha consists of two classes of members viz., nominated members and representatives of the States and Union Territories (elected directly). The Constitution provides that the Rajya Sabha shall consist of 250 members, out of which 238 are to be representatives of the states and union territories and 12 members shall be nominated by the President from amongst persons having special knowledge or practical experience in respect of such matters as literature, science, art and social service; and not more than 238 representatives of the States and of the Union Territories. The Vice President of India is the

ex-officio Chairman of Rajya Sabha. He presides over the meeting of the Rajya Sabha. The House also elects a Deputy Chairman from among its members.

ELECTION

The representatives of the States and of the Union Territories in the Rajya Sabha are elected by the method of indirect election. The representatives of each State and the three Union Territories (Delhi, Puducherry, and J&K) are elected by the elected members of the Legislative Assembly of that state and by the members of the Electoral college for that union territory, as the case may be, in accordance with the system of proportional representation by means of the single transferable vote. Twelve members nominated by the President of India from amongst members having special knowledge or practical experience in literature, science, art and social service.

TENURE

Rajya Sabha is a permanent House and not subject to dissolution like Lok Sabha. However, one third of its members retire every two years. Members of Rajya Sabha are elected by elected members of the State Legislative Assemblies for a term of six years, in accordance with system of proportional representation by means of the single transferable vote. There are no seats reserved for scheduled castes and Tribes in the Rajya Sabha.

Removal from the office of chairman

The Vice President of India is the ex-officio chairman of the Rajya Sabha. The term of chairman of Rajya Sabha normally finishes at five years. The chairman can be removed from his office by resolution of the council passed by a majority of all the then members of the council, which is to be approved by the Lok Sabha by a simple majority. But such a resolution can only be moved by giving at least 14 days notice to the chairman.

QUALIFICATIONS There are certain qualifications to be a member of Rajya Sabha. They are

1. He must be an Indian Citizen.
2. Must not be less than age of 30 years.
3. Must be registered as an elector for a parliamentary constituency.
4. Must possess all the qualifications as may be laid down by the parliament.

Quorum

1/10th Of the total members shall attend for conducting the meetings, the presiding officer will conduct the meetings after considering the quorum in the House. In case there is no quorum on a particular day, he may defer the meetings for a short while or for the next day.

Chairman of Rajya Sabha

As per Article 89 of the Indian constitution, the vice president of India is the ex-officio chairman of Rajya Sabha. He is not a member of the House. The members of parliament elect him for every five years not as the chairman of the Rajya Sabha but as Vice president of India.

Powers and functions of Chairman of Rajya Sabha

- i) The Chairman presides over the meetings of Rajya Sabha. He conducts the meeting with discipline, dignity, and decorum
- ii) He allows the members of the party in power and opposition to introduce various bills in the House and to carry out discussions on them
- iii) He conducts the election to the office of the Deputy chairman of the Rajya Sabha.
- iv) He conducts voting on various bills and announces the results whenever there is a tie in accepting a bill he expresses his casting vote to decide the fate of the bill.
- v) He participates in the joint sitting of the parliament as the chairman of the Rajya Sabha.
- vi) He announces the panel of Vice Chairman to conduct the meetings.
- vii) He examines the cases regarding violation of rules if any in the House.

COMPOSITION OF FLOKSABHA

The Lok Sabha is the Lower House of Parliament. It is also called the popular house of Parliament as its members are directly elected by the people. Lok Sabha is known as representatives of the people. The maximum strength of the Lok Sabha is fixed at 552, out of which 530 are to be the representatives of the states and 20 are to be the representatives of union territories. The speaker of Lok Sabha presides over the house of people. The speaker is elected from among its members by a simple majority of members present and voting in the house. A deputy speaker is also elected among its members who shall act as a speaker in case of absence of the speaker from the house.

ELECTION

The representatives of the Lok Sabha are directly elected by the registered voters of various states and union territories. The principle of direct election, adult franchise, single member constituency and secret voting are adopted for electing the members. Union territories representatives are elected in the manner prescribed by parliament by law. To ensure the

uniformity of representation with respect to different states and different constituencies with in the same state, each state is divided into territorial constituencies.

TENURE

According to the Article 83, the tenure of the Lok Sabha is five years. The term of Lok Sabha was enacted to six years by 42nd Amendment Act in 1976. Again in 1978 by 44th Amendment Act the term was decreased to five years. So, at present the term of the Lok Sabha is five years. The President shall dissolve the Lok Sabha before its term on the advice of the Prime Minister. The term of Lok Sabha can be extended for one year during the National Emergency. Normal term of Lok Sabha can be extended beyond five years during the proclamation of emergency. This extension can only be done for a period of six months at a time and can be extended from time to time and such extension cannot continue beyond a period of six months after the proclamation of emergency ceases to operate.

QUALIFICATIONS

There are certain qualifications to be a member of Lok Sabha. They are

1. He must be a citizen of India.
2. He must have completed 25 years of age.
3. Must be registered as an elector for a parliamentary constituency.
4. He must possess such other qualifications as may be laid down by the parliament.

QUORUM

Quorum implies minimum attendance required for conducting the meeting of the Lok Sabha.

Quorum is fixed 1/10th of the total membership. The speaker determines whether there is quorum on a particular day for conducting meetings.

Speaker of the Lok Sabha

The speaker is the presiding officer of the Lok Sabha. He not only presides over its meetings also controls its working. The office of the Speaker in India has been borrowed from the British Parliament. According to Article 93 of the constitution stipulates that the House of the people, after every general election shall elect a Speaker and Deputy Speaker from among its members for the entire term of the Lok Sabha. A person elected as the Speaker must be a member of the Lok Sabha. Speaker of the Lok Sabha normally holds his office for the term of 5 years. The speaker continues in his office even after the dissolution of the house. He holds his office until the new Speaker is elected.

Powers and functions of Lok Sabha Speaker

The following are the powers and functions of the Speaker of the Lok Sabha:

- i) The Speaker of the Lok Sabha conducts the business in house, and decides whether a bill is a money bill or not.

- ii) The Speaker of the Lok Sabha maintain discipline and decorum in the house and can punish a member for unruly behavior with respect to law after suspending them.
- iii) The Speaker of the Lok Sabha also permit the moving of various kinds of motions and resolutions such as a motion of no confidence, motion of adjournment, motion of censure and calling attention notice as per the rules.
- iv) The Speaker decides on the agenda to be taken up for discussion during the meeting. The date of election of the Speaker is fixed by the President.
- v) Further, all comments and speeches made by members of the House are addressed to the Speaker.
- vi) The Speaker also presides over the joint sitting of both houses of the Parliament of India.
- vii) The counterpart of the Speaker in the Rajya Sabha (Council of the States) is its Chairperson; the Vice-President of India is the ex-officio chairperson of the Rajya Sabha. On the order of precedence, the Speaker of Lok Sabha ranks sixth, along with the Chief Justice of India.
- viii) The Speaker is answerable to the House. Both the Speaker and Deputy Speaker may be removed by a resolution passed by the majority of the members. Lok Sabha Speaker can be elected by President on a nomination basis.
- ix) All bills passed requires the speaker's signature to go to the Rajya Sabha for its consideration.
- x) The Speaker also has a casting vote in the event of a tie. It is customary for the Presiding Officer to exercise the casting vote in such a manner as to maintain the status.

Sessions of the Parliament

Article 85 imposes a constitutional duty on the president to summon each House of parliament at such intervals that six months do not intervene between its last sitting in one session and the date appointed for its first sitting in the next session. Therefore, Parliament must meet at least twice a year. The President has power to summon or prorogue either or both Houses of Parliament.

Parliament ordinarily meets in three sessions in a year. These are the

1. Budget session (Feb-May)
2. Monsoon session (July-Sept) and
3. Winter session (Nov-Dec)

POWERS AND FUNCTIONS

Indian Parliament is the supreme Legislative body reflecting the aims and aspirations of the common people in India. Chapter II of Part V in Indian Constitution enumerates the powers and functions of the Parliament of India. The Parliament occupies a central position and has a multifunctional role in the Indian political and administrative system. The Parliament of India is a bi-cameral legislature. It consists of two houses- Rajya Sabha and Lok Sabha and President of India. Parliament makes law with the help of its both the chambers. Laws passed by the parliament and approved by the president are enforced in the whole country.

Its powers and functions can be classified in to following heads

- 1). Legislative powers
- (2). Executive powers
- (3). Financial powers
- (4). Constituent powers
- (5). Judicial powers
- (6). Electoral powers
- (7). Other powers

LEGISLATIVE POWERS AND FUNCTIONS

All the subjects in our constitution are divided among state, union and concurrent lists. In concurrent list Parliamentary law is over riding than state legislative law. Constitution also have powers to make law with respect to state legislature in following circumstances:

- (i) When Rajya Sabha passes a resolution to that effect
- (ii) When national emergency is under operation
- (iii) When two or more states request parliament to do so
- (iv) When necessary to give effect to international agreements, treaties and conventions
- (v) When President's rule is in operation.
- (vi) The primary responsibility of the parliament is to make laws for the governance of the country.

EXECUTIVE POWERS AND FUNCTIONS

In India, political executive is a part of the parliament. Parliament exerts control over the executive through procedural devices such as question hour, zero hour, calling attention motion, adjournment motion, half-an-hour discussion, etc. Members of different political parties are elected/nominated to the parliamentary committees. Through these committees,

the parliament controls the government. Committee on ministerial assurances constituted by parliament seeks to ensure that the assurances made by the ministries to parliament are fulfilled. Article 75 of the constitution mentions that the council of ministers remains in office as long as it enjoys the confidence of the Lok Sabha. The ministers are responsible to the Lok Sabha individually and collectively. Lok Sabha can remove the council of ministers by passing a no confidence motion in the Lok Sabha.

- (i) By not passing a motion of thanks on the President's inaugural address.
- (ii) By rejecting a money bill
- (iii) By passing a censure motion or an adjournment motion
- (iv) By passing a cut motion
- (v) By defeating the government on a vital issue

Parliament exercises control over executive in the following ways:

No- Confidence Motion: It is empowered with which means when a parliament passes a vote of no confidence the government or the executive dissolves.

Adjournment Motion: It is introduced to draw attention of the house to a finite matter of urgent public importance. It is considered an extraordinary tool in Parliament as the normal business is affected.

Censure Motion : It is moved in the parliament to strongly disapprove with the council of ministers for specific policies and actions. It can be moved against an individual or a group of ministers or the entire council of ministers. It is moved by the opposition party and once it is issued the government should seek the confidence of the house. It is similar to no confidence motion except that when a censure motion is passed the council of ministers need not resign from their office.

IMPORTANT PARLIAMENTARY TERMS:

1. Question Hour:

During the parliamentary session, the day's business normally begins with the question hour. The Ministers reply to the questions raised by the members of the Parliament.

2. Zero Hour:

The period follows the question hour and it starts at the noon and its duration is one hour (from 12 noon to 1 P.M.). During the Zero hour, various issues of public importance are raised without prior notice.

3. Prorogue:

'Prorogue' means the ending of a session of the Parliament. The President of India has the discretion to do it.

4. Dissolve:

To 'dissolve' means to end the life of the Parliament. The President has" the discretion to do it.

5. Quorum:

It is the minimum number of members of a legislature that must be present to make the proceedings valid. In case of the Parliament, the quorum of either House shall be one-tenth of the total number of members of the House.

6. Bill :

The draft of Legislative proposal put in the proper form which, when passed by both Houses of parliament and assented to by the President becomes a bill.

7. Budget:

Annual financial statement of the estimated receipts and expenditure of the Government of India in respect of a financial year.

SUMMARY

Parliament is the supreme legislative body of India. It is regarded as the symbol of faith that the people of India have in principles of democracy. The first general elections under the new Constitution were held during the year 1951-52 and the first elected Parliament came into existence in April, 1952. Parliament is entrusted with enormous duties and responsibilities. It is an important body to prevent the tyranny of the executive by constantly examining the functions of the executive. The executive is accountable to parliament. The bill has to be passed by the parliament to become a law. To ensure equal representation in Lok Sabha the total elective membership is distributed based on the population of that state. Rajya Sabha acts as the revising house and helps the Lok Sabha to meet the challenges. It helps to provide representation to various classes of interests.

Model Examination Questions

I. Answer the following questions in about 30 lines in each

1. Explain the Powers and functions of the Speaker of the Lok Sabha?
2. Write a note on Powers and functions of the Indian parliament?

II. Answer the following questions in about 15 lines in each

1. What are the Executive Powers of the Parliament?
2. Explain the Powers and functions of Chairman of Rajya Sabha?
3. Write briefly on Public Accounts committee?
4. Write briefly on Quorum?

III. Multif Choice Questions:

1) The Parliament of India is consisted of _____:

- (A) Lok Sabha & Rajya Sabha
- (B) Lok Sabha & Rajya Sabha & President
- (C) Lok Sabha, Rajya Sabha, President & Prime Minister
- (D) Lok Sabha, Rajya Sabha & Council of Ministers

2)What can be the maximum number of members of the Lok Sabha?

- (A) 545
- (B) 550
- (C) 552
- (D) 560

3) What is the maximum permissible time gap between two sessions of Parliament?

- (A) 3 months
- (B) 6 months
- (C) 9 months
- (D) 12 months

4) Which among the following articles defines the Money Bill?

- (A) Article 110
- (B) Article 111
- (C) Article 112
- (D) Article 113

5) The Parliament in India has adopted Parliamentary System of Constitution from which among the following countries?

- (A) USA
- (B) UK
- (C) Japan
- (D)France

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16. THE SUPREME COURT

Objectives

After studying this chapter, you would be able to understand

- *the meaning of independence of judiciary;*
- *the role of Indian Judiciary in protecting our rights;*
- *the role of the Judiciary in interpreting the Constitution; and*
- *the relationship between the Judiciary and the Parliament of India.*

Introduction

Many times, courts are seen only as arbitrators in disputes between individuals or private parties. But judiciary performs some political functions also. Judiciary is an important organ of the government. The Supreme Court of India is in fact, one of the very powerful courts in the world. Right from 1950 the judiciary has played an important role in interpreting and in protecting the Constitution. In this chapter you will study the role and importance of the judiciary. In the chapter on fundamental rights, you have already read that the judiciary is very important for protecting our rights

THE SUPREME COURT

The origins of the Supreme Court of India can be traced back to the Regulating Act of 1773 Part V of the Indian Constitution from Article 124 to 147 deal with the composition powers and functions of the Supreme Court. The Supreme Court, located in New Delhi, is the highest judicial authority of India. It is, in fact, one of the most powerful courts in the world Supreme Court of India came into existence on 28th January, 1950

COMPOSITION OF THE SUPREME COURT

Harilal J. Kania was the first Chief Justice of Supreme Court of India. The Constitution originally envisaged a Supreme Court with a Chief Justice and seven other judges. Presently, comprises the Chief Justice and 24 Judges. Ranjan Gogoi is the present (2018) Chief Justice of India.

Appointment and Qualifications

As per the Indian Constitution, the President appoints the Chief Justice of India [CJI] in consultation with such judges of the Supreme Court and of the High Courts as the President thinks proper. The other Judges of the Supreme Court and the High Court are appointed by the President after consulting the CJI. Since 1999, the judges are being appointed by the President only on the recommendations of the Collegium of the Supreme Court. This is a team headed by the CJI and the four most senior associate judges of the court. Its recommendations are binding on the President. Thus, in matters of appointment to the judiciary, the Supreme Court and the Council of Ministers play an important role.

To eliminate politics in the appointment of judges, high minimum qualifications have been prescribed. A person to be qualified for appointment as a judge of Supreme Court must be a citizen of India and fulfil one of the following conditions:

- a) must be at least five years a Judge of as High Court, or
- b) must be at least ten years an advocate of a High Court; or
- c) must in the opinion of the President, a distinguished jurist.

Tenure

Once appointed, the Chief Justice of India and other judges of the Supreme Court hold office until 65 years. A judge may voluntarily resign before expiry of his term. A judge of the Supreme Court or High Court may however be removed on the ground of proven misbehaviour or incapacity.

The President may remove the Supreme Court Judges by the 'impeachment' procedure laid out in the Constitution. According to the procedure, each house of the Parliament will have to pass a resolution supported by 2/3 of the members present and voting. Once such instance was, Supreme Court Justice V. Ramaswami's resignation in 1991, following a committee report of gross misuse of official position by him and subsequent impeachment procedure in the Parliament. We can therefore say that while the Supreme Court judges are appointed by the President, they hold office only on 'good behaviour'. After retirement, however, the judges cannot practice in any court of law.

Salaries

The Judges of the Supreme Court are paid such salaries as are determined by the Parliament from time to time. In other words, Judge-s's salaries and other allowances cannot be voted by the Parliament and State legislature. They are fixed high in order to secure their independence, efficiency and impartiality.

As per the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2017, the salary of Chief Justice of India is Rs 2.8 lakh per month. The salary of Judges of the Supreme Court and Chief Justices of High Courts is Rs 2.50 lakh per month. The Judges of High Court draw a monthly salary of Rs. 2.25 lakhs. Besides the salary, every judge is entitled to a rent-free official accommodation. The administrative expenses of the Supreme Court, the salaries and allowances of the judges are charged on the Consolidated Fund of India.

Privileges and Immunities

To keep the judges away from political controversies, the Constitution grants them immunity from criticisms against decisions and actions made in their official capacity. The Supreme Court is empowered to initiate contempt proceedings against those who attribute motives to the judges in the discharge of their official duties. Even the Parliament cannot discuss the conduct of the judges except during an impeachment procedure.

POWERS AND FUNCTIONS OF THE SUPREME COURT

The Supreme Court of India is one of the very powerful courts in the world. Article 141 provides that the law laid down by the Supreme Court shall be binding on all courts within the territory of India. According to the Constitution of India, the powers of the Supreme Court is categorised into three parts. It serves as: i] A Federal Court; ii] A Court of Appeal; iii] A Guardian of the Constitution. All these powers are explained through different jurisdictions vested with the Supreme Court.

The Supreme Court has three types of jurisdictions, namely, 1) Original 2) Appellate 3) Advisory. Its role as a Federal Court [an adjudicator] and Guardian of the Constitution [an interpreter] can be understood through the original and appellate jurisdiction vested with the Court. Let us know about each of these jurisdictions in detail.

ORIGINAL JURISDICTION

Original jurisdiction means all such cases begin or originate in the Supreme Court only. It also means that such cases cannot be initiated in any other court. Under Article 131 of the Constitution, the Supreme Court is vested with original jurisdiction, firstly, as a federal court. The cases or disputes that come under its original jurisdiction are:

- (i) Disputes between the Government of India on the one side and one or more States on the other side.
- (ii) Disputes between the Government of India and one or more States on one side and one or more States on the other side.
- (iii) Disputes between two or more States.

Thus, it serves as an arbitrator for final settlement of disputes that might arise between the Centre and States. Such disputes must however involve some question of law. For example, the dispute between the sharing of river or other natural resources between two States in India can be directly brought to the Supreme Court under exercise of its original jurisdiction.

APPELLATE JURISDICTION

This means that a citizen can appeal to the Supreme Court against any judgement, decree or final order of a High Court, both in civil and criminal cases. If one of the parties to a dispute is not satisfied with the decision of the High Court, one can go to the Supreme Court and file an appeal. The Supreme Court will then reconsider the case and the legal issues involved in it. The Supreme Court is the final Court of Appeal.

The Supreme Court hears appeals from all courts in India and it has vast appellate jurisdiction in cases involving civil, criminal and constitutional cases.. Disputes relating to property, marriage, money, contract and service etc are called civil cases. In criminal cases, if the lower court has sentenced a person to death then an appeal can be made to the High Court or Supreme Court. Appeals in Constitutional cases means cases arising out of different interpretations of Constitution, mainly regarding the fundamental rights. In such Constitutional cases an appeal can be taken to the Supreme Court only if a High Court certifies that the matter in dispute involves a substantial question of law. If the High Court denies a certificate of fitness to appeal to the Supreme Court, the Supreme Court can use its special appellate jurisdiction and grant special leave appeal from any judgment, decree sentence or order in any case or matter passed or made by any court or tribunal.

ADVISORY JURISDICTION

The Supreme Court of India also possesses advisory jurisdiction. Under Article 143 of the Constitution, the President of India can refer any matter that is of public importance or that which involves interpretation of Constitution to Supreme Court for advice. However, the President is not bound to accept such an advice. Then, what is the utility of the advisory powers of the Supreme Court? The utility is two-fold. Firstly, it allows the government to seek legal opinion on a matter of importance before taking action on it. This may prevent unnecessary litigations later. Secondly, basing on the Supreme Court advice, the government can make suitable changes in its action or legislations. Thus, the practice of seeking advisory opinion of the Supreme Court helps the President to arrive at a sound decision on important issue.

A Court of Record

Besides the original, appellate, and advisory jurisdiction, the Supreme Court of India Court a Court of Record. All judgements, decisions and proceedings of the Supreme Court are possessing a few miscellaneous powers. Article 129 of the Constitution makes the Supreme kept as records and archived. All its decisions and judgments are quoted as precedents in all courts of the country. As a Court of Record, the Supreme Court has the power to punish individuals for contempt of the court.

MODEL QUESTIONS

1. Write about the Original Jurisdiction of the Supreme Court of India?
2. Explain the Appellate Jurisdiction?
3. Write a note on an advisory Judication of the Supreme Court of the India?
4. Write a note on a Court of Record?
5. Discuss the Appointment and Qualifications of the Judges of the Supreme Court?
6. Write about the Tenure of the Judgers of the Supreme Court?
7. Write about the Salaries of Judges of the Supreme Court?
8. Discuss the Privileges and immunities judgers of the Supreme Court?

MULTIPLE CHOICE QUESTIONS

1. The Supreme Court of India was located at _____
New Delhi / Calcutta / Mumbai.

2. The Supreme Court of India came into existence on _____
26th Jan 1950 / 28th Jan 1950 / 26th Nov 1949.

3. _____ was the 1st Chief Justices of Supreme Court of India.
Harilal J Kania / M. Patanjali Sastri / PBGajendragadkar.

- 4, _____ is the Present Chief Justices of India.
Jagdish Singh Khehar / Dhananjaya Y Chandrachud / Sharad Arvind Bobde.

5. The Chief Justices of India and other Judges of the Supreme Court hold office
until _____ years. 65 / 70 / 60.

6. The Salary of Chief Justice of India is Rupees Per Month _____
2,80,000/- / 2,50,000/- 2,30,000/-.

7. Article _____ of the Constitution makes the Supreme Court a Court of
Record? Article 129 / Article 139 / Article 226.

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17. STATE EXECUTIVE

Objectives

After studying this lesson, you will be able to

- *Recall the method of appointment of the Governor;*
- *Explain the qualifications, tenure and privileges of the Governor;*
- *Describe the powers of the Governor, including his discretionary powers;*
- *Assess the role and position of the Governor;*
- *Recall the election/ appointment of the Chief Minister;*
- *Describe the appointment of the Council of Ministers and how it is formed;*
- *Explain the powers and functions of the Chief Minister and the Council of Ministers;*

Introduction

The Indian Constitution provides for a parliamentary system of executive both at centre and the states. Article 153 states that there shall be a governor for each state. The constitution (7th amendment)1956 makes it possible to appoint the same person as the governor of two or more States. Governor is constitutional Head of the state and acts on the advice of the council of ministers headed by the chief minister. The State Executive is the part of the state government which enforces the law and is responsible for the administration of the state. A Governor is a constitutional head of a state of India that has similar powers and functions at the state level as those of the president of India at the central level. Governors exist in the states, while lieutenant governors and administrators exist in union territories of Delhi and Puducherry and other union territories. The constitution provides for a federal structure and hence the status are provided with their own governments. A started earlier parliamentary system has government exist in the states. At the State level, generally following the central pattern, the Governor, like the President, acts as a nominal head and the real powers are exercised by the Council of Ministers headed by the Chief Minister. The members of the Council of Ministers at the State level are also collectively and individually responsible to the lower House of the State Legislature for their acts of omission as well as commissions.

APPOINTMENT OF THE GOVERNER

The head of the executive of each state is the governor. He she is appointed by president of India on the advice of the union council of ministers headed by the prime minister as a matter of conversion the chief minister of the concerned state used to be consulted. The drop the constitution envisaged and elected governor but it was felt that it might cause conflict with the chief minister, affecting the smooth functioning of the state's administration moreover such a provision would have been a contradiction in a parliamentary democracy. Therefore, it was decided in the constituent assembly that the governor should be nominated by the president. Conventionally a person should not be appointed as governor of once own state. Earlier persons who distinguish themselves in public life politics administration and arts etc. Known for their integrity were appointed to this office but in the last two decades our experience shows that the high principles are not added to often one finds the that persons who failed at the hustling are you have to a to be accommodated politically are being elected to this office. Articles 153 to 167 in Part VI of the Constitution deals with the State Executive. The State Executive consists of:

1. Governor
2. Chief Minister
3. Council of Ministers
4. Advocate General of the State
5. Non-Political Permanent Executive - Civil Servants

QUALIFICATIONS

The Governor of a State is appointed by the President of India. The Constitution lays down only two qualifications for the appointment of a person as a governor. These are: per Article 157-158.

1. He should be a citizen of India.
2. He should have completed the age of 35 years.
3. He/she should not hold any office of profit during his tenure of office as Governor.

Term of office of the Governor

As per Article 156:

- (i) The Governor shall hold the office at the pleasure of the President.
- (ii) The Governor may resign his/her office; otherwise, the Governor shall hold office for a period of 5 years from the date on which he/she enters his/her office. At present, in terms of salary, the Governor of a state receives a monthly salary of 350,000.

In addition to receiving a salary, the governor is also entitled to a rent-free official dwelling, free utilities, and transportation.

POWERS AND FUNCTIONS OF GOVERNOR

A governor possesses executive, legislative, financial and judicial powers more or less analogous to the President of India. However, he has no diplomatic, military or emergency powers like the president. The powers and functions of the governor can be studied under the following heads:

1. Executive powers
2. Legislative powers
3. Financial powers
4. Judicial powers.

Executive Function

The executive powers and functions of the Governor are:

1. All executive actions of the government of a state are formally taken in his name.
2. He can make rules specifying the manner in which the Orders and other instruments made and executed in his name shall be authenticated.
3. He appoints the chief minister and other ministers. They also hold office during his pleasure. There should be a Tribal Welfare minister in the states of Chattisgarh, Jharkhand, Madhya Pradesh and Odisha appointed by him.
4. He appoints the advocate general of a state and determines his remuneration. The advocate general holds office during the pleasure of the governor.
5. He appoints the state election commissioner and determines his conditions of service and tenure of office. However, the state election commissioner can be removed only in like manner and on the like grounds as a judge of a high court.
6. He appoints the chairman and members of the state public service commission. However, they can be removed only by the president and not by a governor.
7. He can seek any information relating to the administration of the affairs of the state and proposals for legislation from the chief minister.
8. He can recommend the imposition of constitutional emergency in a state to the president. During the period of President's rule in a state, the governor enjoys extensive executive powers as an agent of the President.
9. He acts as the chancellor of universities in the state. He also appoints the vice-chancellors of universities in the state.

Legislative Function

A governor is an integral part of the state legislature. In that capacity, he has the following **legislative powers and functions**:

1. He can summon or prorogue the state legislature and dissolve the state legislative assembly.
2. He can address the state legislature at the commencement of the first session after each general election and the first session of each year.
3. He can send messages to the house or houses of the state legislature, with respect to a bill pending in the legislature or otherwise.
4. He can appoint any member of the State legislative assembly to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant. Similarly, he can appoint any member of the state legislature council to preside over its proceedings when the offices of both Chairman and Deputy Chairman fall vacant.
5. He nominates one-sixth of the members of the state legislative council from amongst persons having special knowledge or practical experience in literature, science, art, cooperative movement and social service.
6. He can nominate one member to the state legislature assembly from the Anglo-Indian Community.
7. He decides on the question of disqualification of members of the state legislature in consultation with the Election Commission.

Financial function

The financial powers and functions of the governor are:

1. He sees that the Annual Financial Statement (state budget) is laid before the state legislature.
2. Money bills can be introduced in the state legislature only with his prior recommendation.
3. No demand for a grant can be made except on his recommendation.
4. He can make advances out of the Contingency Fund of the state to meet any unforeseen expenditure.
5. He constitutes a finance commission after every five years to review the financial position of the panchayats and the municipalities.

Judicial Powers

The judicial powers and functions of the governor are:

1. He can grant pardons, reprieves, respites and remissions of punishment or suspend,

remit and commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the state extends.

2. He is consulted by the president while appointing the judges of the concerned state high court.
3. He makes appointments, postings and promotions of the district judges in consultation with the state high court.
4. He also appoints persons to the judicial service of the state (other than district judges) in consultation with the state high court and the State Public Service Commission

Emergency powers

The Governor has no role or powers in an emergency situation to meet with the external aggression or armed rebellion as the President unless specifically permitted by the president under articles 160, 356 and 357.

Position and Role of the Governor

The Constitution provides that there shall be a Council of Ministers with the Chief Minister as its head to aid and advise the Governor in the exercise of his functions, except when he/ she is required by the Constitution to act at his discretion. When the Chief Minister enjoys the confidence of the majority in the state legislature, then the Governor's capacity to exercise his/her discretionary powers is reduced. In such a situation, the Chief Minister is the real head of the state administration and the Governor is the constitutional head. So we see that the governor plays a dual role. As the constitutional head of the State, he/she acts on the advice of the Council of Ministers and also serves as the agent of the Central Government. The relations between the Governor and the Chief Minister are influenced by the political and constitutional conditions in the State. In normal conditions, the Governor is the ceremonial head of the State, but during the President's Rule he/she becomes the agent of the Centre and assumes control of the state administration. Keeping the spirit of the Constitution in mind, the Governor may, in a sense, be the "eyes and ears" of the Central Government and as he/she is appointed, removed or transferred by the Centre, he continues to be subservient to the Centre as well as the party in power there. It may be emphasised that the job of the Governor would not be merely that of an umpire to see that the game is played according to the letter and spirit of the Constitutional provisions.

According to the constitutional experts, the Governor's role in three respects i.e., recommending to the President for the proclamation of emergency; appointing a Chief Minister in case no party gets a clear majority and deciding the fate of the Chief Minister in case of intraparty defections, has become very controversial. The deterioration in the political standards and practices that has come about in the wake of multi-party ministries in many of the States, party rivalries, political defections and fragmentation of the political parties have been at the root of these controversies.

CHIEF MINISTER

In the scheme of the parliamentary system of government provided by the Constitution, the governor is the nominal executive authority (*de jure* executive) and the Chief Minister is the real executive authority (*de facto* executive). In other words, the governor is the head of the state, while the Chief Minister is the head of the government. Thus, the position of the Chief Minister at the state level is analogous to the position of prime minister at the Centre.

APPOINTMENT OF CHIEF MINISTER

The Constitution does not contain any specific procedure for the selection and appointment of the Chief Minister. Article 164 only says that the Chief Minister shall be appointed by the governor. However, this does not imply that the governor is free to appoint any one as the Chief Minister. In accordance with the conventions of the parliamentary system of government, the governor has to appoint the leader of the majority party in the state legislative assembly as the Chief Minister.

But, when no party has a clear majority in the assembly, then the governor may exercise his personal discretion in the selection and appointment of the Chief Minister. In such a situation, the governor usually appoints the leader of the largest party or coalition in the assembly as the Chief Minister and asks him to seek a vote of confidence in the House within a month.

The Constitution does not require that a person must prove his majority in the legislative assembly before he is appointed as the Chief Minister. The governor may first appoint him as the Chief Minister and then ask him to prove his majority in the legislative assembly within a reasonable period. This is what has been done in a number of cases.

A person who is not a member of the state legislature can be appointed as Chief Minister for six months, within which time, he should be elected to the state legislature, failing which he ceases to be the Chief Minister.

According to the Constitution, the Chief Minister may be a member of any of the two Houses of a state legislature. Usually, Chief Ministers are selected from the Lower House (legislative assembly), but, on a number of occasions, a member of the Upper House (legislative council) has also been appointed as Chief Minister.

Council of Ministers to aid and advise the Governor

1. There shall be a Council of Ministers with the Chief Minister as the head to aid and advise the Governor in the exercise of his functions, except in so far as he is required to exercise his functions in his discretion.
2. If any question arises whether a matter falls within the Governor's discretion or not, the decision of the Governor shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted into his discretion.

3. The advice tendered by Ministers to the Governor shall not be inquired into in any court.

OATH, TERM AND SALARY

Before the Chief Minister enters his office, the governor administers to him the oaths of office and secrecy. In his oath of office, the Chief Minister swears:

1. To bear true faith and allegiance to the Constitution of India.
2. To uphold the sovereignty and integrity of India.
3. To faithfully and conscientiously discharge the duties of his office, and
4. To do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill-will.

In his oath of secrecy, the Chief Minister swears that he will not directly or indirectly communicate or reveal to any person(s) any matter that is brought under his consideration or becomes known to him as a state minister except as may be required for the due discharge of his duties as such a minister.

The term of the Chief Minister is not fixed and he holds office at the pleasure of the governor. However, this does not mean that the governor can dismiss him at any time. He cannot be dismissed by the governor as long as he enjoys the majority support in the legislative assembly. But, if he loses the confidence of the assembly, he must resign or the governor can dismiss him.

The salary and allowances of the Chief Minister are determined by the state legislature.

In addition to the salary and allowances which are payable to a member of the state legislature, he gets a sumptuary allowance, free accommodation, travelling allowance, medical facilities, etc.

APPOINTMENT OF MINISTERS

The chief minister is appointed by the governor. The other ministers are appointed by the governor on the advice of the chief minister. This means that the governor can appoint only those persons as ministers who are recommended by the chief minister. But, there should be a tribal welfare minister in Chhattisgarh, Jharkhand, Madhya Pradesh and Odisha. Originally, this provision was applicable to Bihar, Madhya Pradesh and Odisha. The 94th Amendment Act of 2006 freed Bihar from the obligation of having a tribal welfare minister as there are no Scheduled Areas in Bihar now and the fraction of population of the Scheduled Tribes is very small. The same Amendment also extended the above provision to the newly formed states of Chhattisgarh and Jharkhand.

Usually, the members of the state legislature, either the legislative assembly or the legislative council, are appointed as ministers. A person who is not a member of either House of the state legislature can also be appointed as a minister. But, within six months, he must become a member (either by election or by nomination) of either House of the state legisla-

ture, otherwise, he ceases to be a minister.

A minister who is a member of one House of the state legislature has the right to speak and to take part in the proceedings of the other House. But, he can vote only in the House of which he is a member.

OATH AND SALARY OF MINISTERS

Before a minister enters upon his office, the governor administers to him the oaths of office and secrecy. In his oath of office, the minister swears:

1. To bear true faith and allegiance to the Constitution of India,
2. To uphold the sovereignty and integrity of India,
3. To faithfully and conscientiously discharge the duties of his office, and
4. To do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill-will.

In his oath of secrecy, the minister swears that he will not directly or indirectly communicate or reveal to any person(s) any matter that is brought under his consideration or becomes known to him as a state minister except as may be required for the due discharge of his duties as such minister.

The salaries and allowances of ministers are determined by the state legislature from time to time. A minister gets the salary and allowances which are payable to a member of the state legislature. Additionally, he gets a sumptuary allowance (according to his rank), free accommodation, travelling allowance, medical facilities, etc.

POWERS AND FUNCTIONS OF THE CHIEF MINISTER

The Chief Minister is the head of the Council of Ministers of his/her State. The constitutional position of the Chief Minister is more or less similar to that of the Prime Minister.

The Chief Minister plays an important role in the administration of the state. The powers and functions of the Chief Minister are

- (a) The Chief Minister is the real head of the state government. Ministers are appointed by the Governor on the advice of the chief Minister. Portfolios to the Ministers are allocated by the Governor on the advice of the Chief Minister.
- (b) The Chief Minister presides over the Council of Ministers/Cabinet meeting. He/she coordinates the functioning of different Ministers. He/she guides the functioning of the Cabinet/Council of Ministers.
- (c) The Chief Minister plays a key role in framing laws and policies of the State Government. Bills are introduced in the State Legislature with his/ he approval. He/she is the Chief spokesperson of the policies of his/her government both inside and outside the State Legislature.

- (d) The Constitution provides that the Chief Minister shall communicate to the Governor about all decisions of the Council of Ministers/Cabinet relating to the administration and affairs of the State and proposals for legislation.
- (e) If the Governor so requires, the Chief Minister submits for consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered or approved by the Cabinet.
- (f) The Chief Minister is the sole link of communication between the Cabinet and the Governor. The Governor has the right to be informed by the Chief Minister about the decisions taken by the Cabinet/Council of Ministers.

Thus, it is clear that the real authority is vested with the Council of Ministers headed by the Chief Minister. The real executive of the State is the Council of Ministers/Cabinet headed by the Chief Minister.

RELATIONSHIP OF THE GOVERNOR WITH THE CHIEF MINISTER

The following provisions of the Constitution deal with the relationship between the governor and the Chief Minister:

1. Article 163: There shall be a council of ministers with the Chief Minister as the head to aid and advise the governor on the exercise of his functions, except in so far as he is required to exercise his functions or any of them in his discretion.

2. Article 164:

- (a) The Chief Minister shall be appointed by the governor and other ministers shall be appointed by the governor on the advice of the Chief Minister;
- (b) The ministers shall hold office during the pleasure of the governor; and
- (c) The council of ministers shall be collectively responsible to the legislative assembly of the state. 3. Article 167: It shall be the duty of the Chief Minister: (a) to communicate to the governor of the state all decisions of the council of ministers relating to the administration of the affairs of the state and proposals for legislation;
- (b) To furnish such information relating to the administration of the affairs of the state and proposals for legislation as the governor may call for; and
- (c) If the governor so requires, to submit for the consideration of the council of ministers any matter on which a decision has been taken by a minister but which has not been considered by the council.

RESPONSIBILITY OF MINISTERS

Collective Responsibility

The fundamental principle underlying the parliamentary system of government is the principle of collective responsibility. Article 164 clearly states that the council of ministers is

collectively responsible to the legislative assembly of the state. This means that all the ministers own joint responsibility to the legislative assembly for all their acts of omission and commission. They work as a team and swim or sink together. When the legislative assembly passes a no-confidence motion against the council of ministers, all the ministers have to resign, including those ministers who are from the legislative council. Alternatively, the council of ministers can advise the governor to dissolve the legislative assembly on the ground that the House does not represent the views of the electorate faithfully and call for fresh elections. The governor may not oblige the council of ministers, which has lost the confidence of the legislative assembly.

Individual Responsibility

Article 164 also contains the principle of individual responsibility. It states that the ministers hold office during the pleasure of the governor. This means that the governor can remove a minister at a time when the council of ministers enjoys the confidence of the legislative assembly. But, the governor can remove a minister only on the advice of the chief minister. In case of difference of opinion or dissatisfaction with the performance of a minister, the chief minister can ask him to resign or advise the governor to dismiss him. By exercising this power, the chief minister can ensure the realisation of the rule of collective responsibility.

SUMMARY

The governor is the constitutional Head of the state. In practice, it is the chief minister who is the real head of the government. The chief minister is appointed by governor. India's constitution provides for a federal government, having separate systems of administration for the union and its units, namely the states. It lays down a uniform structure for the state government, in Part IV of the Constitution, which is applicable to all the states.

The pattern of governance in the states is the same as that for the union, namely a parliament system, the executive head being a constitutional ruler who is to act according to the advice of ministers responsible to the state legislature. Under the constitution, the executive power of a state is vested in the governor. The Government of the state is run in his name.

The executive at the state level has been modelled on the central pattern. It consists of the governor, the council of ministers and the chief minister.

Model Questions

Q 1. How is Governor appointed?

Q 2. What powers are exercised by the Governor?

Q 3. Does the Governor have any discretionary powers? Mention his/her discretionary powers?

Q 4. What is the position and role of the Governor?

Q 5. How is the Council of Ministers formed in a State?

Q 6. Describe the functions of the Chief Minister?

Q 7. Explain the relationship of the Governor with the Chief Minister?

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18. STATE LEGISLATURE

Objectives

- After studying this lesson, you will be able to
- Describe the composition of Vidhan Sabha and Vidhan Parishad;
- Explain powers and functions of State Legislative Assembly and council
- Enlist the responsibilities of the presiding officers of state Legislature
- Examine relationship between both the Houses; and
- Assess the importance of state Legislature

Introduction

The state legislature occupies a preeminent and central position in the political system of a state. Articles 168 to 212 in Part VI of the Constitution deal with the organisation, composition, duration, officers, procedures, privileges, powers and so on of the state legislature. Though these are similar to that of Parliament, there are some differences as well.

ORGANISATION OF STATE LEGISLATURE

Composition of The State Legislature

In most of the States, the Legislature consists of the Governor and the Legislative Assembly (Vidhan Sabha). This means that these State have unicameral Legislature. In a few States, there are two Houses of the Legislature namely, Legislative Assembly (Vidhan Sabha) and Legislative council (Vidhan Parishad) besides the Governor. Where there are two Houses, the Legislature, is known as bicameral.

If a state has a bicameral legislature, the Legislative Assembly or Vidhan Sabha is the Lower House while the Legislative Council or Vidhan Parishad is the Upper House. The Legislative Assembly is also known as the popular chamber. It is more powerful than the Legislative Council.

The constitution of India provides that a Legislative Assembly cannot have more than 500 members and less than 60 members. In other words, the number of members of the

Legislative Assemblies of different states varies between 60 and 500. The present strength of the Telangana state Legislative Assembly is 119.

Some seats in the Legislative Assembly are reserved for Scheduled Castes and Scheduled Tribes. If the Governor of a state feels that the members of the Anglo-Indian community have not been duly represented in the Legislative Assembly, he can nominate one member to it. The members of the Legislative Assembly (M.L.A.s) are elected directly by voters from different territorial constituencies. For the purpose of election to the Legislative Assembly, each state is divided into many single-member territorial constituencies.

Legislative Assembly (Vidhan Sabha)

There is a Legislative Assembly (Vidhan Sabha) in every State. It represents the people of State. The members of Vidhan Sabha are directly elected by people on the basis of universal adult franchise. They are directly elected by all adult citizens registered as voters in the State. All men and women who are 18 years of age and above are eligible to be included in the voters' List. They vote to elect members of State Assembly. Members are elected from territorial constituencies. Every State is divided into as many (single member) constituencies as the number of members to be elected. As in case of Lok Sabha, certain number of seats are reserved for Scheduled Castes, and in some States for Scheduled Tribes also. This depends on population of these weaker sections in the State.

In order to become a Member of Vidhan Sabha a person must:

1. Be a citizen of India;
2. Have attained the age of 25 years;
3. His/her name must be in voters' list;
4. Must not hold any office of profit i.e.;
5. Should not be a government servant.

The tenure of Vidhan Sabha is five years, but the Governor can dissolve it before the completion of its term on the advice of Chief Minister. It may be dissolved by the President in case of constitutional emergency proclaimed under Article 356 of the Constitution.

In case of proclamation of national emergency (under Article 352) the Parliament can extend the term of the Legislative Assemblies for a period not exceeding one year at a time.

Legislative Council (Vidhan Parishad)

Vidhan Parishad is the upper House of the State Legislature. It is not in existence in every State. Very few States have bicameral Legislature that means having two Houses. At present five states viz. Uttar Pradesh, Bihar, Karnataka, Maharashtra and Jammu & Kashmir have Vidhan Parishad while, remaining 23 States have one House, i.e. Vidhan Sabha. Legislative Councils are legacy of the British period. The Parliament can create Vidhan Parishad in a State where it does not exist, if the Legislative Assembly of the State passes a resolution to this effect by a majority of the total membership of the Assembly and by a

majority of not less than two thirds of the members of the Assembly present and voting, and sends the resolution to the Parliament. Similarly, if a State has a Council and the Assembly wants it to be abolished, it may adopt a resolution by similar majority and send it to Parliament. In this situation Parliament resolves to abolish the concerned Legislative Council. Accordingly, Councils of Punjab, Tamil Nadu and West Bengal were abolished.

According to the Constitution, the total number of members in the Vidhan Parishad of a State should not exceed one-third of the total number of members of Vidhan Sabha but this number should not be less than 40. The Jammu & Kashmir is an exception where Vidhan Parishad has 36 members.

In order to be a member of the Legislative Council the person concerned should

1. be a citizen of India;
2. have attained the age of 30 years;
3. be a registered voter in the State;
4. not hold any office of profit.

The Vidhan Parishad is partly elected and partly nominated. Most of the members are indirectly elected in accordance with the principle of proportional representation by means of single transferable vote system. Different categories of members represent different interests. The composition of the Legislative Council is as follows:

1. One-third members of the Council are elected by the members of the Vidhan Sabha.
2. One-third of the members of the Vidhan Parishad are elected by the electorates consisting of members of Municipalities, District Boards and other local bodies in the State;
3. One-twelfth members are elected by the electorate consisting of graduates in the State with a standing of three years;
4. One-twelfth members are elected by the electorate consisting of teachers of educational institutions within the State not lower in standard than a secondary school who have teaching experience of at least three years;
5. The remaining, i.e. about one-sixth members are nominated by the Governor from amongst the persons having special knowledge in the sphere of literature, science, arts, co-operative movement and social service.

The Vidhan Parishad, like Rajya Sabha is a permanent House. It is never dissolved. The tenure of its members is six years. One-third of its members retire after every two years. The retiring members are eligible for re-election. In case of vacancy arising out of resignation or death by-election is held for the remaining period of such members' tenure.

Oath or Affirmation

Every member of either House of state legislature, before taking his seat in the House, has to make and subscribe an oath or affirmation before the governor or some person appointed by him for this purpose.

In this oath, a member of the state legislature swears:

- (a) to bear true faith and allegiance to the Constitution of India;
- (b) to uphold the sovereignty and integrity of India; and
- (c) to faithfully discharge the duty of his office.

Unless a member takes the oath, he cannot vote and participate in the proceedings of the House and does not become eligible to the privileges and immunities of the state legislature.

A person is liable to a penalty of ₹500 for each day he sits or votes as a member in a House:

- (a) before taking and subscribing the prescribed oath or affirmation; or
- (b) when he knows that he is not qualified or that he is disqualified for its membership; or
- (c) when he knows that he is prohibited from sitting or voting in the House by virtue of any law made by Parliament or the state legislature.

Members of a state legislature are entitled to receive such salaries and allowances as may from time to time be determined by the state legislature.

POWER AND FUNCTIONS OF THE STATE LEGISLATURE

Legislative Powers

Powers and functions of the State Legislature, whether unicameral or bicameral, are almost the same as those of the Union Parliament based on the division of power between the Union and the States. On account of the federal structure of the Indian Constitution, the State Legislatures do not have unlimited authority. As you have read earlier, the powers are divided between the Union and the State based on the Union List, State List and the Concurrent list. Let us study the powers of the State Legislature under the following heads:

Legislative Powers

Law making is the primary function of the State Legislature. It makes laws on 66 subjects included in the State List. It also has the right to make laws on the subjects mentioned in the Concurrent List but it should not contradict any law made by the Parliament on the same subject. In case of contradiction, the law made by the Central Government prevails.

The procedure of law making is the same as in Parliament both in the case of Ordinary Bills (Non-money bills) and the Money bills. Every bill passed by the State Legislature (One House if unicameral and both the Houses if bicameral) is sent to the Governor for his for his/her assent after which it becomes a law.

Financial Powers

The finances of the State are under the complete control of the State Legislature because no expenditure can be incurred without the sanction of the Legislature. As explained in the case of the Union Parliament, a Money Bill can be introduced only in the Lower House i.e. the Legislative Assembly and that too with the prior permission of the Governor. Since 23 States of India have the Legislative Assembly only, after passing the bill, it is sent to the Governor for assent who has no option but to give consent. In case, the Legislature is bicameral and has a Legislative Council also, the bill passed by the Assembly is sent to the Council. Like Rajya Sabha at the Centre, the State Legislative Council has limited powers and the Bill has to be returned to the Lower House within 14 days. Recommendations by the Council if any, are not binding on the Assembly. In either case the bill is deemed to have been passed by both the Houses and is sent to their Governor for signatures.

Control over the Executive

As a special feature of the Parliamentary form of government, the State Legislatures also keeps control over the Council of Ministers headed by the Chief Minister. Asking questions, adjournment motion, calling attention motion, no-confidence motion etc are some of the ways to keep the executive under control. In case a situation arises, the State Assembly can remove any individual minister or the entire Council of Ministers by adopting a vote of no-confidence against them.

Electoral Functions

The elected members of the Vidhan Sabha take part in the election of the President of India.

Constitutional Functions

You have already read about the procedure of amending the Indian Constitution. Some parts of the Constitution after being passed by the Parliament by a special majority require ratification by the State Legislatures of at least half the States. However, a constitutional amendment cannot be initiated in the State Legislature

RELATIONSHIP BETWEEN ASSEMBLY AND COUNCIL

The state legislature consists of stateless state you assembly and state legislative council. Though both the houses are filled with public representative assembly and jazz more powers than council. The relationship between these two houses can be best understood in the following manner.

- A) The assembly can initiative a bill and send it for the approval of the council. The council and retain the ordinary bill for 4 months to send reply.

B) In case of money bills the state assembly send the proposal to council but council fails to send back the money bill within 14 days the bill is demand as approved.

Again, both houses of state legislature functions are monistically with mutual cooperation if the same political party enjoys majority in the both houses there are also instances are conflict between these two houses.

SUMMARY

State legislature can't stop to houses in some states of India. These are legislative assembly and legislative council. While the members of the state assembly are directly elected by the people, the members of the legislative council are elected by various groups such as teachers, graduates, members of local self-government bodies, members of state legislature and nominated members of the governor. The state legislature has fixed tenure and has such as the members of the legislative council has 6 years and members of the assembly as five years the state legislative performs various functions such as the legated functions control over the executive financial functions connotational amendment functions electrol functions and miscellaneous function in India only 7 States that is Andhra Pradesh Telangana VR Jammu Kashmir Bihar Jammu Kashmir Karnataka Maharashtra Telangana and Uttar Pradesh has bicameral legislature with state legislative council.

Model Questions

1. Describe the composition of Vidhan Sabha (Legislative Assembly)
2. Describe the powers and functions of the State Legislature.
3. Mention the limitations of the powers of the State Legislature.

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19. COURTS AND SUBORDINATE COURTS

Introduction

After studying this lesson, you will be able to

- Describe the composition and organization of the High Courts;
- Explain the powers and jurisdiction of the High Courts;
- Appreciate the role of the High Courts as protector of fundamental rights; and
- Explain the working of the subordinate or lower courts.

Introduction

The constitution provides for a High Court at the apex of the State judiciary. Chapter V of Part VI of the Constitution of India contains provisions regarding the organization and functions of the High Court. By the provision of Article 125 which says "there shall be a High Court for each state", every state in India has a High Court and these courts have a constitutional status.

The High Courts are part of the Indian judiciary, and function under the supervision, guidance and control of the Supreme Court. As highest court in the State, a High Court supervises the subordinate courts in the State. The High Courts are mainly courts of appeal. These Courts hear appeals from numerous subordinate courts working at district level. The system of appointment of judges, their qualifications and the working of subordinate courts is under the direct control and supervision of the High Court of the State concerned. In this lesson you will read about the State High Courts. You will also get an idea of subordinate courts, including the District and Session Courts.

1. The State High Courts:

At present there are 25 High Courts for 28 States and Eight Union Territories. The High Courts are the highest courts at State level, but being part of integrated Indian judiciary, they work under the superintendence, direction and control of the Supreme Court.

Composition:

There is a High Court for each State. However, there can be a common High Court for two or more States. For example, the States of Punjab and Haryana and the Union Territory Structure of Government of Chandigarh have a common High Court situated at Chandigarh. Similarly, the High Court of Guwahati is common for seven northeastern States of Assam, Nagaland, Manipur, Meghalaya, Mizoram, Tripura and Arunachal Pradesh. Delhi, though not a State, has its own separate High Court. Every High Court has a Chief Justice and a number of judges. The number of judges varies from State to State. The number of judges of each High Court is determined by the President.

The judges of the High Courts are appointed by the President of India. While appointing Chief Justice of a High Court, the President has to consult the Chief Justice of the Supreme Court and the Governor of the State concerned. While appointing other judges, the President consults the Chief Justice of the Supreme Court, the Chief Justice of the High Court and Governor of the State concerned. The judges can be transferred from one High Court to another by the President. As mentioned earlier, consultation with the Chief Justice of the Supreme Court in respect of appointments and transfers of the judges of the High Court is also obligatory and binding for the President. While the constitutional status of the President remains intact, the actual selection of judges is made by a team of senior judges of the Supreme Court, headed by the Chief Justice of India in accordance with 1993 ruling as reinterpreted in 1999 by the Supreme Court. This is known as Collegium of the Supreme Court. Its recommendations are binding on the President.

Qualifications, Tenure and Removal of the Judges

In order to be appointed as a judge of a High Court, the person concerned should possess following qualifications:

- (i) He or she should be a citizen of India.
- (ii) He or she should have held a judicial office, at the district level or below for at least ten years.

OR

He or she should have been an advocate in one or more High Courts for at least ten years continuously without break.

Once appointed, the High Court judges hold office till they attain the age of 62 years. After retirement, they may be appointed judges of the Supreme Court or they may practice as advocates either in the Supreme Court or in any High Court other than the High Court in which they served as judges.

A High Court judge may be removed before he or she attains the age of 62 years, only on the ground of incapacity or proved misbehavior. He or she may be removed if both the Houses of Parliament adopt a resolution by a majority of their total membership and by two thirds majority of members present and voting, separately in each House in the same ses-

sion. Such a resolution is submitted to the President, who then can remove the concerned judge. This procedure is same as for removal of judges of the Supreme Court.

Powers and Jurisdiction of the High Court

The High Courts have the power to hear and decide cases which are brought directly to it. This power is called Original Jurisdiction. When a High Court hears an appeal against the decision of a lower court, it is called Appellate Jurisdiction. A High Court is mostly a court of appeal. Appeals in both civil and criminal cases are brought to it against the decisions of the lower courts.

Original Jurisdiction

The original jurisdiction of the High Courts is very limited. Cases of alleged violation of fundamental rights can be started in High Courts, or in the Supreme Court. The High Courts have the power to issue orders to restore the fundamental rights of the people. You will recall that these orders are called writs.

Power to Issue Writs: You have read in the 'Right to Constitutional Remedies' in the lesson on Fundamental Rights that the Supreme Courts and High Courts can issue writs to ensure that rights of the people are not violated either by State or otherwise. The Constitution has specifically given the power 'to issue certain writs' to the High Courts. These Courts can issue writs (which are binding directions of the Court) to any person or authority, including government of the State concerned. The writs in the nature of Habeas, Corpus, mandamus, prohibition, quo warranto, and certiorari (explained in lesson 6) for the enforcement of rights of the people. This power is exercised in the original jurisdiction of the High Court, and is not derogatory to similar power of the Supreme Court.

A High Court can hear election petition in its original jurisdiction, challenging the election of a Member of Parliament or State Legislative Assembly. It can set aside the election of a member if it finds that he or she used corrupt means in his or her election. All the lower courts function under the superintendence control and guidance of the High Court in the State.

The High Courts hear and decide appeals against decisions of the session's courts in criminal cases. An accused who is found guilty by a sessions court, and awarded a sentence may file an appeal against the verdict of the sessions court. Sometimes even State may appeal against a sessions court judgement for enhancement of punishment. The High Court may accept the decision of the sessions court, or alter it and increase or reduce the sentence, or change the nature of sentence, or may acquit an accused. However, if an accused is awarded death sentence by the sessions court, the sentence must be confirmed by the High Court before the person is hanged to death. Even if the accused does not file an appeal against death sentence, the State refers it to the High Court for confirmation.

Transfer of Cases to the High Court

If a High Court is satisfied that a case pending in a subordinate court involves a substantial question of law as to the interpretation of the Constitution, the High Court may withdraw such a case from the lower court. After examining the case, the High Court may

either dispose it off itself, or may return it to the lower court with instructions for disposal of the case.

Superintendence of Subordinate Courts

A High Court has the right of superintendence and control over all the subordinate courts in all the matter of judicial and administrative nature. In the exercise of its power of superintendence, the High Court may call for any information from the lower courts; may make and issue general rules and prescribe norms for regulating the practice and proceedings of these courts; and it may issue such directions, from time to time, as it may deem necessary. It can also make rules and regulations relating to the appointment, demotion, promotion and leave of absence for the officers of the subordinate courts.

Court of Record

A High Court is also a court of record, like the Supreme Court. Lower courts in a State are bound to follow the decisions of the High Court which are cited as precedents. A High Court has also the power to punish for its contempt or disrespect.

Subordinate Courts

Under the High Court, there is a hierarchy of courts which are referred to in the Indian constitution as subordinate courts. Since these courts have come into existence because of enactments by the state government, their nomenclature and designation differ from state to state. However, broadly in terms of organizational structure there is uniformity.

The state is divided into districts and each district has a district court which has an appellat jurisdiction in the district. Under the district courts, there are the lower courts such as the Additional District Court, Sub-Court, Munsiff Magistrate Court, Court of Special Judicial Magistrate of the II Class, Court of Special Judicial Magistrate of I Class, Court of Special Munsiff Magistrate for Factories Act and Labour Laws, etc. At the bottom of the hierarchy of Subordinate Courts are the Panchayat Courts (Nyaya Panchayat, Gram Panchayat, Panchayat Adalat etc). These are, however, not considered as courts under the purview of the criminal courts' jurisdiction.

The principle function of the District Court is to hear appeals form the subordinate courts. However, the courts can also take cognisance of original matters under special status for instance, the Indian Succession Act, the Guardian Act and Wards Act and Land Acquisition Act.

The Constitution ensures independence of subordinate judiciary. Appointments to the District Courts are made by the Governor in consultation with the High Court. A person to be eligible for appointment should be either an advocate or a pleader of seven years standing, or an officer in the service of the Union or the State. Appointment of persons other than the District Judges to the judicial service of a State is made by the Governor in accordance with the rules made by him in that behalf after consultation with the High Court and the State Public Service Commission.

The High Court exercises control over the District Courts and the courts subordinate to them, in matters as posting, promotions and granting of leave to all persons belonging to the State judicial service

Model Questions

1. Describe the composition of the High Court.
2. How can a judge of the High Court be removed from office?
3. Explain the original jurisdiction of the High Court.
4. Describe the appellate jurisdiction of the High Court.
5. How are the subordinate courts in a district organized?
6. In what way are the powers and functions of civil courts different from criminal courts in a district?

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20. LOCAL SELF-GOVERNMENTS

Introduction

After reading this unit, you should be able to:

- Trace the evolution of Local Self-Government (LSG) in India;
- Describe the structure and working of the LSG in rural and urban areas of India;
- Describe the changes in the scope and powers of the LSG.

Introduction

The political power in India is shared by three vertical units of governance - the central government, the state government and the local government. The local government includes the Panchayati Raj Institutions (PRIs) in the villages and the Municipal or Metropolitan Councils in the cities. These are known as institutions of local self-governance (LSG). The 73rd and 74th Constitutional Amendments have widened the scope of local self-governance.

HISTORICAL BACKGROUND OF RURAL SELF-GOVERNMENT IN INDIA

The Panchayati Raj, albeit in different forms, had a considerably long history going back to the ancient period when the rural communities organized institutions to manage their own affairs. The village autonomy was significant in Mughal era, and therefore, the impact of the Mughal era on the local communities was minimal. But the formal structure of the rural self-government was introduced in 1882 according to Ripon's Resolution. Its main purpose was to provide the institutional backing of the local Indian elites to the colonial administration. Contemporary local self-government in India can be deemed as more a continuation of the system introduced by British rather than in pre-British era. Several provincial Acts on local bodies were passed, and they provided a framework for other provincial and central legislations. The local self-government in the rural areas known as the village panchayat was set up in the villages according to the recommendations of the Royal Commission of Decentralization in 1907. It aimed to decentralize the power and associate the people with local administration through the institutions of village panchayats. Panchayats were not to be placed under the control of local boards but the deputy commissioner. The

village panchayat enjoyed certain Judicial and administrative power. It was also entitled to a portion of land cases and special grants.

The Rural self-government Bill 1925, provided for a nine-member village authority elected on the basis of the restricted adult franchise. A successful village authority was to be given more power. A panchayat could include more than one village. It could be entrusted with certain functions such as water supply, medical relief and sanitation. Single member village authority could also be put in place where no recognised forms of village organisation existed.

PANCHAYATI RAJ IN POST-INDEPENDENCE INDIA (1950-1992)

In the initial years of Independence, the government made attempts to introduce a device for the development of village society through the Community Development and National Extensive Services Programmes. These programmes created a large number of the government functionaries such as Block Development Officers (BDOs) and Village Level Workers (VLWs). But the results of the Community Development Programmes were far from satisfactory.

The first initiative to introduce Panchayati Raj Institute in post-Independence India was taken in January 1957. At that time, the Planning Commission appointed a Committee on Plan Projects. The Committee was known as Mehta Committee which was named after its chairman, Balwant Rai G. Mehta. The Mehta Committee aimed to:

- i) Give a report on the possible linkages between village panchayats and higher level popular organisations for proper implementation of Community Projects and National Extension service.
- ii) To determine in advance the stages of organisation of district administration; it would help the democratic bodies to take over the entire general administration and development of the districts, or sub-divisions.

The Balwant Rai Mehta Committee conducted a nationwide survey and observed that the Community Projects and the National Extension Services lacked people's participation. They also functioned in an ad hoc manner. To overcome this limitation, the Balwant Rai Mehta Committee recommended the establishment of democratic institutions in villages - the village panchayats. The Balwant Rai Mehta Committee Report had also recommended that the village panchayats should have been vested with adequate power and financial allocation. However, the village panchayats were considered as agents of the state government in implementing special developmental schemes. The Balwant Rai Mehta Committee Report emphasised the need to implement the state-devised and state-sponsored scheme for local development. It suggested that functions of local bodies should cover the development of agriculture in all aspects - the improvement of cattle and local industries, public health, welfare work, administration of primary schools and collection and maintenance of statistics, and act as an agent of state government in executing special schemes of development entrusted to it. It also supported the relative autonomy of the state from the excessive control of the government.

Balwant Rai Mehta Committee recommended measures for "democratic decentralisation" in order to meet the deficiency of the Community Development Programmes and Extension Services Programmes. It suggested that the power for development should be located in the intermediate level- the Panchayat Samiti. The Mehta Committee report made the VLWs or Gram Sewaks as a link between the Panchayat Samiti and Village level Panchayat. The Mehta Committee Report became the basis of the extension of the PRIs all over India. Following the recommendation of the Mehta Committee Report, the first village panchayat in India was elected in 1957 in Nagaur district of Rajasthan. However, the PRIs, as established by Balwant Rai Mehta Committee Report suffered from the factionalism within its members, feud and corruption in the villages. The elections to the PRIs were not held for long, and inefficiency of the PRIs had reached its zenith by the second half of the 1970s.

Thus, according to the Balwant Rai Mehta Committee report, there is a need for reviewing the functioning of the PRIs established in India. For this purpose, the Central government led by the Janata in the 1970s appointed Ashok Mehta Committee. The purpose of this committee to assess the functioning of the PRIs in India and recommend measures for their improvement. However, The Ashok Mehta Committee gave more emphasis on the delivery mechanism than development. It also made few new suggestions such as to allow political parties to contest elections and enable women to participate in the PRIs. It also recommended replacement of the three-tier Panchayati Raj system with a two-tier system, at the district level the Zila Parishad, and below it Mandal Panchayat which covered a group of villages having a population from 15000 to 20000. However, the Ashok Mehta Report remained unimplemented in most states following the fall of the Janata Party government and formation of the Congress government in 1980. Some states ruled by non- Congress parties such as Karnataka, West Bengal and Andhra Pradesh initiated the process to activate the PRIs. Eventually, recommendations of the Ashok Mehta Committee Report were taken into consideration by the Congress government in the 1990s.

The recommendations were included in the 73rd and 74th Constitution Amendments with some modifications. April 24, 1993, is an important day in the history of Panchayati Raj in India. On this day the Constitution (73rd Amendment) Act, 1992 came into force to provide constitutional status to the Panchayati Raj institutions. The 74th Constitutional Amendment act has started a new trend in the process of decentralization and urban governance in India. The 74th Amendment Act, 1992 came into force on 1 June, 1993. In the next sub-section, you will know about the features of the 73rd and 74th Constitutional Amendment Acts.

THE 73RD CONSTITUTIONAL AMENDMENT ACT,1992

The 73rd Amendment provides for more democratisation, empowerment of disadvantaged groups and betterment of the functioning of the Panchayats in the country. The 74th Amendments provides for similar guidelines regarding municipalities in the urban areas. These Amendment Acts provided a framework and guidelines for all states to formulate their policies regarding the devolution to the Panchayats and the urban bodies. All states were asked to make changes in the provisions regarding the Panchayats.

The main features of the 73rd Constitutional (Amendment) Act are:

- a) A three-tier system of Panchayati Raj at the village, block (intermediate level) and district levels for all States having a population of over 20 lakhs.
- b) To conduct Panchayat elections regularly in every five years and elections to be held within six months after the dissolution of the Panchayat.
- c) Reservation of seats for Scheduled Castes, Scheduled Tribes, OBCs, women (33%) and general seats:
- d) To appoint State Finance Commission to make recommendations regarding the financial powers of the Panchayats: and
- e) To constitute District Planning Committee to prepare a draft development plan for the district as a whole.

The 73rd Constitutional Amendment Act aimed to devolve powers to the village panchayats for developing them as an institution of self-governance, economic development and social justice. For this purpose, it entrusted the panchayats to implement schemes on 29 subjects.

The Eleventh Schedule consists of 29 subjects, relating to agriculture, land reforms, minor irrigation, rural infrastructure, poverty alleviation, women and child development, the welfare of the weaker sections and primary, secondary and non-formal education. These subjects have been listed in the Eleventh Schedule of the Constitution. According to this Act, the Panchayats can be authorised by the state legislature to enact law to i) levy, collect and appropriate such taxes, duties, tolls and fees collected by the state government; ii) avail of taxes, duties, tolls and fees collected by the state government; iii) and to get grant-in-aid from the Consolidated funds of the state.

Panchayats (Extension to the Scheduled Areas) Act, 1996 The provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 came into force on 24th December 1996. The Act extends Panchayats to the tribal areas of eight states of India, namely, Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Odisha and Rajasthan. It intends to enable the tribal society to assume control over their own destiny, to preserve and conserve their traditional rights over natural resources. The state governments were required to enact their legislations in accordance with the Provisions of the Act before the expiry of one year, i.e., 23 December 1997.

URBAN LOCAL SELF - GOVERNMENT

Until the passage of the 74th Amendment, there have been existing five types of urban governments -Municipal Corporations, Municipal Councils, Town Area Committees, Notified Area Committees and Cantonment Boards. Madras was first to have the Municipal Corporation in 1687; it was followed by Bombay and Calcutta in 1762. Lord Mayo's Resolution of 1870 encouraged the introduction of an elected president in the municipalities. The present form and structure of the institutions of local governance owe their existence to Lord Ripon's resolution on local self-government, adopted on 18 May 1882. There were about 200 municipalities in the British India by 1870.

74th Constitutional Amendment (1992): Urban Local Self Government Bodies

The Government of India passed the 74th Constitution on Amendment Act in 1992 to make the institutions of urban governance more representative, accountable, efficient and transparent. The 74th Constitutional Amendment Act was enacted on the basis of the recommendation of the Rural-Urban Relationship Committee. Prior to the passage of the 74th Constitutional Amendment Act, there were five types of bodies of urban governance. This amendment replaced the five urban bodies with three - Nagar Panchayats for areas in transition from rural to urban clusters, Municipal Councils in smaller urban settlements, and Municipal Corporations in the larger urban area. The decision, as to which type of the urban body has to be introduced in a city, is taken by the state government. The Municipal areas with a population more than three lacs will also have the ward committees, apart from the municipalities. It makes urban governance a two-tier system.

The municipal bodies include - elected representatives from the electoral wards; members of the Lok Sabha and State Legislative Assemblies covering wholly or partly the municipal area concerned; the members of the council of states and the state legislative council who are registered as voters within the municipal area; chairpersons of the committees of the municipal authorities; any person who is having special knowledge or experience in municipal administration sans right to vote in the council.

The seats are also reserved for the municipal bodies for the weaker sections of the society - OBCs SCs, and women. The percentage of seats reserved for women is 33. The ward committees which exist for the municipal areas covering more than three lakh population consist of the members nominated by the ward councillor or by the corporation as a whole or by the state government or a combination of these. The tenure of the municipality is five years; in case if it is dissolved or superseded, they have right to be heard. The elections should be held within six months of superseding or dissolution of the municipalities. The Local- Self Governments twelfth schedule of the 74th amendment contains 18 items which are mentioned below:

Urban planning, including town planning 2) Regulation of land-use and construction of buildings 3) Planning for economic and social development 4) Roads and bridges 5) Water supply for domestic, industrial and commercial purposes 6) Public health, sanitation conservancy and solid waste management 7) Fire services 8) Urban forestry, protection of environment, and promotion of ecological aspects 9) Safeguarding the interests of weaker sections of society, including the disabled and mentally retarded 10) Slum improvement and upgrading 11) Urban poverty alleviation 12) Provision of urban amenities and facilities such as parks, gardens, playgrounds 13) Promotion of cultural, educational and aesthetic aspects 14) Burials and burial grounds, cremations, cremation grounds and electric crematoriums 15) Cattle pounds: prevention of cruelty to animals. 16) Registration of births and deaths 17) Public amenities including street lighting, parking lots, bus stops and public conveniences 18) Regulation of slaughter houses and tanneries.

The state governments enjoy discretion to decide on the taxes, duties, tolls and fees which have to be levied by municipal bodies, and the grant-in-aid to be given to them. A state government is supposed to appoint a finance commission, in every five years. The state finance commission is supposed to give recommendations regarding principles of sharing of

the state taxes, duties, tolls and fees between the state government, municipalities and its distribution between the municipalities. The state finance commission also recommends the principle of the grant-in-aid to be given from the Consolidated Fund of the state.

THE MUNICIPAL FINANCE

There is no separate list of taxes for municipal bodies. It comes under the discretion of respective state governments. Municipal Revenues are basically of the following types:

1. Tax Revenue: Major taxes levied by the urban local government are the following:

i) Tax on property including service charges levy for water supply;

ii) Conservancy, drainage, lighting and garbage disposal;

iii) Tax on Professions:

iv) Tax on vehicles (other than motor vehicles). The scope of taxation of Municipal Corporations is broader; the Municipal Corporations are empowered to impose or increase taxes within limits laid down in the State Acts. Property tax is one example of such tax. Property tax is the largest single source of revenue for municipal bodies in the states where there is no provision for octroi. Property tax is levied on buildings and land on the basis of rental value.

2. Octroi

Tax on entry of goods into a local area for consumption or sale therein is popularly known as octroi. Octroi is the most traditional tax and a major source of local revenue. It accounts for about 60 to 80 percent of total revenue of the urban local bodies where it is imposed. Octroi has been replaced by one single tax under Good and Services Tax which has been implemented in India from 1 July 2017.

3. Non-Tax Revenue

Municipal Acts provide for the issuance of licenses. Every local authority is empowered to charge and collect fees and for services provided. It can charge a user fee for public utilities, parking, entry fee for the playground, swimming pools, etc

4. Grants-in-Aid An important element of municipal finance is grants-in-aid. There are two types of grants: a General-Purpose Grant (GPG) and a Specific Purpose Grant (SPG). The former augment the revenue of the local bodies for discharging their normal functions. The latter is used for specific purposes, e.g., the increase of wage bills due to inflation, education grants, public health, road maintenance, etc. Grants are ad-hoc and discretionary in nature.

5. Borrowings and Loans Municipal bodies can borrow from the state government and other agencies under Local Authorities Loans Act(1914). They can borrow for development activities and repayment of debt. These borrowings can be for:

i) Construction; ii) Provision of relief and relief work during scarcity or famine; iii) Outbreak of any epidemic; iv) Land acquisition; v) Repayment of outstanding loans.

With the addition of eighteen functions in the Twelfth Schedule after the 74th Amendment, the functional responsibilities of municipalities have increased. They participate in the preparation of plans for local development and the implementation of development projects, apart from providing civic amenities. As their domain of work has increased so has requirement of extra financial allocation.

6. Good And Service Tax (GST)

GST is a single indirect tax levied on goods and services for the entire country. The GST is also levied for a unified common market. It came into effect on 1 July 2017 after thirteen years since it was first discussed in 2003 in the report of the Kelkar Task Force on indirect taxes. It is a single tax on the supply of goods and services, right from the manufacturer to the consumer. Through GST the indirect tax rates and structures are common across the country. It is assumed that reduction in transaction costs of doing business would eventually lead to improved competitiveness for the trade and industry. However, on some commodities, GST has negative impacts as the tax rates have increased.

QUESTIONS

- 1) Explain the difference between the nature of Panchayati Raj during and before the British period?
- 2) Why was Balwant Rai Mehta Committee set up, and what were its recommendations?
- 3) Identify the main features of the 73rd Amendment Act regarding the disadvantaged groups?
- 4) What is the composition of a gram panchayat?
- 5) Identify the urban bodies of local self-governance which existed before and after the 74th Constitutional Amendment? Identify the types of municipal revenues?

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21. CONSTITUTIONAL BODIES

Introduction

After studying this unit, you should be able to:

- *Explain the importance of an Election Commission in a democratic polity.*
- *Describe the composition, powers and functions of the Election Commission.*
- *Narrate the guiding principles of Election Commission.*
- *Assess the performance of Election Commission in conducting the elections.*

Introduction

Sustainable democracy depends on a healthy electoral system and free and fair elections. Elections enable the people to elect such representatives who would provide them a responsive and responsible government. Citizens cast their votes in a responsible way only when the elections were held in a free, fair and impartial way. Hence elections must be held by an impartial and independent agency i.e., Election Commission. The Election Commission India (ECI) must be given autonomy and constitutional protection in its functioning.

With a view to ensuring free and fair elections in the country, the Constitution of India has provided a permanent and an independent Election Commission in India. Article 324 of Part 15 mentioned about the composition, powers and functions of the Election Commission. According to it, the power of superintendence, direction and control of elections to Parliament, state legislatures, the office of President of India and the office of Vice-President of India shall be vested in the Election Commission. Thus, the Election Commission is an all-India body in the sense that it is common to both the Central government and the state governments.

It must be noted here that the Election Commission is not concerned with the elections to panchayats and municipalities in the states. For this, the Constitution of India provides for a separate State Election Commission.

COMPOSITION OF ELECTION COMMISSION

Article 324 of the Indian Constitution, the Election Commission of India is vested with the power of superintendence, direction and control of conducting the elections to the Lok Sabha and State Legislative Assemblies. The Article has made the following provisions with regard to the composition of Election Commission: The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time-to-time fix.

1. The appointment of the Chief Election Commissioner and other Election Commissioners shall be made by the President on the advice of the Union Council of Ministers.
2. When any other Election Commissioner is so appointed, the Chief Election Commissioner shall act as the chairman of the Election Commission.
3. The President may also appoint after consultation with the Election Commission such Regional Commissioners as he may consider necessary to assist the Election Commission.
4. The conditions of service and tenure of office of the Election Commissioners and the regional commissioners shall be determined by the President.

Since its inception in 1950 and till 15 October 1989, the Election Commission functioned as a single member body consisting of the Chief Election Commissioner. In 1989, the President appointed two more Election Commissioners to cope with the increased work of the Election Commission on account of lowering of the voting age from 21 to 18 years. Thereafter, the Election Commission functioned as a multimember body consisting of three Election Commissioners. However, the two posts of Election Commissioners were abolished in January 1990 and the Election Commission was reverted to the earlier position. Again in October 1993, the President appointed two more Election Commissioners. Since then and till today, the Election Commission has been functioning as a multi-member body consisting of three Election Commissioners.

The Chief Election Commissioner and the two other Election Commissioners enjoy equal powers. In case of difference of opinion amongst the Chief Election Commissioner and/ or two other Election Commissioners, the matter is decided by the Commission by majority vote. The Chief Election Commissioner preside over the meetings of the Election Commission.

APPOINTMENT AND TENURE OF COMMISSIONERS

The President appoints the Chief Election Commissioner and Election Commissioners on the advice of the Union Council of Ministers. They have a tenure of six years, or up to the age of 65 years, whichever is earlier. They enjoy the same status and receive equal salary, allowances and other perquisites as available to Judges of the Supreme Court of India. To ensure the independence of Election Commission, it is provided that the Chief Election Commissioner shall not be removed from his office except in like manner and on like grounds as a Judge of the Supreme Court. Further the conditions of his service shall not be

varied to his disadvantage after his appointment. The other Election Commissioners cannot be removed from office except on the recommendation of the Chief Election Commissioner.

ELECTION COMMISSION GUIDING PRINCIPLES

The Election Commission has laid down certain guiding principles of good governance for ensuring free and fair elections:

1. To uphold the values enshrined in the Constitution viz, equality, equity, impartiality. independence; and rule of law in superintendence, direction and control over the electoral governance;
2. To conduct elections with highest standard of credibility, freeness, fairness, transparency. integrity, accountability, autonomy and professionalism,
3. To ensure participation of all eligible citizens in the electoral process in an inclusive, voter centric and voter-friendly environment;
4. To engage with political parties and all stake-holders in the interest of electoral process;
5. To promote awareness about the electoral process and electoral governance amongst stakeholders namely, voters, political parties, election functionaries, candidates and people at large; and to enhance and strengthen confidence and trust in the electoral system of this country;
6. To develop the human resource for effective and professional delivery of electoral services;
7. To build quality infrastructure for smooth conduct of electoral process;
8. To adopt technology for improvement in all areas of electoral process;
9. To strive for adoption of innovative practices for achieving excellence and overall realization of the vision and mission;
10. To contribute towards the reinforcement of democratic values by maintaining and reinforcing confidence and trust of the people in the electoral system of the country.

POWERS AND FUNCTIONS

The Election Commission is a permanent and independent body established by the Constitution of India. It has the following powers and functions:

1. The Election Commission determines the territorial areas of the electoral constituencies throughout the country on the basis of the Delimitation Commission Act of Parliament.
2. It prepares the electoral rolls and revises them on the eve of every general election.
3. It publishes the electoral rolls and hears objections if any on them.

4. It notifies the dates and schedules of elections and scrutinises nomination papers.
5. It grants recognition to political parties and allot election symbols to them.
6. It makes elaborate arrangements for conducting elections to the offices of the President and the Vice-President.
7. It conducts elections to the Union Parliament and State Assemblies / State Legislative Councils.
8. It registers political parties for the purpose of elections and grant them the status of national or state parties on the basis of their poll performance.
9. It requests the President or the Governor for requisitioning the staff necessary for conducting elections.
10. It makes suggestions to the President in regard to the appointment of state Election Commissioners.
11. It appoints Election Observers and Expenditure Observers for conducting the elections in a free and fair manner. It also determines limitations on the expenditure incurred by the political parties and candidates in times of election.
12. It prescribes the code of conduct to be followed by the political parties, people, contestants and election personnel during the elections.
13. It supervises the machinery of elections throughout the country to ensure free and fair elections. It also takes the responsibility for counting of votes, declaration of results and issuing certificates to the winners in elections.
14. It takes steps for avoiding rigging, booth capturing, violence and other irregularities in the elections with the help of police, paramilitary and other forces.
15. It prepares a roster for publicity of the policies of the political parties on radio and TV in times of elections.
16. It also makes arrangements for conducting by-elections and mid-term polls.
17. It advises the President on matters relating to the disqualifications of the Members of Parliament.
18. It advises the Governor on matters relating to the disqualifications of the members of state legislature.

The Election Commission is assisted by Deputy Election Commissioners. They are drawn from the civil service and appointed by the Commission with tenure system. They are assisted, in turn, by the secretaries, joint secretaries, deputy secretaries and under secretaries posted in the secretariat of the Commission.

At the state level, the Election Commission is assisted by the chief electoral officer who is appointed by the Chief Election Commissioner in consultation with the state government.

Below this, at the district level, the collector acts as the district returning officer. He appoints a returning officer for every constituency in the district and presiding officer for every polling booth in the constituency.

AUTONOMY OF THE ELECTION COMMISSION

To ensure and safeguard the autonomy of the Election Commission, the Indian Constitution has incorporated the following provisions:

1. The Chief Election Commissioner is provided with the security of tenure. He cannot be removed from his office except in same manner and on the same grounds as a judge of the Supreme Court. In other words, he can be removed by the President on the basis of a resolution passed to that effect by both the Houses of Parliament with 2/3rds majority, either on the ground of proven misbehaviour or incapacity. Thus, he does not hold his office till the pleasure of the President, though he is appointed by him.
2. The service conditions of the Chief Election Commissioner cannot be varied to his disadvantage after his appointment.
3. Any other Election Commissioner or a regional commissioner cannot be removed from office except on the recommendation of the Chief Election Commissioner.

BUDGET AND EXPENDITURE

The Secretariat of the Election Commission has an independent budget, which is finalised directly in consultation between the Commission and the Finance Ministry of the Union Government. The latter generally accepts the recommendations of the Commission for its budget.

The major expenditure on actual conduct of elections is however, reflected in the budgets of the concerned constituent unit of the Union-State and Union Territory. If elections are being held only for the Parliament, the expenditure is borne entirely by the Union Government while for the elections being held only for the State Legislature, the expenditure is borne entirely by the concerned State. In case of simultaneous elections to the Parliament and State Legislatures, the expenditure is shared equally between the Union and the State Governments. For Capital Equipment, expenditure related to preparation for electoral rolls and the scheme for Electors' Identity Cards too, the expenditure is shared equally.

ELECTORAL REFORMS

In the early decades of our Indian democracy the political elite embraced voluntarily to the concept of free and fair elections and followed the model code of conduct (MCC). But in course of time the commitment of the political class to free and fair elections declined and it flouted the model code of conduct. Political actors began to resort to corrupt electoral practices. Booth capturing, voters' bribery and manipulation through the media have become the techniques of unethically influencing the voters. Charge-sheeted criminals, crony capitalists and scam managers entered into the electoral fray. As a consequence, the Election Commission has initiated a number of electoral reforms to cleanse the electoral system in India. Some of the important initiatives taken by the Election Commission are:

i. ELECTRONIC VOTING MACHINES

In 1989, a provision was made to facilitate the use of Electronic Voting Machines (EVMs) in elections. The EVMs were used for the first time in 1998 on experimental basis in selected constituencies in the elections to the Assemblies of Rajasthan, Madhya Pradesh and Delhi. The EVMs were used for the first time in the general elections (entire state) to the Assembly of Goa in 1999.

ii. ELECTOR'S PHOTO IDENTITY CARD (EPIC)

The use of electors' photo identity cards by the Election Commission is surely making the electoral process simple, smoother and quicker. A decision was taken by the Election Commission in 1993 to issue photo identity cards to electors throughout the country to check bogus voting and impersonation of electors at elections. The electoral roll is the basis for issue of EPICS to the registered electors.

iii. DECLARATION OF CRIMINAL ANTECEDENTS, ASSETS ETC. BY CANDIDATES

In 2003, the Election Commission issued an order directing every candidate seeking election to the Parliament or a State Legislature to furnish on his / her nomination paper the information relating to the criminal cases registered against him/her. He/she is also legally obliged to declare his/her wealth and educational qualifications. Furnishing of any false information in the affidavit is an electoral offence punishable with imprisonment up to six months or fine or both.

iv. INTRODUCTION OF NOTA OPTION

According to the directions of Supreme Court, the Election Commission made provision in the ballot papers / EVMs for None of the Above (NOTA) option so that the voters who come to the polling booth and decide not to vote for any of the candidates in the fray, are able to exercise their right not to vote for such candidates while maintaining the secrecy of their ballot.

The provision for NOTA has been made since General Election to State Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, NCT of Delhi and Rajasthan in 2013 and continued in the General Election to State Legislative Assemblies of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim in 2014 along with the General Elections to the 16th Lok Sabha (2014).

v. INTRODUCTION OF VOTER VERIFIABLE PAPER AUDIT TRAIL (VVPAT)

The Voter Verifiable Paper Audit Trail is an independent system attached with the EVMs that allows the voters to verify that their votes are cast as intended. When a vote is cast, a slip is printed and remains exposed through a transparent window for seven seconds, showing the serial number, name and symbol of the candidate. Thereafter, the receipt automatically gets cut and falls into the sealed drop-box of the VVPAT. The system allows a voter to challenge his/her vote on the basis of the paper receipt.

VVPATS were first used in bye-elections of the Noksen Assembly Constituency of Nagaland held in 2013. Thereafter, VVPATS have been used in selected constituencies dur-

ing every General Election to State Legislative Assemblies. VVPATS were used in eight selected Parliamentary Constituencies in the country in the 2014 Lok Sabha Election. EVMs with VVPAT ensure the accuracy and transparency of the voting system.

ELECTION COMMISSION: AN APPRAISAL

Up to the year 2019, the Election Commission has conducted elections to the Lok Sabha for seventeen times. Elections to the State Legislative Assemblies were also held during the same period for more number of times. The Election Commission has so far retained its well-founded reputation in conducting elections, although there have been occasional complaints that questioned its impartiality.

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UP TO THE YEAR 2019, the Election Commission has conducted elections to the Lok Sabha for seventeen times. Elections to the State Legislative Assemblies were also held dur-

ing the same period for more number of times. In recent times, the Election Commission was accused of being lenient towards the breach of the Model Code of Conduct (MCC), particularly those by the ruling party. It has also come under the scanner for the transfer of top officials, Voter Verifiable Paper Audit Trail (VVPAT) audits and corrosion of the political discourse in general.

Thus, in recent times the institution is suffering from a "crisis of credibility". Elections are the bedrock of democracy and the Election Commissions credibility is central to democratic legitimacy. Hence, the guardian of election itself needs urgent institutional safeguards to protect its autonomy.

OBJECTIVES

After going through the unit, you should be able to:

- Describe the composition of the Finance Commission
- Explain the powers and functions of the Finance Commission
- Discuss its role as an advisory body
- Analyze the recommendations of the 15 Finance Commissions
- Estimate the role of State Finance Commission

INTRODUCTION

In this unit, we shall learn about the Finance Commission of India, its structure and composition; its powers and functions, its advisory role, qualifications of its members and grounds for their disqualification, salaries and allowances of the members. We shall also know in detail, the recommendations of the fifteen Finance Commissions appointed till date. Besides this, we will briefly discuss about the State Finance Commission and its role.

The Finance Commission or the Vitta Aayog defines the financial relations between the Central and the State Governments of India. The Finance Commission is appointed every five years and consists of a chairman and four other members. Article 280 of the Constitution of India provides for the setting up of a Finance Commission. It is constituted by the President of India every fifth year or at such earlier time if he considers necessary. Its functions mainly include giving recommendations to the President on distribution of tax revenues between the Union and the States and amongst the States themselves.

COMPOSITION OF FINANCE COMMISSION

The Finance Commission is a multi-member body and consists of five members. One among them acts as a chairman and the other four act as the members of the Finance Commission. They hold of office for such period as has been specified by the President in his order.

QUALIFICATIONS OF THE MEMBERS

The Constitution has given the power to the Parliament to determine the qualifications of the members of the Finance Commission. The Parliament is also empowered to decide the method of selection of these members. The Chairman of the Commission should be a person who has a lot of experience in public affairs. The other four members of the Commission should be selected and appointed from among the following categories:

1. A judge of High Court or one who is qualified to be appointed as one.
2. A person who has specialised knowledge of finance and accounts of the government.
3. A person who has wide experience in financial matters and in administration.
4. A person with specialised knowledge of economics.
5. Salaries and Allowances of the Members

The members of the Commission shall provide full-time or part-time service to the Commission, as the President specifies in his order. The members shall be paid salaries and allowances as per the provisions made by the Central Government

TERM OF OFFICE OF MEMBERS

Every member will be in office for the time period as specified in the order of the President and they are eligible for re-appointment.

DISQUALIFICATION FROM BEING A MEMBER OF THE COMMISSION

A member may be disqualified if the person is:

1. mentally unsound; and as follows-
2. an undischarged insolvent;
3. has been convicted of an immoral offence;
4. financial and other interests are such that it hinders smooth functioning of the Commission.

POWERS AND FUNCTIONS OF THE FINANCE COMMISSION

POWERS

The Commission has the power to determine its own procedure and:

1. It has all powers of a civil court as per the Civil procedure code.
2. It can summon and enforce the attendance of any witness or ask any person to deliver information or produce a document, which it deems relevant.

3. It can ask for the production of any public record or document from any court or office.
4. It shall be deemed to be a civil court for purposes of Sections 480 and 482 of the Code of Criminal Procedure, 1898.

FUNCTIONS

The Finance Commission is appointed with an intention to make recommendations to the President of India with regard to the following matters:

1. The distribution of the taxes that are collected to be shared between the Centre and the States and allocation between the States of their respective shares in the collected taxes.
2. The principles that should govern the grants-in-aid to the States by Centre (i.e. out of the Consolidated fund of India).
3. The measures that are needed to strengthen the Consolidated Fund of a State to supplement the resources of the Panchayats and the municipalities in the state on the basis of the recommendations made by the State Finance Commission.
4. Any other matter/matters that are referred to it by the President in the interests of sound Finance of the nation.

The Finance Commission submit its report to the President of the nation and he in turn lays it before the both Houses of Parliament along with an explanation memorandum as the action taken on its recommendations.

ADVISORY ROLE

It is necessary to state here that the recommendations that are made by the Finance Commission are only advisory in nature and as a result they are not binding on the government. As a result, it is left to the Central government whether to implement or not implement the recommendations of the Finance commission with regard to the granting of money to the states.

It is nowhere laid down in the Constitution of India that the recommendations of the Finance Commission shall be binding upon the Government of India or that the states have the legal right to receive the money that is recommended to be offered to them by the Finance Commission. However, it has to be borne in mind that the act Finance Commission is a constitutional body with quasi-judicial powers and as a result, the recommendations made by the Commission should not be turned down by the Government of India unless there are strong reasons for doing so.

The Union Public Service Commission (UPSC) is the central recruiting agency in India. It is an independent constitutional body in the sense that it has been directly created by the Constitution. Articles 315 to 323 in Part XIV of the Constitution contain elaborate provisions regarding the composition, appointment and removal of members along with the independence, powers and functions of the UPSC.

COMPOSITION

The UPSC consists of a chairman and other members appointed by the president of India. The Constitution, without specifying the strength of the Commission has left the matter to the discretion of the president, who determines its composition. Usually, the Commission consists of nine to eleven members including the chairman. Further, no qualifications are prescribed for the Commission's membership except that one-half of the members of the Commission should be such persons who have held office for at least ten years either under the Government of India or under the government of a state. The Constitution also authorises the president to determine the conditions of service of the chairman and other members of the Commission.

The chairman and members of the Commission hold office for a term of six years or until they attain the age of 65 years, whichever is earlier. However, they can relinquish their offices at any time by addressing their resignation to the president. They can also be removed before the expiry of their term by the president in the manner as provided in the Constitution.

The President can appoint one of the members of the UPSC as an acting chairman in the following two circumstances':

- (a) When the office of the chairman falls vacant; or
- (b) When the chairman is unable to perform his functions due to absence or some other reason.

The acting chairman functions till a person appointed as chairman enters on the duties of the office or till the chairman is able to resume his duties.

REMOVAL

The President can remove the chairman or any other member of UPSC from the office under the following circumstances:

- (a) If he is adjudged an insolvent (that is, has gone bankrupt);
- (b) If he engages, during his term of office, in any paid employment outside the duties of his office; or
- (c) If he is, in the opinion of the president, unfit to continue in office by reason of infirmity of mind or body.

In addition to these, the president can also remove the chairman or any other member of UPSC for misbehaviour. However, in this case, the president has to refer the matter to the Supreme Court for an enquiry. If the Supreme Court, after the enquiry, upholds the cause of removal and advises so, the president can remove the chairman or a member. Under the provisions of the Constitution, the advice tendered by the Supreme Court in this regard is binding on the president. During the course of enquiry by the Supreme Court, the president can suspend the chairman or the member of UPSC.

Defining the term 'misbehaviour' in this context, the Constitution states that the chairman or any other member of the UPSC is deemed to be guilty of misbehaviour if he (a) is concerned or interested in any contract or agreement made by the Government of India or the government of a state, or (b) participates in any way in the profit of such contract or agreement or in any benefit therefrom other- wise than as a member and in common with other members of an incorporated company.

INDEPENDENCE

The Constitution has made the following pro- visions to safeguard and ensure the independent and impartial functioning of the UPSC:

- (a) The chairman or a member of the UPSC can be removed from office by the president only in the manner and on the grounds mentioned in the Constitution. Therefore, they enjoy security of tenure.
- (b) The conditions of service of the chairman or a member, though determined by the president, cannot be varied to his disadvantage after his appointment.
- (c) The entire expenses including the salaries, allowances and pensions of the chairman and members of the UPSC are charged on the Consolidated Fund of India. Thus, they are not subject to vote of Parliament.
- (d) The chairman of UPSC (on ceasing to hold office) is not eligible for further employment in the Government of India or a state².
- (e) A member of UPSC (on ceasing to hold office) is eligible for appointment as the chairman of UPSC or a State Public Service Commission (SPSC), but not for any other employment in the Government of India or a state³.
- (f) The chairman or a member of UPSC is(after having completed his first term)not eligible for reappointment to that office (i.e., not eligible for second term).

FUNCTIONS

The UPSC performs the following functions:

- (a) It conducts examinations for appointments to the all-India services, Central services and public services of the centrally administered territories.
- (b) It assists the states (if requested by two or more states to do so) in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required.
- (c) It serves all or any of the needs of a state on the request of the state governor and with the approval of the president of India.
- (d) It is consulted on the following matters related to personnel management:
 - (i) All matters relating to methods of recruitment to civil services and for civil posts.

- (ii) The principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another.
- (iii) The suitability of candidates for appointments to civil services and posts; for promotions and transfers from one service to another; and appointments by transfer or deputation. The concerned departments make recommendations for promotions and request the UPSC to ratify them.
- (iv) All disciplinary matters affecting a person serving under the Government of India in a civil capacity including memorials or petitions relating to such matters. These include:
 - Withholding of increments
 - Censure (Severe disapproval)
 - Withholding of promotions
 - Recovery of pecuniary loss.
 - Reduction to lower service or rank (Demotion)
 - Compulsory retirement Removal from service
 - Dismissal from service"
- (v) Any claim for reimbursement of legal expenses incurred by a civil servant in defending legal proceedings instituted against him in respect of acts done in the execution of his official duties.
- (vi) Any claim for the award of a pension in respect of injuries sustained by a person while serving under the Government of India and any question as to the amount of any such award.
- (vii) Matters of temporary appointments for period exceeding one year and on regularisation of appointments.
- viii) Matters related to grant of extension of service and re-employment of certain retired civil servants.
- (ix) Any other matter related to personnel management.

The Supreme Court has held that if the government fails to consult UPSC in the matters (mentioned above), the aggrieved public servant has no remedy in a court. In other words, the court held that any irregularity in consultation with the UPSC or acting without consultation does not invalidate the decision of the government. Thus, the provision is directory and not mandatory. Similarly, the court held that a selection by the UPSC does not confer any right to the post upon the candidate. However, the government is to act fairly and without arbitrariness or mala fides.

The additional functions relating to the services of the Union can be conferred on UPSC by the Parliament. It can also place the personnel system of any authority, corporate body or public institution within the jurisdiction of the UPSC. Hence the jurisdiction of UPSC can be extended by an act made by the Parliament.

The UPSC presents, annually, to the president a report on its performance. The President places this report before both the Houses of Parliament, along with a memorandum explaining the cases where the advice of the Commission was not accepted and the reasons for such non-acceptance. All such cases of non-acceptance must be approved by the Appointments Committee of the Union cabinet. An individual ministry or department has no power to reject the advice of the UPSC.

HISTORICAL BACKGROUND

The social and economic position of the Scheduled Castes had been the concern of the founding fathers of the Constitution. For providing safeguards for Scheduled Castes special provisions were made to promote the social, educational, economic and service interest of this section of the society. In order to ensure that the safeguards are properly implemented the Constitution on its inception, provided for appointment of a special office under Article 338 of the Constitution to investigate all matters relating to the safeguards provided for Scheduled Castes & Scheduled Tribes and report to the President about the working of these safeguards.

In pursuance of this provision a Special Officer known as the Commissioner for Scheduled Castes & Scheduled Tribes was appointed for the first time on 18th November, 1950.

It was felt that the office of the Commissioner for Scheduled Castes and Scheduled Tribes was not enough to monitor the safeguards provided to SCs & STs. Hence, due to voice raised by Members of Parliament, a proposal was mooted for amendment of Article 338 of the Constitution (46th Amendment) by replacing the single member Special Officer by multi-member system.

The first Commission for SC & ST came into being on August, 1978. With effect from 1-12-78. Shri Bholu Paswan Shastri was the first incumbent.

The functions of the Commission for SCS & STS and of the O/0 Commissioner for SCS & STS co-existed till 11-03-1992.

The setup of the Commission of 1978 underwent change in 1987 and it was named as National Commission for Scheduled Castes and Scheduled Tribes. This Commission being a National Level Advisory body played the role of adviser on major policy and developmental issues relating to SCS/STs.

The National Commission for SCS & STS came into being consequent upon the 65th Amendment Bill, 1990 notified on 8.6.1990, and rules there under were notified on 3.11.1990. The National Commission for SCS & ST as a statutory commission came into existence in 1992 with SH Ramdhan as the first chairperson.

In the 89th Amendment of the Constitution enacted in 2003, it was decided to have a separate National Commission for Scheduled Castes & separate National Commission for Scheduled Tribes. This came into effect on 19.02.2004.

The erstwhile National Commission for SCS & STs was bifurcated into two different Commissions with actual bifurcation date being 1.12.2004 during the Prime Ministership of Dr. Man Mohan Singh.

The following table indicates the years and incumbents of the chairperson of the NCSC since 2004-

Sl.No	Year	Chairperson of the Commission
01	2004 - 2007	Suraj Bhan
02	2007 - 2010	Bhuta Singh
03	2010 - 2013	PL Punia
04	2013 - 2016	PL Punia
05	Since 2017	Prof Ram Shankar Katharia

COMPOSITION OF THE COMMISSION

The commission comprises of

- a. one Chairperson: enjoy the status of cabinet minister:
- b. One vice Chairperson: Enjoy the Status of Cabinet Minister
- c. Three Members enjoy the status of Minister of State.

APPOINTMENT OF THE MEMBERS AND CHAIRPERSON

The members and chairperson are appointed by the President by warrant under his hand and seal. Their conditions of service and tenure of office are also determined by the President

TERM

Chairperson, Vice Chairperson and members will hold their office for 3 years. They can be reappointed.

FUNCTIONS OF THE COMMISSION

The functions, duties and power of the Commission have been laid down in clauses (5), (8) and (9) of the Article 338 of the Constitution.

Clause (5): It shall be the duty of the Commission: -

- a) To investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
- b) To inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes;
- c) To participate and advise on the planning process of socio-economic development of the Scheduled Castes and to evaluate the progress of their development under the Union and any State;
- d) To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards; e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes; and
- f) To discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes as the President may, subject to the provisions of any law made by Parliament, by the rule specify.

POWERS OF THE COMMISSION

CLAUSE (8) - The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-

clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely: -

- a) Summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- b) requiring the discovery and production of any documents;
- c) receiving evidence on affidavits;
- d) requisitioning any public record or copy thereof from any court or office;
- e) issuing commissions for the examination of witnesses and documents;
- f) any other matter which the President may by rule, determine;

CLAUSE (9)- The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes.

REPORT OF THE COMMISSION

The commission presents an annual report to the president. It can also submit a report as and when it thinks necessary.

The President places all such reports before the Parliament, along with a memorandum explaining the action taken on the recommendations made by the Commission. The memorandum should also contain the reasons for the non- acceptance of any of such recommendations.

The President also forwards any report of the Commission pertaining to a state government to the state governor. The governor places it before the state legislature, along with a memorandum explaining the action taken on the recommendations of the Commission. The memorandum should also contain the reasons for the non-acceptance of any of such recommendations.

FUNCTIONING OF THE COMMISSION

A. POSITIVE IMPACT:

IMPACT OF DIRECT INTERVENTION OF THE COMMISSION IN INDIVIDUAL CASES

A part of the mandate of the Commission is to look into individual grievances of atrocity and of deprivation of safeguards extended to Scheduled Castes in the socio economic development sector and in services.

As a result of the direct intervention of the Commission in 173 cases of grievous atrocities and after 61 spot visits, 202 FIRs were registered, 423 arrests were made and 124 chargesheets were filed. Release of financial compensation of 3,60,00,410/- to families of victims/victims was also ensured during the year 2015-16.

In 247 interesting service-related cases, the intervention of the Commission resulted in 619 persons getting appointment in services, 15 persons being appointed on compassionate grounds 42 persons receiving their long-denied promotions, 18 retired persons receiving their pensions and other pensionary benefits, 8 persons were re-instated in services / suspensions were revoked, 71 other harassment matters were resolved. Apart from 18 persons receiving regular pensions, other financial benefits of 9,56,613/- were also released during the year 2015-16.

In 248 interesting individual cases in the economic and social sector where the Commission intervened directly 24,38,58,947/- as scholarship of past several years, was released to 1710 students as well as in a further 7 institutes, 35 students were granted admission earlier denied to them, 72 students received education loans, degrees, marksheets etc which had been withheld as well as financial help of 5,99,316/-, 71 persons received possession of their land along with compensation of 1,06,198/-, 73 persons received the benefit under SC schemes along with financial benefits of 39,78,481/-, 8 dependents received financial grants of 32,50,000/- and 44 persons received other relief like allotments of land/petrol pumps land etc during the year 2015-

MARGINAL IMPACT

In spite of the existence of the commission for over a decade, the position of the schedule castes did not change much. Atrocities against the SCS are continue to exist, Most of them are still not aware of their rights, Caste based discrimination has not declined, inci-

dents of untouchability continue to haunt the scheduled castes. In all there is no over all improvement in the lives of the SCS

Such marginal impact is contributed to many factors. In most cases, the functioning of the commission is confined to field visits and reports. There is no follow up action. Lack of binding nature of the recommendations of the commission. Inadequate staff in the commission makes it difficult in performing in its functions. There are no permanent personnel. Most of them are appointed on deputation. As a result, they may not have needed commitment to work in the commission.

Not only the staff positions are vacant, but also, the posts of members and chairperson are also remaining vacant. The government is not taking steps to fill the vacancies immediately at the earliest. Commission has no separate budget for its financial needs. The recommendations of the commission are not binding on the government. It has been seen that many Government Departments/PSUs have filed writ petitions in various Courts against the recommendations of the NCSC. It complicates and delays final delivery of justice as well as burdens the exchequer with legal fees. This is a glaring example of different wings of State fighting against the State in the Court of law.

SUGGESTIONS TO IMPROVE THE FUNCTIONING OF THE COMMISSION

In view of the above, the following recommendations were made by the NCSC in its 2015-16 annual report -

1. The Government may take all necessary actions to make recommendations of the NCSC as binding. The Commission should be suitably empowered so that it can effectively function and oversee that the safeguards to Scheduled Castes as guaranteed under the Constitution are implemented in letter and spirit.
2. NCSC should be given independence in its day to day working by allowing it to decide on its own administrative, financial and legal matters alongwith its budget be given under a separate head of account in a separate demand of Grants instead of being a part of Ministry of Social Justice & Empowerment.
3. The Commission should have the power to reassess its staff requirement through studies by appropriate professional bodies and take up the matter independently with the Department of Personnel and Training and Department of Expenditure for creation of the necessary posts.
4. The process of appointing the successors should begin before falling of the vacancy.
5. A separate demand for grants should allocated to the commission for uninterrupted supply of funds.
6. Government should issue an order to the departments/PSUS that they should not approach Courts contesting recommendations given by the NCSC. If the Departments / PSUs have reservation or problems in implementing any recommendation of NCSC, they may approach NCSC again with full facts and seek a review rather than approach the Courts.

ESTABLISHMENT OF THE COMMISSION

In the Mandal case' judgement (1992), the Supreme Court directed the central government to constitute a permanent statutory body to examine the complaints of under- inclusion, over-inclusion or non-inclusion of any class of citizens in the list of backward classes. Accordingly, the National Commission for Backward Classes (NCBC) was set up in 1993

Later, the 102nd Amendment Act of 2018 conferred a constitutional status on the Commission. For this purpose, the amendment inserted a new Article 338-B in the constitution. Hence, the Commission ceased to be a statutory body and became a constitutional body.

Further, the scope of functions assigned to the Commission is also enlarged under the new dispensation. This was done in order to safeguard the interests of the socially and educationally backward classes more effectively. In other words, the constitutional status of the new Commission is at par with the National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes (NCST).

The Commission consists of a chairperson, a vice-chairperson and three other members. They are appointed by the President by warrant under his hand and seal. Their conditions of service and tenure of office are also determined by the President.

FUNCTIONS OF THE COMMISSION

The functions of the Commission are the following:

- (a) To investigate and monitor all matters relating to the constitutional and other legal safeguards for the socially and educationally backward classes and to evaluate their working.
- (b) To inquire into specific complaints with respect to the deprivation of rights and safeguards of the socially and educationally backward classes.
- (c) To participate and advise on the socio- economic development of the socially and educationally backward classes and to evaluate the progress of their development under the Union or a state. (d) To present to the President, annually and at such other times as it may deem fit, reports upon the working of those safeguards.
- (e) To make recommendations as to the measures that should be taken by the Union or a state for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the socially and educationally backward classes.
- (f) To discharge such other functions in relation to the protection, welfare, development and advancement of the socially and educationally backward classes as the President may specify.

REPORT OF THE COMMISSION

The Commission presents an annual report to the President. It can also submit a report as and when it thinks necessary.

The President places all such reports before the Parliament, along with a memorandum explaining the action taken on the recommendations made by the Commission. The memorandum should also contain the reasons for the non-acceptance of any of such recommendations.

The President also forwards any report of the Commission pertaining to a state government to the state government (and not to the state governor). The government places it before the state legislature, along with a memorandum explaining the action taken on the recommendations of the Commission. The memorandum should also contain the reasons for the non-acceptance of any of such recommendations.

POWERS OF THE COMMISSION

The Commission is vested with the power to regulate its own procedure.

The Commission, while investigating any matter or enquiring into any complaint, has all the powers of a civil court trying a suit and in particular in respect of the following

matters:

- (a) Summoning and enforcing the attendance of any person from any part of India and examining him on oath (b) Requiring the discovery and production of any document
- (c) Receiving evidence on affidavits (d) Requisitioning any public record from any court or office (e) Issuing summons for the examination of witnesses and documents
- (f) Any other matter which the President may determine

The central government and the state governments are required to consult the Commission on all major policy matters affecting the socially and educationally backward classes.

MODEL QUESTIONS:

I. Answer the following questions in about 30 lines in each

1. Explain the Functions of the Union Public Service Commission (UPSC).

II. Answer the following questions in about 15 lines in each

1. Discuss the Constitutional provisions of Union Public Service Commission (UPSC).

2. What is Union Public Service Commission (UPSC)? Explain its Composition.

I Answer the following questions in about 30 lines in each

1. Describe the Powers and Functions of the Election Commission of India.

II. Answer the following questions in about 15 lines in each

1. Discuss the Composition of the Election Commission.

2. What is NOTA? Explain the reasons for introduction.

3. Explain the role of VVPATs in the Indian Voting system.

I. Answer the following questions in about 30 lines in each

1. Write an essay on the functions of the Finance Commission.

II. Answer the following questions in about 15 lines in each

1. Write briefly on the role of the Finance Commission.

2. What is Finance Commission? Explain its composition.

3. Article 280

I. Answer the following questions in about 30 lines in each

1. Enumerate the Powers and functions of National Commission for Scheduled Castes.

II. Answer the following questions in about 15 lines in each

1. What is National Commission for Scheduled Castes? Explain its composition.

2. Write briefly on National Commission for Scheduled Castes.

I. Answer the following questions in about 30 lines in each

1. Discuss the Powers and functions of National Commission for Scheduled Tribes.

II. Answer the following questions in about 15 lines in each

1. Discuss the Constitutional provisions of National Commission for Scheduled Tribes.

2. What is National Commission for Scheduled Tribes? Explain its Composition.

I. Answer the following questions in about 30 lines in each

1. Enumerate the Powers and functions of National Commission for Backward Classes.

II. Answer the following questions in about 15 lines in each

1. What is National Commission for Backward Classes? Explain its composition.

2. Article 338-B.

MULTIPLE CHOICE QUESTIONS

1. Which of the following statements is NOT true about the Union Public Service Commission?

- a) It is an independent constitutional body
- b) Article 318 to 323 of the Constitution envisages functions and powers of the UPSC.
- c) It is consisting of 9 to 11 members, including the Chairman
- d) The Chairman and the members of the commission hold office for the period of the 6 years or until the age of 65 years.

2. The members of the Union Public Service Commission submit their resignation to

- a) The Chairman of the Union Public Service Commission
- b) To the Chief Justice of the Supreme Court
- c) To the President
- d) To the Home Minister

3. Who selects the Chairman and members of the Union Public Service Commission?

- a) The Home Minister
- b) The President
- c) The Parliament
- d) The Supreme Court

4. The Constitution of India provides for an Election Commissioner under Article

- a) 321
- b) 322
- c) 323
- d) 324

5. What is the tenure of the Chief Election Commissioner of India?

- a) Five years
- b) During the pleasure of the President
- c) Six years or till the age of 65 years whichever is earlier
- d) Five years or till the age of 65 years whichever is earlier

6. The Chief Election Commissioner of India is appointed by

- a) Lok Sabha
- b) Prime Minister
- c) President
- d) Chief Justice

7. The Election Commissioner can be removed by the

- a) Chief Election Commissioner
- b) Prime Minister
- c) President on the recommendation of the Chief Election Commissioner
- d) Chief Justice of India

8. Election to the Office of the President is conducted by

- a) The Speaker of the Lok Sabha
- b) The Prime Minister's Office
- c) The Minister of Parliamentary Affairs
- d) The Election Commission of India

9. Who is the Chairman of the 15th Finance Commission?

- a) Dr. Y. V. Reddy
- b) G. C. Murmu
- c) Nand Kishore Singh
- d) Arvind Mehta

10. Finance are distributed between the Centre and the State on the recommendations of which of the following?

- a) Planning Commission
- b) Public Accounts Committee
- c) Finance Commission
- d) National Development Council

11. The main functions of Finance Commission are

- a) To determine the part of States in central taxes and to determine the principles of financial aid given by the Centre to States
- b) Financial control over States
- c) Financial control over Central
- d) None of the above

12. Which one of the following is not a function of Finance Commission in India?

- a) Devolution of Income Tax
- b) Devolution of Excise Duty
- c) Award of grants-in-aid
- d) Devolution of Trade Tax

13. Federal Finance Commission in India relates to

- a) Finances among the States
- b) Finances between States and the Centre
- c) Finances between the Centre and Local Self Governments
- d) None of the above

14. The National Commission for Schedule Caste was established under.....of Indian Constitution.

- a) Article 338
- b) Article 250
- c) Article 180
- d) Article 142

15. Who appoints the Chairman of the National Commission for Scheduled Castes?

- a) President
- b) Prime Minister
- c) Lok Sabha Speaker
- d) Speaker

16. Who appoints the Chairman of the National Commission for Scheduled Castes?

- a) President
- b) Prime Minister
- c) Lok Sabha Speaker
- d) None of the following

17. Which constitution amendment has recommended the establishment of a commission for Scheduled Castes?

- a) 41st Constitutional Amendment
- b) 65th Constitutional Amendment
- c) 82nd Constitutional Amendment
- d) 76th Constitutional Amendment

18. What are functions of National Commission for SCs?

- a) Investigate and monitor all matters relating to the legal safeguards for the SCs.
- b) Present reports to President.
- c) Advise on the planning process of socio-economic development of the SCs.
- d) (d)All of the above

19. When was National Scheduled Tribes Commission set up?

- a) 1990
- b) 1993
- c) 1995
- d) 2004

20. Article 330 to 342 of Indian Constitution belong to....

- a) All India Services
- b) Election Commission
- c) Village Panchayats
- d) Reservation and Representation of Scheduled Castes, Scheduled Tribes in Lok Sabha

21. Which constitution amendment has recommended the establishment of a commission for Scheduled Castes and Scheduled Tribes?

- a) 41st Constitutional Amendment
- b) 65th Constitutional Amendment
- c) 82nd Constitutional Amendment
- d) 76th Constitutional Amendment

22. The National Commission for Backward Classes (NCBC) was established under which article of the Indian Constitution?

- a) Article 338B
- b) Article 342A
- c) Article 338
- d) Article 340

23. The NCBC is responsible for investigating and monitoring matters related to the _____.

- a) Scheduled Castes
- b) Scheduled Tribes
- c) Backward Classes
- d) Minorities

24. National Commission for Other Backward Class came into effect from:

- a) 1993
- b) 1995
- c) 1992
- d) 2003

25. How many members are in the National Commission for Other Backward Class?

- a) 4
- b) 6
- c) 3
- d) 8

26. Who is the current Chairman of the National Commission for Other Backward Class?

- a) Najma Hiptulla
- b) P.L. Punia
- c) Justice Swatanter Kumar
- d) Justice V. Eswaraiiah.

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22. POLITICAL PARTIES IN INDIA

Introduction

To Understand the nature of Political Party System in India

- Know about the National Political Parties like INC and BJP
- Identify the National & Regional Parties in India
- To Understand the working Performance of Political Parties in India

Introduction

Political Parties play an important role of the Politics of almost every Country whether it is democratic or undemocratic. For the first time Political Parties organized in U.S.A. in the Modern times, U.S.A. was the first country to provide the franchise to the citizens. After that Great Britain and Europe Adopted universal franchise. In the Third World Countries. We can find Political Parties as a part of national movements.

Classification of Political Parties

Political Parties are mainly classified into two categories. They are:

1. National Parties.
2. Regional Parties

National Parties.

There are many National Parties in India After 2014 General Elections to the lok Sabha, the Election Commission of India recognized 7 parties as National Parties. They are:

1. INC
2. BJP
3. CPI

4. CPM
5. The National Congress Party
6. The All India Trinamool Congress
7. The Bahujan Samaj Party

As per latest publications dated May 2023 Election Commission of India, at present there are 6 national parties, 54 state parties and 2597 unrecognised parties.

Recently Election Commission of India grants national party status to Aam Aadami Party based on its electoral performance in four states Delhi, Goa, Punjab & Gujarat.

Recently Election Commission of India cancelled the national status for Trinamool Congress Party, Nationalist Congress Party and The Communist Party of India.

If a political party is recognised as a national party, it should be some norms fixed by Election Commission of India. The norms are as follows:

1. A political party recognised in 4 or more states as a state party. (or)
2. Candidates of a political party can get at least 6% of total valid votes in any four or more states in the last Lok Sabha and assembly elections.
3. And has at least 4 MP's in the Lok Sabha polls. (or)
4. A political party won at least 2% of the total seats in the Lok Sabha from not less than 3 seats.

Indian National Congress (INC)

The oldest and earliest national party is Indian National Congress. It was popularly known as the Congress party. It was established by Humayun on 28 December 1885 at Bombay. At the beginning it was not a political party; it aimed only to get freedom for India. After getting independence, the Congress Party emerged as a catch-all and secular party dominating Indian politics for the next 20 years. In its long history of existence, it had suffered so many splits but it was in power from 1947 to 1977. In 1978, it lost its power; again it regained power and ruled the country from 1980 to 1989 and from 1991 to 1996.

The following are the programmes of Congress Party:

1. Industrial development.
2. Agricultural and irrigation development.
3. Nationalisation of banks.
4. Educational reforms.
5. Improving the conditions of weaker sections.

6. Improving the conditions of women workers.
7. Enhancing safety of women.
8. 6% budget allocation for education.
9. Separate budget for farmers.
10. Elimination of poverty by 2020 through NYAY.
11. Reviewing the GST.
12. Providing 33% reservation to women by giving assent to the bill.
13. Enforcement of anti corruption laws without discrimination.

Bharatiya Janatha Party (BJP)

Bhartiya Janata party is origin lie in the bharatiya Jana Sangh it was popularly known as the Jana Sangh it was founded by shyam Prasad Mukherjee in 1951. He Merged with janatha Party in 1977. In 1977 Janata Party came into power at centre after 3 years in power the leader of Bharatiya Jana Sangh formed a new party known as bharatiya Janata Party under the leadership of Atal Bihari Vajpayee in 1980, which has been influencing the Indian politics since its formulation. This party has been growing day by day. It was in power at centre from 1998 to 2004. But it lost its power in 2004. Again it came into power in 2014 under the leadership of Modi. From 2014 to it extended its influence in most of the states.

The following are the policy and programs of BJP:

1. Abolition of 370 article.
2. Establishment of Ram Mandir at Ayodhya.
3. Preventive misuse of article 356.
4. Cancellation of article 35A of Jammu & Kashmir.
5. Promoting secularism in India.
6. Development of education and Science and Technology.
7. Smooth administration.
8. Providing Social Justice.
9. Implementation of common Civil Code for the whole India.

Communist Party of India (CPI)

The Communist Party of India was the second oldest party in India. It was established by M.N. Roy and S. A. Dange on 26th December 1925. This party aim is social and

economic reconstruction of Indian society. In order to achieve their goal this party began Communist Movement in India. On 26th December a Communist Conference was organised in Kanpur by Saty Bhaktha. At this Conference he argued for National Communism. The Conference adapted the name "Communist Party of India" this party wanted to up hold the weaker sections of the society. This party also played an important role in Indian National Movement.

After getting Independence this party participated in the 1952 1957 and 1962 general elections of India it secured some seats in 1957, it won absolute majority in Kerala and formed the government from 6th Lok Sabha general elections onwards slowly declined its strength.

The Communist Party of India in 1964 got its first split in 1964, due to some ideal ideological differences between the members of this party. Then it divided as CPI and CPI(M). The CPI played a key role in supporting the Indian National Congress. Eventhough it doesn't have sufficient strength to forming the government it has a number of party workers in West Bengal, Kerala, Bihar, Telangana and Andhra Pradesh. Recently it losts its National status.

Some important qualities of CPI are as follows:

1. Safeguarding the interests of labour classes.
2. Equal wages to equal work irrespective of Gender and race.
3. Abolishment of ownership of land and put all land to public use.
4. Abolish inheritance.
5. Solving the issue of Kashmir.
6. Solving the North East issues.
7. Bringing electoral reforms.
8. Strengthening third front.
9. Bringing new land reforms.

Communist Party of India (Maxist) CPI (M)

It was popularly known as CPI(M). As a result of split in the Communist Party of India it was formed by Puchchalapalli Sundaraiah, Jyoti Basu, E.M.S. Namboodri Prasad. This party has grown steadily since its formation in 1964. It got it another Split in 1968 by Charu Mazumdar and Kanu Sanyal. It was in power in West Bengal from 1977 to 2011. A senior leader of this party Somnath Chatterjee was the speaker of 14th Lok Sabha.

Some of the Ideologies of CPI(M) are as follows:

1. Strengthening democratic system.

2. Protecting farmers welfare.
3. Providing autonomy to States.
4. Implements 1/3 reservation for women in Legislative bodies.
5. Reservation of jobs and education in private sector for SC, ST and OBC.
6. Repealing the section 499 IPC.
7. Review in goods and service tax.
8. Statutory minimum wages to workers.
9. Bringing electoral reforms.
10. Implementation of land reforms effectively.

All India Trinamool Congress (TMS)

Due to the differences between Mamatha Banerjee and the Indian National Congress, Trinamool Congress was born out. It was founded on January 1st 1998 by Mamata Banerjee. This party gained the status of national party in the year 2014 as it could receive 6% of votes from five different states namely West Bengal, Manipur, Tripura, Assam and Jharkhand. At present the leader of this party Mamatha Banerjee is the chief minister of West Bengal. It has declared its vision with the slogan "Maa Maati Manush" in Bengal. Means Mother Motherland and People. Recently it lost its National status.

The following are some of Ideologies of Trinamool Congress:

1. Providing economic security of farmers.
2. Establishing India as a global power keeping in view of its multi culture and heritage.
3. Ensuring social equality.
4. According the principles of Nationalism, Secularism, Socialism and democracy.
5. Eradicating illiteracy and poverty.

Bahujan Samaj Party (BSP)

BSP was established in 1985 by Kanshi Ram. Its main aim is to represent Bahujans referring to SC, ST and OBC along with religious minorities. It acknowledges the contribution of leaders like Mahatma Jyotiba Phule, Chhatrapati Shahuji Maharaj of the down trodden communities. Kanshiram, the founder of the party was died in October 2006. Then Mayavati who is the president of the party took entire activities of the party she became the chief minister of Uttar Pradesh. It stands for certain ideology such as social equality secularism Social Justice and self respect.

The following are some of the objectives of the party:

1. Improving the social conditions of bahujans.
2. Prohibition of untouchability.
3. Participation of dalits in administration.

Nationalist Congress Party (NCP)

NCP was founded on 26th May 1999 by Sarad Pawar, P. A. Sangma, Tariq Anwar and some others. It's primary base is found in the states of Maharashtra and Meghalaya. It has secured considerable seats in the Rajya Sabha elections in 1999, 2004, 2009 and 2014. Recently it lost its National status.

Aam Admi Party (AAP)

It was founded in November 2012 by Arvind Kejriwal. At present it is the governing party of Delhi. On 10th April 2023 it was officially acquired the status of National Party by Election Commission of India.

Regional Parties

As India is a country that is multilingual, multi religious and multi ethnic and so on, the Indian political system has so many National and Regional parties. Even though there are National Parties, a number of factors have contributed for the growth of Regional parties in India.

If a party to be recognized as a state / Regional Political Party, it should have the following conditions.

1. If it secure the 6% of the valid votes polled in the state legislative assembly and also 2 seats in the state legislative assembly. (or)
2. If it's secure 6% of polled votes in the Lok Sabha election and also Wins one seat in the Lok Sabha (or)
3. If it will 3% of the seats in the state legislative assembly.

As per the election commission of India dated may 2023 there are 54 Regional parties are there. Some of them listed below:

1. DRAVIDA MUNNETRA KAZHAGAM (DMK)
2. Telugu Desam Party (TDP)
3. Yuva Jana Sramika Rythu Congress Party (YSRCP)
4. TELANGANA RASHTRA SAMITHI (TRS)

DRAVIDA MUNNETRA KAZHAGAM (DMK)

The DK was established in 1944 by E.V. Ramaswamy Nayakar popularly known as Periyar he did not pay the respect to the Indian National Flag, C.N. Annadurai seeded from this party and formed a new party DMK on September 17th, 1949. DMK became a popular party in Tamilnadu and Pondicherry. The DMK got a split in 1972 as DMK and AIADMK. Those who opposed the DMK leader Karunanidhi authoritarian trends formed themselves into AIADMK. The others remained in the parent institution namely DMK.

At present DMK is a ruling party in Tamilnadu It has been working for the eradication of poor, illiterate and down trodden among the people.

Telugu Desam Party (TDP)

It is the regional party in Andhra Pradesh and Telangana. It was established in 1982 by popular Telugu film star Nandamuri Taraka Rama Rao. It played significant role in the Andhra Pradesh politics since 1995.

Some of the policies of TDP are as follows:

1. 1kg. rice for 2 rupees.
2. Reduction of age from 65 to 55 to women pensioners.
3. Assurance of 2 lakh employment for youth.
4. Completion of polavaram irrigation project.

YuvajanaSramikaRythu Congress Party (YSRCP)

It was established on 12th, March 2011 by Y S Jagan Mohan Reddy. In a very short time it became a popular party in Andhra Pradesh and Telangana. It acted as opposition in AP Legislative Assembly in 2014. In 2019 general election in Andhra Pradesh YSRCP formed government and Jagan Mohan Reddy became the Chief Minister of Andhra Pradesh.

Some of the policies of YSRCP as follows:

1. Free borewells for farmers.
2. Zero interest loans to farmers.
3. YSR Asara Scheme for Dwacra women.

TELANGANA RASHTRA SAMITHI (TRS)

It was established on 27th April 2001 by K Chandrasekhar Rao with a single agenda of creating separate Telangana state and Hyderabad is its Capital.

KCR took up the prolonged agitation by adapting many strategies in mobilizing various civil society organizations. For the separation of Telangana from Andhra Pradesh KCR made so many alliances and broke alliances with certain political parties. For getting Telangana KCR put all possible efforts and got the credit of Telangana and separate state and

2nd, June 2014. After achieving Telangana KCR became the first CM of Telangana. As a Chief Minister of Telangana KCR announced somany popular schemes such as:

1. Mission Kakatiya.
2. Mission bhageeratha.
3. Arogyalakshmi.
4. Shaadi Mubarak.
5. Kalyana Lakshmi.
6. Rythu Bandhu.
7. Dalita Bandhu.
8. Land distribution to Dalits.

On October 5th TRS President and CM of Telangana K Chandrasekhara Rao has announced the party plans to go National by changing the party's name as to be Bharatiya Rastra Samithi (BRS). At present TRS is recognised party at the state level.

Model Question Paper

I. Answer the following questions in 30 lines each.

1. Define national party and explain the role of Congress party in Indian politics?
2. Define regional party and explain the role of TRS party in state politics?

II. Answer the following questions 15 lines each.

1. Explain the features and functions of political parties?
2. Explain the party system in India?

Glossary

Ideology: A system of Ideal it is the basis of economic are Political Theory and policy. Every political party has a certain ideology of its own.

Coalition government: Government formed by many political parties.

Alliance: Association formed for mutual benefit, especially between countries or organizations.

Further Readings:

1. **J.C. Johari:** indian Government and politics.
2. **Rajini Kothari:** Politics in India.
3. **K.K. Ghai:** Indian Government and politics.
4. **K.R. Acharya, V. Ravindra Shastri:** Perspectives of Indian Government and politics.

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23. HISTORICAL BACKGROUND OF TELANGANA STATE

OBJECTIVES:

After studying this unit, you should be able to:

- *To Understand the emergence of Telangana state*
- *To the Formation of Hyderabad state in 1948?*
- *To know the Vishalandha movement?*
- *To discuss the different committees reports on Telangana deprivation*
- *To know the how Telangana movement achieved to formation of the state*

Introduction

Is the result of long drawn struggle. It has a history of sixty years of struggle and movements marked by agitations, negotiations, formation and merger of parties, agreements, and violation of agreements. The formation of Hyderabad State in 1948 signified a radical shift from autocratic feudal rule of Nizam to a democratic republic system. It was a democratic transition of Telangana to Indian Republic.

The Telangana region, marked by trilingual character of Marathi, Kannada and Telugu speaking people, remained as an independent state from 1948 to 1956 in Indian federation. Later moves in a line with the direction of Visalandhra movements led by Left parties (CPI) in Telangana as well as in Andhra, which was part of erstwhile Madras Presidency in Telangana region by and large the opinion of the political elite was in favour of status quo. In other words, they were not favourably inclined towards Visalandhra. The slogan of Visalandhra was based on linguistic identity of the Telugu speaking people. However, it was not seriously examined whether the backward Telangana, which lacked the process of modernity and suffered the yolk of autocratic rule of Nizams, could be a match with the already developed Andhra state which came into existence in 1953. Further, it was also proved by the subsequent history how Telangana was subjected to exploitation, denial of opportunities and denudation of the natural resources. The constitutional safeguards provided by the Gentlemen's Agreement proved to be futile and inadequate with the manipulative politics of

the successive regimes. The Telangana political elite could not match the manipulative skills of the Andhra ruling classes. Injustice meted out in public employment, sharing of the river water, diversion of Telangana surpluses and violation of Mulki-rules, etc., cumulatively resulted in growing frustrations among the youth of Telangana which resulted in 1969 agitation for separate Telangana. Later, the demand for separation became a serious and uncompromising issue resulting in Telangana Movement during 2001 and 2014. Emergence of Telangana as a separate state has indicated not only its genuineness but also its larger legitimacy. Further, it also established that common language cannot be a basis for the unification of the people. The basic assumption of the SRC, which took language as a criterion, proved to be wrong, Economic justice and equity, opportunities and welfare of larger groups or communities is more important and fundamental. Perhaps it also holds good to the newly formed Uttaranchal state which was a part of Uttar Pradesh which was predominantly a Hindi speaking state. It is also relevant to mention that. Jharkhand and Chhattisgarh were formed as independent states because of their ethnic and sub-regional character.

EMERGENCE OF MULKI MOVEMENT:

The Muslims who came to Hyderabad during the 14th century called themselves as Mulki or deccanis. The Muslims who fled to Hyderabad during Bahmani were called Ghair Mulki or Afakis. During the rule of 3rd Bahmani king Afakis occupied higher posts which is a clear injustice to Mulki.

Mulki struggle under Qutub shahi:

Qutub Shahi ruled over Hyderabad for 200 years but there was no Mulki issue. Qutub Shahis are tolerant towards all religions and gave important positions to Mulki.

MULKI STRUGGLE DURING ASAF JAHIS:

The problem of Mulki was also intensified during the Asaf Jahis period and especially from the rule of VI Nizam Mir Mahaboob Ali Khan.

In 1888, people for the first time demanded mulki rights in Hyderabad state. Salar Jung served as the Prime minister of Asaf Jahis from 1853- 1883. He taken or mousad ministrative, judicial, economic, educational and various other reforms to develop Hyderabad. During his regime as Prime minister many North Indians were recruited to develop Hyderabad. When Salar Jung identified the impact of non mulki he broadly took certain measures;

- Reduce non-mulki influence by confining them to administrative frame work.
- Educating Mulki for future recruitment.
- Political posts were given only to Mulki.
- Inams were abolished to Non-Mulki
- Rejecting the demand of non-Mulki to replace the official language Urdu with Persian. After the death of Salar Jung in 1883, his son Mir Laiq Ali Khan was appointed as new prime minister. He replaced Urdu with Lucknowi Urdu as official language. He also

encouraged the appointment of non-mulkis by saying that there are no eligible candidates in Hyderabad. In 1888 mulki agitation started demanding that only Mulkis should be appointed for the vacancies of Government jobs. When such disturbances occurred in the state, Mir Mahaboob Ali Khan ordered for a record of recruitment of Hyderabad state civil services. The first employees civil list took place in the year 1884 and their report was made public in the year 1886.

EMPLOYEES CIVIL LIST, 1886:

total of 476 posts;

246 were mulkis and their salary share is 42%.

230 were non mulkis and their salary share is about 58%.

Mir Laiq Ali Khan was asked to resign in 1887. Mir Mahaboob Ali Khan issued a Farman (Gazette) in 1888 stating that only Mulkis should be appointed for the vacancies. During the rule of Osman Ali Khan, the mulki movement intensified again as the non-mulkis started to take higher positions. A Farman was released by Mir Osman Ali Khan in 1919 to protect the rights of Mulkis. Certain provisions were provided under this Farman based on which recruitment should take place in the state.

- A person who is born in Hyderabad is regarded as a mulki
- A person residing for at least 15 years in Hyderabad will be considered as a mulki
- Wife of mulki men were also considered as mulki
- When a mulki woman marries a non mulki man but does not leave the state is also considered as a mulki.
- When a mulki woman marries a non mulki man and leaves the state but returns as a permanent resident after death or divorce is considered as mulki but her children will be considered as non-mulki.

Talukdars were given rights to issue mulki certificates. He also established a civil service executive council. It is an independent body meant to recruit employees based on their education and qualifications. Osman Ali Khan also issued another Farman in 1933 to further protect the rights of mulkis. In this Farman he mentioned that priority should be given to educated and qualified mulkis whereas non-mulkis should be confined to temporary posts.

GHAIR MULKI MOVEMENT 1952:

A massive mulki movement took place in 1952 which came to be known as Gairmulki movement of 1952. The main reason behind this movement was the domination of non-mulkis especially Andhra people led to the movement. In assembly sessions questions were raised on why non mulkis were recruited and why they weren't sending back non mulkis but the silence of the Government further intensified the unrest. The immediate cause of the movement was the nature of the divisional inspector of schools Mr Parthasarathi. Because of his biased nature the principal of middle school, Mr Rasheed- Ali- Hasan died of

cardiac arrest. 4000 students under the leadership of Hayagriva Char started a rally in Warangal against this incident. A joint action Committee was also formed by students on 28th July 1952 under the leadership of Buchayya. This committee made a resolution. This resolution included;

- Constitution of cabinet sub-committee to discuss Mulki rights
- To issue job notification for Mulki
- To eliminate domination of Non-Mulki

The movement further spread students, employees took up rallies and demonstrations demanding the elimination of non-Mulki's domination. They also gave slogans such as " Idli-sambar go back".

GENERAL JN CHAUDHURI- MILITARY GOVERNMENT (1948-1949):

He established a military government. During his regime he issued a Farman on 6th February of 1949. According to this;

- Hali sikka coins were banned in the Hyderabad state.
- Nizam lands which were known as arf-e-khas were confiscated by paying a compensation of 3 crores.
- Holiday was declared on Sunday instead of Friday.
- He also enacted the Jagir abolition and regulation act of 1949 and civil service regulation act on 1st November 1949.

FORMATION OF HYDERABAD STATE IN 1948

The erstwhile princely State of Hyderabad was integrated into Indian Union in 1948 as a result of Police Action. Immediately after its integration, General Chaudhury took over the administration as the State was witnessing widespread tensions due to the Telangana Armed struggle and shortly after that a government led by a senior ICS Officer Velbodi maintained the administration. In the ensuing election to the State Assembly, the Congress party swept the polls and formed the Government with Burgula Ramakrishna Rao as the Chief Minister. The State of Hyderabad remained as trilingual state with Telugu speaking people forming the major demographic community along with Kannada and Marathi speaking regions. The State of Hyderabad was an autonomous State with surplus revenues and efficient administration.

POLITICAL DEVELOPMENTS (1948-1956)

As mentioned earlier, Hyderabad state came into existence in 1948 consequent to Police Action. Subsequently, Assembly elections were conducted in 1952. Congress party emerged victorious. Leaders of Hyderabad Congress party had participated in Hyderabad Freedom Movement. They took active part in Andhra Maha Sabha (AMS). The AMS acted as an instrument for mobilizing public opinion in favour of national movement which was

going on in other parts of India. It also undertook Library Movement for spreading awareness. Most of the members of AMS subsequently emerged as active Congressmen. It is also pertinent to mention that the Communist Party of India (CPI) took an active part in fighting against the feudal oppression during the regime of Nizam. It had mobilized the peasantry and landless agricultural labourers against the landlordism and veto system and other evil practices. They also fought against the Nizam government which was supported by the landlords.

In 1952 Elections, the CPI secured majority seats next to the Congress party. The Congress party, under the leadership of Burgula Ramakrishna Rao formed the popular government. The agenda of land reforms received highest priority during this period. Land reform legislations were initiated by the Congress government.

Subsequently, the movement for the separate Andhra agitation from Madras Presidency was gaining momentum and strength in coastal Andhra and Rayalaseema. When Potti Sree Ramulu died due to fast-unto-death, the government of India conceded for the bifurcation of Madras Presidency and the consequent formation of Andhra State in 1953.

SLOGANS OF VISALA ANDHRA

After formation of separate Andhra State, a demand was articulated by the political elite in Andhra region that why not merge the Telugu speaking Telangana region of Hyderabad state with Telugus of Andhra State. In other words, the idea of 'Visalandhra' was advanced and popularised. The National Congress leadership also hinted at the idea to the Telangana Congressmen. Added to it the CPI had actively campaigned for one state for all Telugu speaking people. This campaign of CPI spread in both regions (ie), Andhra and Telangana. The popular slogan of CPI during this period was 'Visalandhralo PrajaRajyam'. means the need for formation of popular democratic government in an enlarged Visalandhra.

VISALANDHRA MOVEMENT

In early 1954, consequent to the formation of separate Andhra State, the Andhra Political elite started campaigning for Visalandhra for merging Telangana with that of Andhra. It is widely observed the proposed Visalandhra had deeper socio-economic implications. The newly formed Andhra did not have a developed capital city. The Tamil political elite did not agree for sharing Madras city as a common capital. The necessity of a developed capital city was acutely felt. It is evident from dictate temporarily Kurnool was chosen as the capital and the offices were installed under temporarily structures. Transport and communication facilities were scarcely present. The generation of 55 electricity was largely taking place through coal and oil resources which were abundantly available in Telangana state. This was highly useful to Andhra region in case of Visalandhra. Further, it is significant to mention that the Telangana state enjoyed revenue surpluses. Andhra State faced these challenges particularly building a new capital was a herculean task. In case Visalandhra is formed, the immediate problems of Andhra could be surmounted in this regard. However, the Telangana state was in disadvantageous and vulnerable position.

FAZAL ALI/STATES RE-ORGANISATION COMMISSION

In December 1952, the Government of India decided to form an Andhra State. On December 22, 1953, Nehru announced the appointment of a Commission to examine 'objectively and dispassionately' the question of the reorganization of the State of the Indian Union 'so that the welfare of the people of each constituent unit as well as the nation as a whole (was) promoted'. The Commission known as the State Reorganisation Commission (hereafter referred to as SRC), consisted of Saiyad Fazl Ali (Chairman), Hriday Nath Kunzru and K.M. Panikkar. It was required to report to the Government of India by not later than 30 June 1956.

The leaders in the Hyderabad State did not think seriously about the implications of the disintegration of Hyderabad State and formation of Visalandhra. Moreover, the future of the Hyderabad State ceased to be a matter of theoretical speculation with increasing demand for the creation of linguistic States in general and of Visalandhra in particular, it became their immediate concern.

SRC VISITS HYDERABAD

The SRC was in Hyderabad during June-July 1954. Those who met the Commission or submitted memoranda may be broadly classified as (1) opponents of disintegration of Hyderabad (2) supporters of disintegration of Hyderabad and formation of Visalandhra and (3) supporters of disintegration of Hyderabad and formation of two Telugu States. There was no unanimity in the Hyderabad Ministry on the issue. So the Government did not submit any memorandum. The Chief Minister did not insist on the disintegration of Hyderabad. He was considered to be against Visalandhra, if isintegration became inevitable. The demand for Visalandhra was based not merely on the sentiment that all the Telugu" speaking people in contiguous areas should be brought under one administration, The SRC felt that the advantages of a larger Andhra State including Telangana are that it will bring into existence a State old about 32 million with á considered hinterland, large water and power resources, adequate me wealth and valuable raw material. This will also solve the difficult problem of finding a Perma Capital for Andhra, as the twin cities of Hyderabad and Secunderabad are very well suited to Decapital of Visalandhra. Another advantage of the formation of Visalandhra will be that the irrigation development or Krishna and Godavari rivers be brought under unified control. The Krishna and Godavari Projects ranks amongst the most ambitious in India. Since Telangana as part of Visalandhra, will bennet directly and indirectly from the development., there is a great deal to be said for its amalgamation " Andhra State. The economic affiliations of Telangana with the existing State of Andhra gives through Singaram. Telangana will also be able to save a great deal of expenditure on general admits in case it is not established as a separate unit.

STATES REORGANISATION COMMISSION (SRC) RECOMMENDS SEPARATE TELANGANA separate Telangana State was demanded apparently on the ground that the slogan of "one Language one State 'militated against national security and unity, for big States may defy the central government, and that it was desirable to have more than one province for one language to restrain sciolism from becoming narrow parochialism. The real reasons were, however, different, as the SRC observed in its report.

1. The existing Andhra State has faced many financial problems ever since it was created. In comparison with Telangana, the existing Andhra State has a low per capita revenue. (Andhra Rs.9-6-6: Telangana Rs. 17-0-0) Telangana on the contrary had, less financial difficulties. The higher incidence of land revenue in Telangana and an excise revenue of the order of Rs. 5(five) crores per annum principally explains this difference.
2. "There are some Capitalists in Telangana. They apprehend that they might be ruined by (competition from) Rayalaseema landlords if Vishalandhra is formed. It is said that people from Krishna and Guntur districts are buying lands in Telangana now* They may buy all the lands from the poor Telangana who are now peasants. There are people in Andhra who can now buy all the lands which might be irrigated if projects like Nagarjuna Sagar and Sriram Sagar materialized. The poor Telangana peasant might be enamoured of the money he gets now but might not realize the loss he might sustain (in future) by selling his lands to the Andhra landlords now". "The Telangana people are not able to withstand the competition (even now)'
3. "The Telangana people alleged that parochialism and casteism were rampant in the Andhra State from Ministers to ordinary political workers and doubted how far it would be desirable for them, not contaminated by such parochialism, to join the Andhra's. Further, the numerically smaller group of Telangana Legislators might be ineffective in the Vishalandhra Assembly. Telangana might stand to lose in the matter of Ministerships and political influence which consequently might affect the development plans of Telangana. A columnist observed: The Telangana Reddy's fear they may be politically ruined by the Rayalaseema Reddy's. The Circar Brahmins are political pundits. There is nothing impossible for them. They are well versed in the politics of Telangana. This apprehension led the Brahmin politicians of Telangana to demand a separate Telangana".
4. One of the principal causes of opposition to Vishalandhra as the SRC observed in its Report also seems to be apprehension felt by the educationally-backward people of Telangana that they may be swamped and exploited by the more advanced people of the coastal area. In the Telangana districts outside the city of Hyderabad education is woefully backward. The result is that a lower qualification than in Andhra is accepted for public services. The real fear of the People of Telangana is that if they join Andhra they will be unequally placed in relation to the People of Andhra and in this partnership the major partner will derive all the advantages mediately while Telangana itself may be converted into a colony by the enterprising coastal Andhra.
5. The States Reorganization Commission (SRC) submitted its report on 30th September 1956. Officially the report was released on 9th October 1956. Concerning the States of Hyderabad and Andhra, the Commission observed: "that it will be seen that the plea for the continuation overhand rests on weak foundation. As we assess the political trends in the State, we are left in no doubt that if it is maintained as one administrative entity it will not acquire that minimum measure of internal cohesion which is necessary for smooth and efficient administration. Continuance of

the existing structure will also keep a number of important reorganization problems unsolved and thereby impede the stabilization of the proposed units in south. We have come to the conclusion that it will be in the interests of Andhra as well as Telangana. if, for the present, the Telangana is constituted into a separate State, which may be known as the Hyderabad State, with provision for its unification with Andhra after the general elections likely to be held in or about 1961, if by a two-thirds majority the legislature of the residuary Hyderabad State expresses itself in favour of unification", The SRC expressed its opinion thus, and further the SRC reported that the State of Hyderabad (as we should prefer to call this unit), to be constituted for the time being, should consist of the following districts, namely Mahbubnagar, Nalgonda, Warangal including Khammam, Karimnagar, Adilabad: Nizamabad, Hyderabad, Medak and Bidar and the Munagala enclave in Nalgonda district belonging to the Krishna district of the existing Andhra State.

6. The SRC report favouring the creation of two Telugu States leaked out even before its submission, was condemned by 69 out of 93 MLAS (including 22 congressmen) of Hyderabad. The supporters of separate Telangana State and Muslims naturally greeted the report with enthusiasm.

DEMAND FOR TELANGANA

Both the advocates and opponents of Visalandhra in Hyderabad State became active. If a separate Telangana State was formed, the leaders of the People's Democratic Forum threatened to resign their seats in the legislature and contest the elections on that issue. Leaders of the Front, the Communist Party of India and the Kisan Sabha met the Chief Minister and demanded the immediate formation of Visalandhra. In October 1955, the supporters of Visalandhra in Telangana met in Hyderabad and decided to work for Visalandhra. On 3rd November, they met again under the presidency of Ahmed Ali Khan and demanded Visalandhra immediately. Some of the non-Andhra's who had earlier pleaded against the dismemberment of the Hyderabad state now supported Visalandhra. Deputations on behalf of the Telangana Communist party and Andhra Communist Party visited on Nehru and other Central Government Ministers and pleaded for Visalandhra. The movement became active and convened conference in different parts of Telangana and published booklets explaining the need for Visalandhra. The demand for a separate Telangana State at the same time was also gaining strength. 7 out of 1 Congress Committees in Telangana, 73 out of 105 Telangana Congress delegates of the State executive of the Indian National Trade Union Congress and 10 M.P. 's from Telangana favoured a separate Telangana.

In this situation, the Hyderabad Assembly discussed on the SRC report from 25th November to 3rd December 1955 and adjourned without taking any vote. Of the 174 members of the House barring the Speaker, 147 expressed their views. Of these, 103 favoured Visalandhra, 29 favoured Telangana, and 15 remained neutral. From the residuary, 59 wanted Visalandhra, 25 were for separate Telangana and one was neutral. Meanwhile, the Andhra Legislative assembly had unanimously demanded the formation of one Telugu State.

ROLE OF CONGRESS HIGH COMMAND

In November 1955 the Congress high command formed a sub committee consisting of Dhebar, the Congress President, Nehru, Azad and Panth to consider the issue of States reorganization. Towards the last week of November, Dr. Chenna Reddy suggested three ways to ascertain the wishes of Telangana people on the issue of its merger: They were: (1) a sample referendum in any constituency in Telangana, (2) accepting the Pradesh Congress opinion in the matter as the verdict of the people and (3) eliciting the opinion of representative organization in the State by the Congress High command. Top ranking central leaders- Nehru, Katju, Patil, Lal Bahadur Shastri and some others visited Hyderabad in December 1955 and January 1956 to ascertain the public opinion. In the middle of January 1956, the Union Government announced the formation of states on the basis of SRC report except in regard to Punjab and Telangana. Even by the end of January 1956, the Congress Sub-Committee could not decide on the Telangana issue. It was because of the fact that the High Command was divided on the question of merger of Hyderabad State with Andhra. Among the influential Andhra leaders Sanjeeva Reddy and Lachanna wanted the formation of Visalandhra.

AZAD'S RESOLUTION

The Government of India could not come to any decision on the future of Telangana. The Andhra Assembly regretted this and resolved unanimously in favour of Visalandhra on 1 February 1956. The Amristar session of the Indian National Congress unanimously passed Azad's resolution not to make language the exclusive principle for reorganisation and called for the formation of large bilingual States "Wherever feasible" in the interest of economic development. Nehru wanted the controversy over these issues to be set aside, if possible, for ten years but nothing significant resulted.

SAFEGUARDS FOR TELANGANA

The task of persuading the Telangana leaders began. GB. Panth, the then Union Home Minister, gusted to some of the Telangana Congress leaders who met him on 15th February, that they could a Regional Council for Telangana in the event of its merger with Andhra to form Visalandhra. They erased their demand for a separate Telangana. In the alternative, they asked for a large bilingual e Consisting of Andhra, Telangana and the proposed Mysore State. Panth told them that the action of such a big State could not be considered then, as there was already a proposal for the merger of Kerala and the proposed Mysore State. As the Congress High command definitely appeared flavour of Visalandhra, the Telangana leaders wanted to be assured of a number of safeguards IES a Regional Council. Detailed discussions on all the problems arising from the decision to form Visalandhratook place between representatives of all shades of Congressmen from Andhra and Hyderabad States and an Agreement was arrived at and the State of Andhra Pradesh came into being on 1*November, 1956.

VIOLATION OF SAFEGUARDS

1. By amending the domicile rule, the residential qualification for public employment and education was reduced from 15 years to 4 years. With the result it is presumed that more than 50 thousand Andhra's are holding jobs meant for Telangana and this

trend curbs the employment and educational opportunities of Telangana people.

2. People below the poverty line are 40.78 percent in Telangana compared to a much less percentage in Andhra according to 1987-88 estimates of A.P. State government (Mahbubnagar district account for high percentage of below poverty line families in the state.) But the contribution of Telangana region to the state's revenues is always more than 40 percent.
3. The plans and designs of two major river valley projects on Krishna namely Nagarjuna Sagar and Srisailem, are catering to the needs of Andhra but not to the Telangana area. In fact, the Nalgonda district of Telangana which has sacrificed much of its areas for Nagarjuna Sagar was denied its rightful share. After the Andhra Agitation of 1972, Mulki rules and Telangana Regional Committee were abolished thereby denying institutional mechanisms to check the injustices and backwardness and protect region's interests.
4. The educational facilities are poor for Telangana people. Telangana region continues to be the lowest in literacy rates at 37 percent. Very few professional colleges in Engineering, Medical streams were established. The number of universities stand at a very low figure in Telangana region.
5. The plans and designs of two major river valley projects on Krishna namely Nagarjuna Sagar and Srisailem, are catering to the needs of Andhra but not to The Telangana area. In fact, the Nalgonda District of Telangana which has sacrificed much of its areas for Nagarjuna Sagar was denied its rightful share.
6. The pace of work on Sriram Sagar, the only major Project taken up on Godavari exclusively meant for Telangana region is very slow. Even after 50 years, hardly 2 ½ lakh acres of land has benefited against the proposed target of 20 lakhs acres expected to be covered in about 10 years after the formation of the state in 1956
7. The work on projects of Telangana region which have assured allocation of water like Srisailem Left Bank Canal is yet to be initiated.
8. Because of gross neglect meted out to the Nizam Sagar Project (a Project built during the Nizam's regime) with regard to maintenance and removal of silt, the ayacut under this project as gone down by about one lakh acres. The water of Manjeera river meant for augmenting irrigation facilities in Medak and Nizamabad districts of Telangana region are diverted to capital city for purposes other than irrigation.
9. The share of water allotted for Telangana region in the Rajoli Banda Diversion scheme is unauthorisedly tapped by Rayalaseema region resulting in deprivation of irrigation facilities for 40 to 50 thousand acres of land in Mahbubnagar district of Telangana.
10. If this state of affairs is allowed to continue any further, a substantial cultivable area of this region is bound to be converted into arid areas.

TELANGANA REGIONAL COORDINATION COMMITTEE (TRCC)

Establishment of Telangana Regional Coordination Committee was a commitment made in the Gentlemen's agreement between the leaders of Andhra and Telangana. The advice rendered by the Regional Committee was to be accepted by the Government and state legislature. The Telangana Regional coordination committee was given power to deal (a) Development and Economic planning within the framework of the general development plans formulated by the state legislature. (b) Local Self-Government, that is to say, the constitutional powers of municipal corporations, improvement Trusts, District Boards and District authorities for the purpose of local self-Government or village Administration. (c) Public health and sanitation, local hospitals and dispensaries. (d) Primary and secondary education (e) Regulation of admission to the educational institutions in the Telangana region. (f) Prohibition (g) Sale of agricultural lands (h) Cottage and small-scale industries, and Agriculture, Cooperative Societies, Markets and Fairs. Unless revised by agreement.

FAILURES OF TRCC

The Telangana Regional Coordination Committees have miserably failed in wielding their mandate. There are many reasons for this inadequacy and failure. Firstly, these committees are established more as supplementary bodies to the ruling establishment rather than autonomous bodies to supervise plans and expenditure under different outlays. In fact, these committees were theoretically given powers to supervise the surplus revenues of Telangana to be spent only for the development of this region. However, in practice these powers were curtailed only to act as mere political bodies. Further TRCC was not given a full-fledged organisational infrastructure to carry out its functions. Budgetary allocations for TRCC were also meagre. In course of time, no effort was made to reconstitute these committees as these bodies were perceived as emerging power centres. Due to these failures, discontent grew among the people against successive Governments.

The bureaucratic procedures regarding Auditing and maintenance of separate accounts for Telangana and Andhra were not conducive. This resulted in more aphorism and overlap. Added to it, the successive Governments from 1956 onwards lack political will and commitment to strengthen the Telangana Regional Coordination Committees. The political elite did not exhibit any vision and imagination for developmental needs of Telangana region.

1969 AGITATION - TELANGANA PRAJA SAMITHI (TPS)

1969 TELANGANA AGITATION

Consequent to the violation of Gentlemen's Agreement by the successive Governments in Andhra Pradesh, particularly the violation of Mulki Rules, cumulatively resulted in the emergence or eruption of separate Telangana agitation in 1969. It was reported that as many as 25,000 Government jobs were occupied by migrant Andhra's in Telangana a region. Added to it large number of students and employees felt betrayed in view of violation of Mulki Rules. It is against this background that 1969 agitation for: separation of Telangana from Andhra received impetus. Originally, the 1969 agitation was started in Khammam District by a student of Osmania University who undertook fast unto death for the formation of "Telangana. Subsequently, it spread all over the region. The Government employees

and opposition members of the State Legislative Assembly came out and threatened "Direct Action" in Support of the students. Subsequently, there were protests all over the region, people from all walks of life including employees, teachers, students, intellectuals, women and general public joined the movement. Even the political leaders like Konda Laxman Bapuji, the then minister, resigned and joined the movement. Student leaders like Madan Mohan, Mallikarjun, V.B. Raju and Puli Veeranna etc., joined the agitation.

The students questioned the violation of Telangana safeguards and demanded the genuine implementation of these safeguards which were guaranteed by the Gentlemen's Agreement. It was also recorded that as many as 370 students lost lives in police firing during the nine months agitation. As many as 70,000 people were arrested including 7,000 women. The Government led by Kasu Brahmananda Reddy adopted repressive policies through the deployment of police and military.

Then Prime Minister Indira Gandhi called for a high-level meeting to discuss the statehood issue. After several days of talks with leaders of both regions, on 12 April 1969, the Prime Minister developed an Eight Point Plan.

ROLE OF TELANGANA PRAJA SAMITHI -1969

The movement for separate Telangana, though launched by the students in the initial stages, was spearheaded by Dr M. Chenna Reddy who formed Telangana Praja Samithi in 1969. This was established to articulate the demand for a separate statehood and also lead the agitation. In the 1971 General Elections, the Telangana Praja Samithi (TPS), contested for 14 Parliamentary constituencies in Telangana region. Out of 14, the TPS had won 11 Parliamentary seats. These elections witnessed popular sentiment of Telangana people for the formation of a separate state. During this period the Congress led by Mrs. Indira Gandhi was extremely powerful at the national level. Congress secured

2/3 majority in the Parliament due to the charismatic leadership of Indira Gandhi. However, in respect of Telangana region the Congress could not make inroads as TPS emerged as a powerful force. In view of the mass support it enjoyed.

During this time the Congress Party was split at the all-India level. The TPS, led by Dr Marri Chenna Reddy entered into an agreement with Mrs. Indira Gandhi, and opted for a compromise in September 1971. Accordingly, the TPS was merged with the Congress (R). According to the 'Compromise Formula' a consensus emerged on the following points:

- 1) Perpetuation of Mulki Rules.
- 2) Separate Budget and accounts for Telangana
- 3) Separate Pradesh Congress Committee for Telangana.
- 4) Stepping down of Brahmananda Reddy to facilitate the Chief Minister from Telangana region.

The 1969 Telangana Agitation led by TPS, didn't accomplish the goal of a separate state. It Content with the safeguards and assurances promised by Mrs. Indira Gandhi.

REACTION TO MULKI JUDGEMENT

In 1972-73, when Mr. I PV. Narasimha Rao was the Chief Minister, Andhra Pradesh witnessed another agitation. It emerged from the Andhra region. Though this movement is perceived to be the outcome of the Supreme Court verdict declaring Mulki rules as valid, there was also the additional factor of land reform legislation passed by State Legislature. B. V. Subha Reddy, Jagarlamudi, Chandramouli, GouthuLatchanna, Kakani Venkataratnam were among the leaders who spearheaded the movement. The main reasons for the movement were:

1. On 3rd October 1972, the Supreme Court gave its verdict on the Mulki rules stating that these were valid and were in force. Further, the then Chief Minister P.V. Narasimha Rao reacted on the judgment stating that Supreme Court Verdict was final. This verdict and subsequent statement angered the Andhra youth as they felt that they would be denied public Employment and educational facilities in Telangana region if it's continued to be implemented.
2. The people of Andhra region felt that they would be reduced to the status of second-class citizens in the State in the light of the Judgment of Supreme Court.

The aim of the Jai Andhra Agitation was that the Mulki-Rules and Telangana Regional Committee be scrapped. An unconditional Andhra Pradesh or a separate Andhra State was clearly stated in all their pronouncements.

SIX-POINT FORMULA OF 1973 (TELANGANA)

The Six-Point Formula was a positive discrimination policy of the government of India for the Telangana region (now a separate state of India) of Andhra Pradesh, reached as a political settlement on 21 September 1973. Andhra Pradesh had till then been under president's rule due the resignation of chief minister P. V. Narasimha Rao after the flaring up of the 1972 Jai Andhra movement.

To avoid legal problems, the constitution was amended (32nd amendment) to give legal sanctity to the Six-Point formula

On December 5th, 1972 students observed an Andhra Bandh and from December 7, 1972, the Andhra Non-Gazetted Officers resorted to indefinite strike. Large scale destruction of public property and arson was reported from Andhra Districts. Meanwhile, the Communists who strongly advocated integration of A.P tried to take out processions. This led to clashes between integrationists and separationists resulting in police firings and loss of lives. To bring political normalcy, the Chief Minister inducted 8 ministers into his Cabinet on January 7th, 1973, but soon President's Rule was imposed in the State. Gradually, the movement lost its vigour. On March 5th 1973, NGOs called off their strike. In the light of the separate Andhra Agitation, Prime Minister Mrs. Gandhi announced a Six-Point Formula. They are as follows:

- 1) The setting-up of a state level Planning Board as well as sub committees for the development of backward areas.

- 2) Establishment of a Central University at Hyderabad to augment education facilities.
- 3) Local candidates were to be preferred for direct recruitment to non-gazette posts and ASS Surgeons.
- 4) A high power Administrative Tribunal to be constituted to deal with the grievances of government employees.
- 5) To avoid litigation, the constitution should be suitably amended.
- 6) Abolition of Mulki Rules and Telangana Regional Committee.

VIOLATION

In 1985, when Telangana employees complained about violations of the six-point formula, the government enacted government order 610 (GO 610) to correct the violations in recruitment. As Telangana people complained about non-implementation of GO 610, in 2001, the government constituted the Girglani commission to look into violations.

Though the formula was accepted by the leaders of Andhra region, there was dissatisfaction on the people of Telangana. The Abolition of Mulki Rules and Telangana Regional Committee virtually nullified the deserving benefits to Telangana people. Consequent to this, the President's Rule was revoked and Jagajyoti Sarma, an integrationist was chosen as Chief Minister.

INTELLECTUAL CONTRIBUTION TO TELANGANA MOVEMENT

The long-drawn struggle for Telangana has sustained for more than seven decades due to the ideological foundation laid down by prominent personalities through their words and works. Among them, important contributions were made by Dasarathi Krishnamacharyulu, Dasarathi Rangacharyulu, Vattikota Alwar Swamy, Konda Laxman Bapuji, Kaloji Narayan Rao, Professors like Kesava Rao Jadhav, K. Lava Shanker, S. Simhadri, P. L. Visweswar Rao, Kumbham Madhusudan Reddy, Muralimanohar Rao, Biyyala Janardhan Rao, K. Srinivasulu, Haragopal, M. Kodanda Rama Reddy, Rama S. Melkote, Harnath, Sridhar Deshpande and poets and balladers like Gaddar, Sanjeev, Dolu Dayanna, Dappu Ramesh, Jayaraju, Anthadupula Nagaraju, Sai Chandh, Yashpal, Krishna, Aruna, Chukka Ramanarasaiha, Swapna, Mounika, Koti, Naganna, Late Belli Lalitha, Vimmalakka, Telu Vijaya, Madhu Priya, Mangle, Sudhalla Ashok Teja, Vande Matharam Srinivas, Goreti Venkanna, Deshpathi Srinivas, Ande Sri, Guda Anjaiah, Ramanakar Rao, Aipuri Somanna, Gidde Rama Narasaiah, Late Pailam Santosh, Pushpa, Nernala Kishore, Rasamai Balakishan, Dharuv Yellanna, Swarannakka, Warangal Ravi, Naliganti Sharath and others.

The contribution of these prominent personalities in their respective spheres, kept the movement alive for decades together with different phases. Their words and works motivated, mobilized, organized and became an ideological base for inspiring millions of people cutting across all sections of people in Telangana.

However, this ideological inspiration has been channelised into a powerful movement by a charismatic and dynamic leader K. Chandra Sekhar Rao.

TELANGANA MOVEMENT: 2001-2014

The movement for Telangana State took a critical turn in 2001. K. Chandrasekhar Kao, who resigned from Chandrababu Naidu Government, left Telugu Desam Party. He launched Telangana Rastra Samithi on April 27th, 2001 with an exclusive 'One Point Agenda' of creating a separate Telangana State with Hyderabad as its capital. It is pertinent to mention that in 2001 the Congress Working Committee sent a resolution to the NDA, Government to constitute a second S.R.C. (State Reorganization Commission) to look into the Telangana State demand. During 2004 Assembly and Parliament elections L. K. Advani the then Home Minister, observed that "unless there is consensus among all political parties in the state and unless that consensus is reflected in resolution of the State Assembly, we don't propose to include Telangana in the NDA agenda". It is significant to mention that Congress party and TRS forged an electoral alliance in the Telangana region to consider the demand for separate Telangana State. The Congress Party came to power in Andhra Pradesh in 2004 and joined as a coalition partner as part of Common Minimum Programme. It included the consideration of separate Telangana state after due consultation and consensus.

The UPA government led by Dr Manmohan Singh as Prime Minister has constituted a Sub-committee to look into the issue of Separate Telangana statehood issue. This subcommittee was led by Pranab Mukherjee with two others as members. This committee was constituted during November 2004 and sought responses from all recognised national and regional political parties in the process of evolving consensus on the issue. Professor K. Jayashankar and K. Chandrasekhar Rao (TRS) have approached all the political parties and mobilized the letters of consent in favour of separate Telangana.

However, not much initiative was forthcoming from the U.P.A. government in spite of its positive assurances in 2004 elections. It is significant to mention that the Congress led by Dr Y.S Rajasekhara Reddy was personally not inclined to the bifurcation of the state. He was found to be a decisive factor in the victory of the Congress in Andhra Pradesh and defeat of TDP. The Congress High Command did not wish to act contrary to the opinion of Dr, Y.S. Rajasekhara Reddy. K. Chandrasekhar Rao along with A. Narendra had resigned as a Union Cabinet Minister from the U.P.A. Government and protested against the postponement of the separate Telangana state. Accordingly, the TRS ministers also resigned in Andhra Pradesh.

2009 ELECTIONS

During the 2009 elections the Congress Party assured and reiterated its stand that only the U.P.A. Government can declare the Telangana State. Accordingly, the people of Telangana voted in favour of Congress Party. The Congress Party was in a position to form the Government both at the central and state levels. In this election, the TRS won 10 Assembly seats and 2 M.P. seats.

Earlier in 2009, the Supreme Court declared Hyderabad as a "Free Zone" in contrast with the Girglani Committee's decision which treated Hyderabad as Zone VI. This judgement aggravated the fears and apprehensions of the people of Telangana. It triggered a lot

of unrest among the Telangana Employees Associations. They feared that the non-Locals would grab their jobs meant for Telangana it's in Hyderabad. This has given a great impetus to the Telangana movement. A large number of intellectuals, journalists, lawyers, engineers, doctors, students, women and N.R.I.s came out openly against the declaration of Hyderabad as a "Free Zone". In September 2009, Dr Y.S. Rajasekhara Reddy died in a helicopter crash. This death witnessed serious implications both to the leadership of Congress party and the cause of Telangana movement.

At this juncture, TRS Party President Chandra Sekhara Rao came out with new assertions and increased voice for a separate state. On 29th November, 2009, K. Chandra Sekhara Rao undertook his fast-unto-death against the 'Free Zone' and for achieving the Telangana statehood. The students played a prominent role during this period. The students of Osmania, Kakatiya, Palamuru and Telangana Universities intensified the movement through their active participation. Against this background, K. Rosaiah, the then Chief Minister of Andhra Pradesh called for an all-party meeting on 7th December 2009. This meeting discussed the ongoing fast - unto - death by K. Chandrasekhara Rao and views of political parties were ascertained. It is believed that all political parties including the Congress, BJP, TDP, PRP and CPI declared that they would support and vote for the Telangana state if a Bill to this effect is introduced. The minutes of the meeting were also faxed to the Congress High Command. On 8th December, 2009 the BJP came forward openly in its support to the Bill for Telangana state in the event of its introduction in the Parliament.

On December 9th, 2009 an announcement was made by the Home Minister P. Chidambaram. He announced "the process of Telangana State formation will be initiated". This announcement was made due to the worsening health condition of K. Chandra Sekhara Rao, which may lead to dire consequences to the political stability, law and order in the state. However, the reaction from Seemandhra totally unexpected to the announcement. The M.L.A.'s and M.P.'s from Seemandhra region started resigning in protest as they were said to have not been taken into confidence when it was announced in the late night. It is significant to mention that the TDP M.L.A.'s and M.P.'s also tendered resignations in protest against the announcement. It is reported that around 140 plus M.L.A.'s and M.P.'s resigned. The Central Ministers belonging to Seemandhra also threatened to resign from the Central Government if the decision is not taken back. Subsequently, Seemandhra region witnessed a series of protests demanding "Samaikhya Andhra".

Almost all political parties including Congress, TDP and PR.P. opposed the bifurcation of the state. In contrast, the political parties in Telangana Region wholeheartedly welcomed the announcement in favour of a separate statehood for Telangana. As Samaikhya Andhra Agitation became intense with widespread protests in Seemandhra region, the U.P.A. convened a meeting of its allies. It included NCP, Trinamul Congress and the DMK. The DMK said that the government should have taken them into confidence before announcing the creation of Telangana State. It was also stressed that similar demands for separate state would come forward in their home states. On December 23rd, 2009 the Home Minister P. Chidambaram again announced a contrary statement. He announced that "a large number of political parties were divided on the issue. A wide-ranging consultation could be held with all political parties and groups in the state. The centre will take steps to involve all concerned in the process". As a result of the revised and reversed announcements, all the polit-

ical parties including TRS, BJP, Congress members of Telangana region, former PRP members and CPI formed a Joint Action committee (JAC). The JAC is supported by N.R.I. Associations, Women Organizations, and all Telangana Associations.

The JAC (also known as TJAC) included political and non-political groups which fearfully demanded the formation of Telangana State. Prof. Kodanda Ram Reddy emerged as a convener of JAC.

APPOINTMENT OF SRI KRISHNA COMMITTEE 2010

The Government of India appointed a five-member Committee headed by Justice Sri Krishna on 3rd February, 2010 to look into the issue of Telangana. The Committee toured all the regions of the State extensively and took the opinion of all sections of people on the statehood. The Committee submitted its report on 6 December 2010. It had given six solutions to the problem.

1. It gave preference to the State United with different constitutional and statutory measures for Socio-Economic development and political empowerment of Telangana region through the creation of Telangana Regional Council.
2. Maintaining the status quo. Separating the state of Andhra Pradesh into Seemandhra and Telangana regions while Hyderabad to be converted into a Union- Territory. Dividing Andhra Pradesh into two States. One of Rayal Telangana and Second - Coastal Andhra Pradesh.
3. Dividing Andhra Pradesh into Seemandhra and Telangana with enlarged Hyderabad Metropolis as a separate Union Territory and,
4. Bifurcation of the State into Telangana and Seemandhra as a per the existing boundaries with Hyderabad as the capital of Telangana and Seemandhra to have a new capital.

The report of Justice Sri Krishna Committee received criticism as well as appreciation from different quarters. However, it is obvious that the reports of the Sri Krishna Committee have to be considered by the central government and take an appropriate decision.

The Central Government did not take speedy action on the reports of Justice Sri Krishna Committee. Hence, the critiques commented that constituting the Sri Krishna Committee was only a "delaying tactics". Thus, the movement for separate Telangana took its momentum through various activities which may be summed-up as follows:

MILLION MARCH AND NON-COOPERATION MOVEMENT

- a. The Non-Cooperation Movement was started on 17th February 2011 which lasted for 16 days. In this movement three lakh government employees participated.
- b. The Million March movement was organized by Telangana JAC in Hyderabad on 10th March, 2011.

MASS RESIGNATIONS

This movement witnessed various forms of protests from the people of Telangana and resulted in mass resignations of the M.L.A.'s and M.P.'s and Ministers of Telangana region.

SAKALA JANULA SAMME

The Sakala Janula Samme (All People's Strike) is a great highlight in Telangana agitation. His movement led to the strike of all sections of people supporting "Telangana Statehood." The Government employees stayed out from the work. Lawyers boycotted the Courts and many other Government employees like members of the teaching community, electricity board etc... participated. This movement led to 'Rail Roko' and Road Blockade'.

OTHER PROTESTS

The people of Telangana followed various Gandhian methods for the achievement of separate Telangana State. They organised "Telangana March in Hyderabad' on the lines of the Dandi March'. The popular and cherished slogan of the people of Telangana namely, "JAI TELANGANA echoed at every nook and corner of Telangana region and inspired the people to carry on their justifiable demand for a separate state. There were peaceful protests on the Necklace Road around Hussain Sagar Lake. This protest programme was popularly known as "Sagar Haram'. The students of Osmania University organised many protests on the University campus. They participated in 'Chalo Assembly' and other peaceful activities and demonstrations. Instances of students committing suicides for the cause of Telangana became a distinctive and extra-ordinary feature of the movement. It was reported that around 1000 students seemed to have lost their lives. This largely was due to the inordinate delay in the formation of Telangana which resulted in frustration, disillusionment and depression among the students.

The Telangana Movement at least attracted the attention of the Central Government. Inspire of the continuance of the protest against Telangana State from Andhra leaders, the U.P.A. Government decided to resolve the issue. Various steps had been taken in regard to the creation of separate Telangana State by the Union Government.

CONSTITUTIONAL PROCESS - A.P. REORGANISATION ACT, 2014

The Parliament is empowered to create a New State by following a certain procedure prescribed under Article 3 of the Indian constitution. The Union Government followed the required steps prescribed by Article 3 of the constitution. The President of India referred the A.P. Recognition Bil, 2014 to the State Legislature for its consideration. The A.P. State Legislature rejected the Bill. However, the Parliament had the power either to accept or reject the opinion of the State Legislature. Finally, the Bill was referred to Parliament by the President.

Both, Rajya Sabha and Lok Sabha passed the Bill and President Pranab Mukherjee had signed the A.P. Reorganisation Bill, 2014 which became an Act on 1" March, 2014. The Government of India declared that on 2nd June, 2014 the Act would come into force. By this the Telangana State was formed on 2nd June, 2014 as the 29th State in the Union of India.

ANSWER THE FOLLOWING QUESTIONS

1. Write an essay on emergence of Telangana state?
2. Discuss the Formation of Hyderabad state in 1948?
3. Write a note on Vishalandha movement?
4. Describe Fazal Ali states reorganization commission?
5. Explain any two of SRC recommends of Telangana?
6. Explain the Gentlemen's Agreement?
7. Write about the Role of Telangana Praja Samithi 1969?
8. Write about the intellectual contribution to Telangana movement?
9. Write about Sakala Janula Samme?
10. Explain the Six-Point Formula?
11. What do you meant by Mulki Rules?

MULTIPLE CHOICE QUESTIONS

1. **The state of Andhra Pradesh emerged on _____**
01 Nov 1956 / 02 Nov 1956 / 01 Dec 1956
2. **The first chief minister of Andhra Pradesh state _____**
N. Sanjeeva Reddy / B. Ramakrishna Rao / Marri Chenna Reddy
3. **The police action taken on Hyderabad in which year _____**
17th Sep 1948 / 15 Aug 1947 / 18 Oct 1948
Fazal Ali commission appointed in which year ____ 22 Dec 1953 / 18 Aug 1956 / 09 Sep 1954
4. **Chief Minister of Hyderabad state _____**
J.V. Narsingh Rao / K.V. Ranga Reddy / Burgula Rama Kirshna Rao
5. **Separate Telangana agitation in _____**
1969 / 1979 / 2011

6. _____ formed **Telangana Praja Samithi**

Dr. N. Channa Reddy / J.V. Narsingh Rao / K.V. Ranga Reddy

7. **Appointment of Sri Krishna committee in which year** _____

03 Feb 2010 / 11 Feb 2012 / 05 Mar 2013

8. **The Million March movement was held in which year** _____

10 Mar 2011 / 15 Mar 2013 / 10 Apr 2014

9. **Telangana state was formed on** _____

02 Jun 2014 / 03 Jul 2014 / 11 Aug 2014

10. **AP Reorganization bill,2014 which became an act on** _____

01 Mar 2014 / 05 Mar 2016 / 07 Apr 2011

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24. TELANGANA MOVEMENT STATE FORMATION (1953-2014)

OBJECTIVES:

1. *To study Telanganat Movement's growth and limitations in its struggles for separate state hood*
2. *The study seeks to understand Telangana movement in the state in terms of Telanaga people's struggles seeking autonomous state.*
3. *The study assumes that Telangana people have changed themselves into an agency of political decision.*

Introduction

In this chapter we should examine the origin and growth of the Telangana movement, which ultimately culminated into a separate state of Telangana. The people of various walks of life like poets, writers, singers, artists, students, lawyers, journalists, women, employees, doctors, civil society organisations, people of different castes and religions played a crucial role in this movement. Despite different existence, ideologies, and worldviews; the people of Telangana have showed commonness and realised the decades old aspiration and dream. That is why the Telangana movement is unique and distinct.

States Reorganization Commission (SRC):

The States Reorganization Commission (SRC) set up by the government of India under the chairmanship of Justice Fazal Ali. K. M. Panikkar and H. N. Kunzru were the other members of the commission. This commission did a yeomen service to lay down the guidelines for the reorganisation of the states. The commission travelled 38,000 miles, visited 104 places and interviewed 9,000 people in 22 months. Individuals and organisations submitted memoranda and resolutions to the commission. The members of the commission also met individually the representatives of the political parties, the members of the local bodies such as district boards, municipalities, and social activists, representatives of the press, poets, and writers and elicited their opinions. The commission received 1, 52,250 documents. It conducted a detailed study and made some formulations: 1) the unity and integrity of the country is to be protected 2) linguistic and cultural considerations 3) economic self-sufficiency,

economic development; administrative convenience 4) implementation of the national programmes successfully. It came to the conclusion that reorganisation of the states is neither possible nor desirable only on the basis of language and culture. It felt that these considerations should not take precedence over the administrative convenience, economic self-sufficiency, political stability, etc., It also made it clear that language and culture cannot be independent basis for the reorganisation of the states. To examine the question of reorganization of states of the country was, in fact, not in favour of merging the Telangana region with the then Andhra state

Gentlemen's Agreement:

Basing on the promises and safeguards offered by the Andhra leaders, G.B. Pant arranged a meeting of Telangana and Andhra leaders at Delhi on February 19 and 20, 1956. There was an agreement between the leaders of both the regions. It was agreed to integrate Andhra and Telangana. This is called Gentlemen's Agreement. It refers to the safeguards to be given to Telangana. At least, indirectly it became clear that Telangana is going to be a second grade region and it would be 'protected' with assurances. These 'safeguards' are nothing but assurances offered by Andhra Assembly and the leaders of Andhra to tide over the opposition of Telangana people at the time. The agreement does not speak about the remedies for violation of the conditions and did not speak about solutions for such violations. It was mooted that the integrated state can be named as Hyderabad state. G.B. Pant convinced against this proposal as Nizam had filed a case with the United Nations claiming that India had occupied the Hyderabad State, claimed Marri Channa Reddy in an interview to a newspaper. It is said the Andhra leaders opposed to name the integrated state as 'Andhra-Telangana' as they were averse to use the word Telangana. Finally, integrated state was named as Andhra Pradesh as the Congress Central leaders belonged to the north. The commitments to Telangana region made in this Gentlemen's Agreement on 20th February 1956, were as follows.

1. The expenditure of the central and general administration of the state should be borne proportionately by the two regions and the balance of income from Telangana should be reserved for expenditure on the development of Telangana area.
2. Prohibition in Telangana should be implemented in the manner decided upon by the Assembly members of Telangana.
3. The existing educational facilities in Telangana should be secured to the students of Telangana and further improved. Admission to the colleges, including technical institutions in the Telangana area, should be restricted to the students of Telangana or the latter should have admission to the extent of one-third of the total admissions in the entire state whichever course is advantageous to Telangana students.
4. Retrenchment of services should be proportionate from both regions if it becomes inevitable due to integration.
5. Future recruitment to services will be on the basis of population from both areas.
6. The position of Urdu in the administrative and judicial structure existing at present in the Telangana may continue for five years when the position may be reviewed by

the Regional Council. So far (as) recruitment to services is concerned, knowledge of Telugu should not be insisted upon at the time of recruitment but the candidates should be required to pass a prescribed Telugu test in two years after appointment.

7. Some kind of domicile rules e.g. residence for 12 years should be provided in order to assure the prescribed proportion to recruitment of services for Telangana area.
8. Sales of agricultural lands in Telangana area (is) to be controlled by the Regional Council.
9. A Regional Council will be established for the Telangana area with a view to secure its all-round development in accordance with its needs and requirements.
10. The Regional Council will consist of 20 members as follows: Nine members of Assembly representing each district of Telangana to be elected by the Assembly members of the Telangana districts separately, six members of the Assembly or the Parliament elected by the Telangana representatives of the Assembly, five members from outside the Assembly to be elected by the Telangana members of the Assembly. All ministers from Telangana area will be (its) members.
11. 1) The Regional Council will be a statutory body empowered to deal with and decide about matters mentioned above and those relating to planning and development, irrigation and other projects, industrial development within the general plan and recruitment to services insofar as they relate to Telangana area. If there is difference of opinion between the views of the Regional Council and the government of the State, a reference may be made to the Government of India for final decision.
2) Unless revised earlier by agreement, this arrangement will be reviewed at the end of 10 years.
12. The Cabinet will consist of members in proportion of 60 to 40 per cent for Andhra and Telangana, respectively. Out of the 40 per cent Telangana Ministers one will be a Muslim from Telangana.
13. If the Chief Minister is from Andhra, the Deputy Chief Minister will be from Telangana and vice versa. Two out of the following portfolios will be assigned to Ministers from Telangana; (a) Home; (b) Finance; (c) Revenue; (d) Planning & Development; and (e) Commerce & Industry.
14. Until 1972, Telangana should have Pradesh Congress Committee.

In order to give effect to the arrangements outlined in the Gentlemen's Agreement, the Central government brought forth the Seventh Constitution Amendment Act 1956 whereby the previous article 371 was amended to confer on the President to constitute a Regional Committee for Telangana area. Under this, the Telangana Regional Council was supposed to be a watchdog for the people of Telangana in the Matter of Implementation of safeguards.

Andhra Pradesh State existence November 1, 1956.

The Telugu-speaking State of Andhra Pradesh was formed in 1956 on a linguistic basis, following the recommendations of the States' Reorganisation Commission, headed by Justice Fazal Ali. It brought together the three regions of Telangana, coastal Andhra and Rayalaseema, each of which presented different historical backgrounds: the Telangana region was part of the erstwhile Nizam's Hyderabad State, whilst the latter two regions formed part of the British-governed Madras Presidency. This historical background is crucial to an understanding of the political economy of development and the trajectory of social and political processes in each of these regions. Further, these historical differences continue to inform the socio-political processes in modern Andhra Pradesh - the articulation of social forces, caste-class dynamics, the nature of social movements, patterns of social mobilisation, and so on.

Public Employment act 1957:

The parliament passed the public employment act in 1957 (requirement as to residence), which prescribes a 15 year residential qualification for employment in the Telangana region. There was a provision for the renewal of the act after 10 years, but the subsequent renewal did not happen in 1967. As a result of this, the Mulki rules, which prescribed residential qualification for employment in the Nizam's state, redundant.

As a result most of the Telangana locals were out of from government jobs. They started demanding for implementation of mulk rules. It slowly started demanding for separate state, which was popularly known as Telangana agitation of 1969.

1969 TELANGANA MOVEMENT:

The Telangana movement of 1969 was not sudden outburst. The roots could be seen years back in the history of free India. The subordinated political elite of Telangana were in no position to represent these growing interests and fears of the region. This led to 1969 Separate Telangana Agitation. This constituted one of the longest and wide spread agitations in the whole country since independence. Myron Weiner described it as one of strong "Sons of the Soil" movements that boldly demanded preferential treatment in the face of region discrimination.

The Telangana personnel were unhappy because even after fifteen years no common seniority list of government employees was prepared and charges of inequalities and malpractices came to surface. Thus the linguistic and cultural homogeneity failed to unite the people of the state. The specific reasons that sparked off the agitation at this particular time was a decision of the Andhra Pradesh High Court which struck down some of the Provisions of the Public Employment Act of 1959 which gave protection to the local people for the implementation of the 2:1 ratio in all public services including autonomous bodies like the State Electricity Board

The Court in its Judgement held that autonomous bodies like the State Electricity Board were beyond the purview of the rules framed by the Government regarding reservation of Posts for Telangana people. The decision was in connection with a batch of writ petitions filed by some Andhra employees of Kothagudam Thermal Plant on being served with termina-

tion notices in order to replace all non-Telangana Personnel. This in turn created apprehension among the Telangana personnel, about their employment opportunities, notwithstanding the earlier recommendations of the State Government for a further and final extension of the 'Mulki' rules for another five years. The inordinate delays, and irregularities in the preparation of the integrated seniority and promotion lists had also contributed to the simmering discontent.

As a result of the High Court decision the students of Khammam district started an agitation for the implementation of the 2:1 ration in all public services including autonomous bodies like the State Electricity Board. They also demanded the extension of the duration of the safeguards, provided under the Gentlemen Agreement Which was due to expire by May, 1969. Following the Agitation initiated at Khammam a group of student leaders of Osmania University met a few prominent Political Leaders of the region like J.Chokka Rao, the then Chairman of the Telangana Regional Committee, V.B.Raju and a few Legislators to discuss the problem of Telangana in the light of High Court Judgment. But the politicians of the region did not respond favourably to the

problems raised by the student leaders and did not take their demands seriously. Following this a General Body meeting of Osmania University Students Union was convened on January 12th at 10AM. In the premises of Nizam College to discuss the issue of Telangana safeguards.

The agitators set up 'Telangana Rakshana Samiti' demanding spending of hundreds of crores for the developmental activities, importance to Pochampad Project, industrial development in Telanagana, sending back of the employees who were working with fake Mulki certificates. This movement quickly spread to other parts of Telangana, particularly, the Osmania University. The general body meeting of the students decided to intensify the agitation from 15th January. They passed a resolution demanding the resignation of nine Telangana ministers and the MLAs. On one side indefinite fast of Ravindranath was continuing. A nine-year-old girl, Anuradha, also participated in the indefinite fast along with him. On 13th January, action committee of the students was formed. It demanded the assured safeguards to be implemented and decided to continue to agitate for separate Telangana. A meeting of the citizens was organised on 13th January in Hyderabad and Telangana Protection Committee was set up. A committee for the protection of the students and another for 'separate state' were set up. The movement intensified. The separatists were in majority. On 15th January the people from all sections participated in protest. It was a grand success.

The employees who were agitating also came to the conclusion that separate Telangana was the only way out. The reason behind this was their petition in the High Court demanding the implementation of Gentlemen's Agreement was struck down. As the health of Ravindranath was worsening, Jalagam Vengal Rao demanded that the government take immediate steps. The agitators were lathi-charged and tear gassed on 18th January.

The Telangana employees met at Hyderabad, demanded sending back of about 6,000 non-Mulkis and threatened to go for direct action otherwise. The opposition parties like Samyukta Socialist Party, the two communist parties; Majlis and Janasangh in a statement asked the chief minister to intervene and cool down the tempers and also warned that they

would also have to join the students otherwise.

ALL PARTY ACCORD:

The government convened an all-party meeting on 19th January 1969. The government confessed in the all-party meeting that there were some lacunae on their part. It assured that the employees that were appointed in the positions meant for Telangana people directly or indirectly or that came on promotion or transfer would be sent back immediately. It promised that those positions would be filled with Telangana people. The opposition parties decided to challenge the judgment of the High Court setting aside the decision of the Electricity Board in Supreme Court. The government promised that the surplus funds of Telangana would be accounted for and spent for the development of Telangana only and injustice to Telangana would not be allowed. To implement this promise, G.O. M.S. 36 was issued.

The terms of the agreement were fair enough to satisfy the moderates in Telangana and prevent the agitation from becoming a mass movement. The state Government issued orders for the transfer of non-domicile public employees from Telangana. The attempt on the part of the State Government appeared to be sincere one. Temporarily peace was restored in the region as students called off their agitation two days later. Contrary to expectations, a counter-agitation was sparked off in Andhra area by students and civil servants, upon the arrival of transferred Andhra employees from the Telangana Region. This in turn led to the revival of unrest in Telangana. As a consequence of the agitation and counter-agitation, the situation in both the regions became so tense that troops had to be deployed in order to restore law and order.

The movement for separate Telangana intensified. There was police firing in Sadasivapet on 24th January. Sankar, who was injured in the police firing, succumbed later. He was 17. He is the first martyr of separate Telangana agitation. 'Telangana Vimochanoadyama Samiti' held a convention on 28th January under the chairmanship of Kaloji Narayana Rao. Resolutions were adopted demanding the resignation of the chief minister and imposition of President's Rule. On February 28th 'Telangana Praja Samiti' was formed by intellectuals and youth. It was not connected with any political party. Lawyers, doctors, teachers and journalists formed this organisation. Madan Mohan, a young lawyer of Siddipet, was appointed as the president of Telangana Praja Samiti. The non-Mulki agitation of 1952 and separate Telangana movement of 1969 started without the involvement of political leaders. Political leaders entered the movement after some time. The legislators were speaking about the implementation of 'safeguards'. Fifty-two MLAs belonging to Telangana served a notice on the government that they would resort to non-cooperation if the safeguards were not implemented by 15th March. In the meantime, the movement picked up further momentum as a result of Supreme Court stay order.

The Supreme Court delivered judgment on 29th March against the Mulki rules. It also struck down G.O. 36 that was aimed at sending back the Andhra employees. With this the agitation surged forward with intensified anger and emotion. Konda Lakshman Bapuji, a cabinet minister, suggested that regional status on the lines of the status given to Meghalaya, would do. However, as the Congress high command did not accept this suggestion, Bapuji declared that there was no solution other than formation of separate Telangana.

EIGHT POINT FORMULA:

To cool down the boisterous movement, Prime Minister Indira Gandhi announced eight-point formula in Parliament on April 11, 1969. She said that it was the best way to solve the problems of Telangana region. The salient features of the plan are:

- 1) A high-powered committee would be set up to determine financial surplus of Telangana. This committee would submit its report in a month's time.
- 2) Providing sufficient funds for Telangana to fill the gap caused by diversion of surplus funds to Andhra region.
- 3) Setting up of Telangana development committee with the representatives of the Planning Commission and the ministers from Telangana under the chairmanship of the chief minister. This committee would draw up plans for the development of Telangana.
- 4) Setting up of plan implementation committee under the chairmanship of advisor to the Planning Commission. Representatives of Union home ministry and finance ministry would be the members and supervise the implementation of the projects.
- 5) More powers to Telangana Regional Development Council and the officials.
- 6) Providing for constitutional mandate to give jobs to the people belonging to Telangana.
- 7) Setting up a committee to look into grievances of public servants under the supervision of Union Public Service Commission.
- 8) As continuous effort is to be made for the development of Telangana, a meeting every six months should be held in the presence to the Prime Minister.

As a follow up measure, the Prime Minister announced two-committees: A Committee under former Justice K.N.Wanchoo to decide steps for ensuring safeguards in regard to employment facilities for the Telangana people.

A Committee under Justice Bhargava to consider the revenue surpluses of Telangana.

The eight-point formula announced by the Prime Minister did not satisfy anybody. People lost confidence on the Central and state governments. Telangana Struggle Day was observed on April 15 as decided earlier. Government employees started an indefinite strike. There were fierce clashes between the agitators and police in all the districts.

The movement hitherto spearheaded by the students and youth began gaining support from the political leaders. Konda Lakshman Bapuji set up Telangana Congress Committee. Dr. M. Chenna Reddy joined the movement only after it became serious. He issued a statement supporting the movement on April 21. After a month, he was elected the president of Telangana Praja Samiti on May 21. This triggered a split in the movement as students did not believe his sincerity formed a parallel Praja Samiti under the leadership of Sridhar Reddy. Many politicians supported the Praja Samiti headed by Sridhar Reddy.

Much before the entry of Channa Reddy into the movement, 'Demands Day' was observed which was considered a significant event. Telangana Praja Samiti called for observation of May Day as Demands Day. It was planned to hold a rally from Charminar to Raj Bhavan and present a memorandum to the Governor. But police did not permit this rally. However, hundreds of men and women congregated at a temple near Charminar with coconuts and flowers in the name of some ritual. The Charminar area reverberated with the slogans of 'Jai Telangana'. All the streets in Hyderabad and Secundrabad echoed with the slogans of Telangana. People started processions from wherever it was possible. Police resorted to indiscriminate firing. Hundreds were injured and at least 20 were killed in the firing.

The whole of Telangana was in turmoil with strikes, rallies and bandhs and lathi-charges. Curfew became a daily affair. It is believed that 369 people were killed during separate Telangana movement of 1969. There may be many more martyrs that have not entered the government records. The number of injured is only a guess. The student movements in France, Argentina and Pakistan drew the attention of the world earlier. But the press commented that such movements are no match compared to Jai Telangana movement spear-headed by the students. Bharatiya Kranti Dal commented that this is the biggest movement after the national movement. With the demise of Dr. Zakir Hussain, the President of India, Telangana Praja Samiti took a pause in the agitation. Later it picked up again. Telangana Praja Samiti was transformed into a political party by politicians like Channa Reddy arguing that separate Telangana is possible only through political forces. This party contested in 1971 Lok Sabha polls and won 10 out of 14 seats in Telangana. In those elections the influence of Indira Gandhi was widespread. She was hailed for the victory and liberation of Bangladesh in 1971. However, the Telangana Praja Samiti could swim against the tide and win 10 Lok Sabha seats.

The Eight-Point Programme could not satisfy the people of Telangana and the movement was further intensified. In the meantime, elections for Lok Sabha were held in which the Telangana Praja Samiti won 10 out of 14 seats in Telangana. Without honouring the verdict of the people, another plan was imposed upon the people. Five-Point Programme was brought in to restore the Mulki rules. Though not in writing, but orally the Prime Minister had given some more assurances. Dr. M. Channa Reddy convinced with this programme, merged Telangana Praja Samiti with Congress on September 18, 1971.

"The acceptance of the formula realised in Brahmandandareddy stepping down from the chief minister ship and the rise of p.V. Narasimha Rao, from the Telangana region to that position, with a view to place the feelings of the Telanganites"

The High Court full bench hearing a writ petition against G.O. 36 ruled on February 14, 1972, that Mulki rules were not applicable. The state government challenged this verdict in Supreme Court. The Supreme Court delivered a historic judgment on October 16, 1972 upholding the constitutional validity of Mulki rules. This judgment provided an opportunity for justice to the people of Telangana.

Separate Andhra state Agitations

However, the people of Andhra region insisted that only a situation without Mulki rules, assurances to Telangana and any other conditions were acceptable to them. They started 'Jai Andhra' movement, which was supported by the people of Telangana. PV Narasimha Rao had to resign on 18th January 1973. President's rule was imposed as formation of alternative government was not possible.

The High Court judgment on Mulki rules said not only the people born in this region are Mulkis but people that come from other areas are also Mulkis. In another judgment on 12th July 1973, the court said that the Mulki rules would be applicable only for recruitment but not for promotions, seniority, reversion and retrenchment. The Jai Andhra movement's main objective was to do away with safeguards to Telangana.

Six-Point Formula:

As a result, Prime Minister announced Six-Point Formula on 21st September 1973. The salient features of the formula are:

1. The formation at the state level of a planning board as well as sub-committees for different backward areas should be the appropriate instrument for achieving this objective.
2. Institution of uniform arrangements throughout the state enabling adequate preference being given to local candidates in the matter of admission to educational institutions, and establishment of a new Central university at Hyderabad to augment the existing educational facilities should be the basis of the educational policy of the state.
3. Subject to the requirements of the state as a whole, local candidates should be given preference to specific extent in the matter of direct recruitment.
4. A high-power administrative tribunal should be constituted to deal with the grievances of services regarding appointments, seniority, promotion and other allied matters. The decisions of the tribunal should ordinarily be binding on the state government. The constitution of such a tribunal would justify limits on recourse to judiciary in such matters.
5. In order that implementation of measures based on the above principles does not give rise to litigation and consequent uncertainty, the Constitution should be suitably amended to the extent necessary conferring on the President enabling powers in this behalf.
6. The above approach would render the continuance of Mulki rules and regional committee unnecessary. Five points of this Six-Point Programme were implemented haphazardly. But the sixth point that was to be applicable only in the event of the implementation of the five points was meticulously implemented without implementing the five points. It means Mulki rules were set aside. It led to the following developments:

1. Mulki rules were abolished though the highest court of the land upheld.
2. Telangana Regional Committee was abolished
3. The practice of showing revenue and expenditure of Telangana was given up.
4. The state was divided into six zones and Telangana was divided into two zones without any consultations. The Hyderabad part of sixth zone was made as a free zone, and a possibility to interpret it as seventh zone was created.
5. The 15-year period criterion to be recognised as local people was reduced to a mere four years.

With the Six-Point Programme, minimum safeguards that were in place also had disappeared. The provisions favouring Andhra region were implemented quickly and the funds for the development of backward areas were stopped and state planning board and sub-committees were abolished. The hegemony of Andhra people had gone up on the surrounding areas of Hyderabad and its resources. The rich from the Andhra region vigorously built up their economic empire in Hyderabad.

Constitutional Amendment - 371 (D) - Presidential Order

The President of India was given special power through 32nd Constitutional amendment to accord statutory status to Six-Point Formula. The GSR 5249 (e) order issued by the President on October 1975 is known as Presidential Order. This Constitutional amendment triggered several developments.

All the illegal appointments prior to this amendment were regularised and implementation of GO 36 was stalled.

1. The state government employees were divided into different cadres and different areas were made into various local areas for employment and entry into educational institutions.
2. An administrative Tribunal was set up for appointments and promotions. The judgment of the Tribunal was to be reviewed only in the Supreme Court rather than High Court. Ironically, the government got the opportunity to reject the judgment of the tribunal. With this, the employees of Telangana were at severe loss.

The Central University (1976) that was supposed to be beneficial to Telangana in the aftermath of abolition of Mulki rules; in effect was most useful to Andhra region (in employment and education).

The Telugu regional identity was so articulated that the Telangana identity got submerged in the larger Telugu identity. The self respect of Telugus which TDP raised as an important issue obviated the Telangana identity for the time being. It is not that what happened through the rhetoric of Telugu identity was intergration of the regions but subjugation. It is always the case with such identity politics that instead of negotiating with the sub-identities, it leaves the space and scope for the aggressive re emergence of the identities.

G. O. 610:

The Telangana Non-gazetted Employees Association (TNGO) submitted a memorandum to the then chief minister N.T. Rama Rao requesting to set right the anomalies caused to Telangana people. In response to this appeal Jaya Bharat Reddy Committee was set up, Kamalanathan and Umapati were the other two members of the committee. This was called, 'Officers Committee'. This committee examined the incidents of violation of Presidential Orders and prepared a 36-page report in which it made it clear that 58,962 non-local people were recruited. It was natural that the government could not digest the reality in the report of the officer's committee and had set up another committee with another IAS officer Sundaresan as its head. On the basis of the reports of these two Committees, the government on December 30, 1985 issued G.O. 610. It was to be implemented by 31st March 1986. But it was not implemented even by the time Telangana state was formed.

Salient features of 610 GO

- I) From the date of Presidential Orders to the issuance of 610 GO, the employees (zone 5 and 6) appointed in violation of rules have to be sent to their respective places even by creating supernumerary posts before 31st March 1986. The non-gazetted employees recruited for Srisailem left bank, Jurala, Sriram Sagar project to be transferred to their respective zones.
- II) The principle of equal share is to be implemented in state-level offices and secretariat employees.
- III) Action to be taken against people who had gained employment on the basis of fake certificates.
- IV) The appeals filed by employees on appointment and promotions should to be disposed of by 31st March 1986.
- V) Large-scale transfers between different local areas are to be stopped.
- VI) Review of all appointments and promotions has to be taken up after the Presidential Orders by 30th June 1986.

These principles were not only ignored but 564 GO intended for the Rayalaseema employees was also meticulously implemented. The 610 GO meant for taking corrective steps was violated with impunity. The impatient and dissatisfied employees were demanding justice and getting ready for agitation. In order to mollify them, Girglani Committee was set up on 25th June 2001, to review the implementation of 610 GO

SECOND PHASE OF TEKANGANA MOVEMENT.

The yearning for identity of separate Telangana was evident from the day the two regions that were different historically and culturally were merged without consent of the people. The historic separate Telangana movement made its mark with the sacrifice of 370 people. No assurances, sops and safeguards could diminish the feelings of the Telangana people who want their separate identity restored and their historical, linguistic, cultural and social identity recognised. The violations of Presidential Orders, non-implementation of 610

GO; the continuous onslaught on the cultural identity of Telangana had once again stoked the aspirations of separate Telangana. Though there seemed to be a sort of lull between 1973 and 1983, the deep desire was always there. Even while there was an effort to erase identity Telangana in the name of the self-respect of Telugus, the existential aspirations of Telangana people were finding their voice frequently.

Intellectuals :

Intellectuals were at the core of propagation of the ideology of the Telangana movement, providing an ideological basis for the aspirations of the people. Holding meetings, writing books, conducting debates, analyses in newspapers and electronic media, group discussions and organising political classes was the prime contribution of intellectuals. Prof. Jaya Snakar and Keshva Rao jadav, laid the intellectual foundation for the movement through thier writings and analyses. A seminar by Telangana intellectuals was held at ICSSR, Osmania University, on 13th and 14th August 1997 to discuss the injustice done to Telangana. The papers presented in this seminar were compiled by Prof. Viswesvara Rao and Prof. Simhadri into a book titled 'Talladillutunna Telangana'. Innaiah's book Dagapadda Telangana explained the incongruities and discrimination in development. The books published by Telangana Information Trust led by Telangana Prabhakar and Prof. Harinath provided the intellectual basis for the movement.. Prof. Lakshman formed 'Osmania University Forum for Telangana'. This forum organised seminars across Telangana and aroused consciousness. In the year 1997, the intellectuals' activity has become significant when they have organized an organization called Telangana forum, which was formed to intensify the movement for separate Telangana. It felt that if public representatives had addressed the villages, their support to the cause of Telangana could have been much more.

Movement during 1990-2004 :

The emotions and the thrust generated by the movement were not strong enough. Continuous campaign in support of the idea of Telangana gained momentum and strengthened by 1996. At this juncture, Lok Sabha elections were held in 1996 and Deve Gowda formed coalition government. Speaking from the ramparts of the Red Fort on 15th August 1996, the Prime Minister Deve Gowda declared that his government was not against the formation of Jarkhand, Uttaranchal, Chattisgarh and Vidarbha. The hopes of the leaders of the non party organisations of Telangana were rekindled after the views expressed by the Prime Minister. However, to keep up the momentum for a separate state Bharatiya Janata Party (BJP), passed a resolution in 1997 at its national executive meeting at Kakinada 'one vote and two states'and promised a separate Telangana state if they come to power. BJP created Jharkhand, Chhattisgarh and Uttarkhand states in year 2000 as promised. But the BJP could not create a separate Telangana state because of the opposition from its coalition partner, Telugu Desam Party.

While the Telangana movement was gaining ground, the MLAs of Telangana formed the Telangana Congress Legislators Forum met Sonia Gandhi and impressed upon her on the need to form separate Telangana state. The Congress took it to the notice of the NDA government. The Congress argued that though separate Telangana is not formed, second

SRC should be constituted to solve the problems of that region. The NDA government brushed aside the formation of second SRC.

In this background the protagonists of Telangana felt that there is a need for strong Telangana party and invited several political leaders. By 2001, Telangana was in the grip of severe drought. The farmers, agricultural labour were suffering from indebtedness and thousands committed suicide. In this dire situation, the government instead of supporting the farmers propagated that farming is not useful. Electricity charges were raised three or four times putting more burden on the farming community. When the farmers agitated, the government resorted to firing (Bashirbagh). It is unfortunate forming in Telangana region is dependent on bore wells. Proponents of a separate Telangana state felt that all the agreements, accords, formulas, plans and assurances on the floor of legislature and Lok Sabha, in last 50 years were not be honoured and Telangana remain neglected, exploited and backward. The experiment to remain as integrated state proved to be a futile exercise and therefore, separation was found to be the best solution.

At this juncture, Kalvakuntla Chandrasekhar Rao wrote a letter to the Chief Minister Chandra Babu Naidu. This letter caused ripples in the political circles. On 27th April he announced the formation of Telangana Rashtra Samiti at Jaladrushya, the residence of Konda Lakshman Babuji. The Telangana Rastra Samithi emerged from this deep rooted discontentment and deprivation: in fact the movement for a separate State was taking a shape in the womb of the neo-liberal model of development. The demand came up at a time when there were objective material conditions maturing leading to the revival of the Telangana self-identity which was dormant and subdued for almost two decades. It was K Chandrashekar Rao who sensed the mood of the sub-region and gave a political vent to it. A sizeable section of Telangana people rallied around the demand and it did become a political force by 2004 elections. Sensing this trend, the Congress party which was desperate to unseat TDP from power entered into an alliance with TRS without even properly assessing the implications and consequences of such an alliance.

2004 and afterwards:

The supporters of Telangana movement felt that the votes of Telangana people should not get divided between the Congress and TRS. The protagonists also felt the support of a national party was necessary. In 2004, for Assembly and Parliament elections, the Congress party and the TRS had an electoral alliance in the Telangana region with the promise of a separate Telangana State. Congress came to power in the state and formed a coalition government at the centre. TRS joined the coalition government in 2004. KCR of Telangana Rastra Samithi was invited by Mrs Sonia, Mr. Pranab Mukherji and Mr. Gulamnabi Azad to join the Cabinet. KCR accepted the invitation, laying a condition that the issue of forming a separate of Telangana State be included in the Common Minimum Programme (CMP) of the UPA Government. In consultation with Lallu Pershad Yadav (Rastriya Janatha Dal) and Sharad Pawar (Nationalist Congress Party), Mrs. Sonia Gandhi included it in the CMP stating, "The process of Telangana formation will be done in consultation with all the political parties." APJ Kalam, the then President of India, pronounced 'A consensus should of Separate Telangana State and grant it at an appropriate moment' same in the Joint Session of the Parliament. The policy of UPA on Telangana appeared to be clear.

The Agitation against Hyderabad as Free Zone:

Supreme Court reviewed the recruitments of aspirants for police posts. A case CA No.5141-2002 got finalized on 9 October 2009; that verdict was sensational. It proclaimed that the local status was not applicable to the police personnel. The vacancies were open for both the local and non-local aspirants. Merit alone was to be the yardstick for election of candidates for the police posts. That is the essence of the verdict. However, it was against the spirit of the Presidential Orders.

The employment opportunities in public sector are available only in two arenas, namely teaching field and Police Department. The lion's share of these vacancies exists in and around Hyderabad city. The court orders nullified the chances of the local aspirants. This state of affairs led to great disappointment and became a cause for agitation. As a result, the students, employees, peoples associations and time or date of its return to the Central Government.

In the first week of Dec 2009, the TRS president, K. Chandrashekar Rao (KCR) started a fast-unto-death demanding that the Congress party introduce Telangana Bill in the Parliament. Student organizations, employee unions and various organizations joined the movement. Scores of people committed suicide in support of Telangana state. Telangana bandh (strike) was organised on 6th and 7th December. Student organizations planned a massive rally at state legislature (Assembly) on Dec 10th. Government warned that the rally does not have permission and deployed police troops throughout Telangana. The decline of KCR's health has contributed to a sense of urgency for the central government to take a decision on the issue of Telangana statehood.

Telangana state formation process:

On December 9, 2009, 11:30 PM, P. Chidambaram, Union Minister for Home Affairs announced that Indian government has started the process of forming a separate Telangana state and that very soon a resolution to this effect would be introduced in the Andhra Pradesh assembly. KCR ending his 11 day fast said from his hospital bed that this is a true victory for the people of Telangana. The central government has asked Andhra Pradesh state government to pass of a resolution in the legislative assembly. However, as per article 3 of Constitution, Parliament does not require Assembly resolution to create a new state. Telangana celebrated the central government decision while Coastal Andhra and Rayalaseema regions (Seemaandhra region) protested. Several members of Andhra legislature submitted their resignations to protest the creation of the new state. As of 16 December, at least 147 legislators (including PrajaRajyam Founder Chiranjeevi) and many Members of Parliament had resigned protesting the Government's decision to carve out a new state of Telangana. 22 Ministers belonging to Seemaandhra have submitted their resignation. All of the Legislators/MPs' belonging to Andhra (Coastal Andhra and Rayalaseema) region resigned. On Dec 16, 2009 media reports confirmed that there is split in PrajaRajyam Party (PRP) over Telangana issue, with its leader Chiranjeevi as well as 16/18 party MLAs opposing the division of Andhra Pradesh, while Telangana leaders in the party are unhappy with the shift in the party's views. Citing fragmented opinion among the different political parties of the state, Central government had gone back on its word and argued that stability in

governance is the need of the hour and law & order needs to be maintained and said till then there would be no move for the formation of Telangana.

In fact the second statement of the Home Minister, in the first week of January 2010, clearly underscores the fact that the Government of India had arrived at the decision to carve out the state of Telangana based on both the reality of historical injustices as well as the prevailing conditions of the people of Telangana. It is worth citing that statement in in toto

Formation of Political JAC :

Several important incidents preceded the formation of TP-JAC. The six decades of struggle for separate Telangana, The untimely death of former chief minister Dr Y.S. Rajasekhara Reddy, change of top political guard in state with a weak chief minister, the indefinite hunger of KCR in 2009, the movement of students, lawyers and different sections of the society, the unity displayed by the various front organisations culminated in the declaration of the Union Government on December 9, 2009 that the process of carving out separate Telangana state has begun. With this announcement the whole of Telangana was rejoiced. As the long felt dream was on the verge of realisation, the political leaders of Seemaandhra, without any political differences resorted to mass resignations and caused a constitutional crisis. Yielding to these manoeuvres, the Union Government changed its stance and came out with another statement on December 23, 2009 that "Separate Telangana would be carved out only after consultations and consensus." In this background, the need for complete unity of the people of Telangana was felt and Telangana Joint Action Committee (JAC) was formed on December 24, 2009 to go in for a mass movement.

The political Joint Action Committee chose Kodand Ram, a Political Science professor from Osmania University as its chairman. On 24-12-2009 at 11 am all parties like BJP., C.P.I., ML, New Democracy, and all the leaders of people organizations met on the premises of Kalinga Function Hall, Banjara Hills. The Joint Action Committee was formed with the leaders of all people's organizations and political leaders of all parties.

The different forms of struggle Of JAC :

The Telangana Joint Action Committee has put the people on the path of mass movement. It successfully chalked out various forms of agitations, adopted different forms of struggles with the help of the front organisations to hasten the process of forming a separate state according to the announcement of December 9, 2009 of the central government. The JAC could take the people's aspiration to the central government, taken up different forms of struggle and keeping the consciousness of the movement alive among the people. It embarked upon various forms of mass movements like non-cooperation, Million March, Sakala Janula Same, Sagara Haram, Sansad Yatra, Chalo Assembly etc. It also brought to the fore the cultural tradition of Telangana, the unique nature of Telangana and the deep rooted aspiration for separate state in a peaceful way. Rasta Rokos, hunger strikes, Vanta Varpu, Dhuum Dhaam, Maanava Haram, the processions of Batukamma and Bonalu, the funeral processions, candle light rallies, the burning of effigies and the funeral processions of the martyrs of Telangana have become the forms of struggle.

The people of various walks of life like poets, writers, singers, artists, students, lawyers, journalists, women, employees, doctors, civil society organisations, people of dif-

ferent castes and religions played a crucial role in this movement. Despite different existence, ideologies, and worldviews; the people of Telangana have showed commonness and realised the decades old aspiration and dream. That is why the Telangana movement is unique and distinct.

Sri Krishna Committee :

Committee for Consultations on the Situation in Andhra Pradesh (CCSAP) is a committee headed by former chief justice B. N. Srikrishna to look into the demand for separate statehood for Telangana or keep the State united in the present form, Andhra Pradesh. The committee was constituted by the Government of India on 3 February 2010 and submitted its report on 30 December 2010 to the Ministry of Home Affairs. The Srikrishna Committee solicited suggestions and views from political parties, social organizations, and other stakeholders. The committee received over 60,000 petitions by the deadline of 10 April.

The committee began personal interactions with the various stakeholders, including the political parties on 16 April. The committee met with the leaders of TRS, PRP, CPI, MIM, TDP and various organizations from entire Andhra Pradesh. On 6 July, Telangana Congress legislators and ministers met with the Srikrishna committee and made arguments in favour of the formation of Telangana state.

It toured all the regions of state extensively and invited people from all sections of the society to give their opinion on the statehood. It received over one lakh petitions and representations from political parties, organizations, NGOs and individuals. It also held consultations with political parties and general public while also factoring in the impact of recent developments on different sections of people such as women, children, students, minorities, Other Backward Classes, Scheduled Castes and Scheduled Tribes. The report was released to the public on the internet on 6 January 2011.

Recommendations :

The committee has discussed six possible options in the concluding part of the report not recommending the first three and giving preferential order to the remaining three. The backlash/Law & order problems and the internal security related issues in case of each of the size options/scenarios (as listed below) have been covered in this paragraph.

1. To treat the movement as a normal law and order situation to be handled purely by the state with usual support from the Centre.
2. Creation of a separate state of Telangana with Hyderabad becoming a UT.
3. To merge Rayalaseema with Telangana and create a new state Rayala Telangana with Hyderabad as its capital.
4. In case of a separate Telangana, creation of a larger UT of Hyderabad y connecting Hyderabad(HMDA) with Guntur(Coastal Andhra) in south-east and Kurnool (Rayalaseema) in the south via Nalgonda and Mahboobnagar(both Telangana diatricts) respectively through creation of appropriate corridors by merging a few mandals with Hyderabad (HMDA).

5. To grant statehood to Telangana with Hyderabad as its capital.
6. Providing constitutional/statutory safeguards to Telangana region by guaranteeing, redressal of the region's major grievances and keeping the state united.

All Party Meet:

There were many All Party Meets on Telangana, both at the State and Central levels; to cite an example Pranab Committee(2004) and Roshaiah Committee(2009). However, they did not even submit reports. People were of the view that such committees were appointed just to drag time and postpone the decision on the issue.

Though the Justice Sree Krishna Committee submitted its Report on 30 December 2010, there was no worthwhile progress on Telangana problem until December 2012. There were mass protest like relay hunger strikes, rail and rastarokos. Mass feasting on road interrupting public transportation, public meetings, an indefinite strike for 42 days by the TNGOs , virtually there was no governance in Telangana.

As the elections of Telangana of 2014 were approaching the UPA 2 in general and Congress in particular signaled that they had not forgotten the Telangana issue. The then Home Minister, Sushil Kumar Shinde convened an All Party Meet on 28 December 2012. The government had asked each Party to send two delegates. Had it been a single point of whether accepting or rejecting Telangana, things would have been different. The people would have known real intentions of the parties. There should not have been any problem to the Central government. That ploy of the UPA made people understand that it was a dilly dallying tact. Of all the parties, only three- TRS, BJP and CPI- were in favor of Telangana

Two of the parties CPI(M) and MIM were neither against Telangana nor in favour of a unified Andhra Pradesh. There was a stated opinion that Congress was in favour of Telangana. As the Ruling Congress and the main opposition Party were in consonance for Telangana, it was irrational to delay it further. If those two parties were to support, nothing could delay Telangana even, if all the other parties opposed it.

Antony Committee Report on Telagana :

Sonia Gandhi appointed a four member committee with Veerappa Moily, Digvijay Singh and Ahmed Patel with AK Antony as its Chairperson. To deliberate on the pros and cons of Telangana State and the consequences that might arise after the demerger, Botsa Satyanarayana, PCC President, was appointed as the mediator between the Antony Committee and the Andhra politicians. Accordingly, Botsa Satyanarayana coordinated with Congress leaders and Antony Committee.

Many a time, Antony made it very clear to Seemandhra leaders that, Congress on Telangana would not go back from its stand. He held talks with Central ministers and MPs of AP on 13 and 14 August 2013; and, the second round of talks were from 19 and 20 August 2013. Public representatives from Assembly (MLA s and MLC s) and Parliament (Lok Sabha and Rajya Sabha) and other Congress leaders of Telangana submitted their point on Telangana State to the Antony committee. It submitted its Report to the Ministerial Subcommittee on 20 Aug 2013. Considering the apprehensions, complexes and fears of

Seemandhra settlers of Hyderabad, the Committee had recommended Hyderabad to be made Common Capital for a period of 10 years. In fact, the Central Ministers from Seemandhra represented to Sonia Gandhi that Hyderabad be made a permanent Common Capital of Andhra and Telangana on the lines of Chandigarh. Further, it is suggested that the distribution of income resources, river water and education are to be included in the AP Reorganization Bill. Limits of Hyderabad and Cyberabad Police Commissionerates be the boundaries of the Common Capital of AP and Telangana. On the settlement of issues like ecology, environment and rehabilitation, there should be a clear cut policy; and, Polavaram may be elevated as a National Level Project and be completed at the earliest. That was the recommendation given by the Antony Committee

Declaration of Telangana State in Parliament: AP Assembly:

The CWC decided on 30 July 2013 to request the Government of India to create the state of Telangana. Despite violent agitation in Seemandhra (as Rayalaseema and Coastal Andhra are now known) and opposition from Seemandhra elected officials including the Chief Minister, all his Seemandhra ministerial colleagues and Seemandhra MPs and legislative assembly, the union cabinet approved the formation of the state on 3 October 2013. However, Hyderabad city, while being part of the new state, was to serve as a temporary capital for 'residuary Andhra Pradesh' (as Seemandhra will be known in legal parlance) till it builds its capital in its own territory.

Parallel to the bifurcation Committee known as GOM (Group of Ministers) on 8th October 2013, AK Antony as Chairperson, Shinde (Home Minister), P Chidambaram (Finance), Moily (Petroleum), Jairam Ramesh (Rural Development), GulamNabi Azad (Health) and V Narayana Swamy (PMO) were the members on that Committee. GoM sought suggestions and notes from all the political parties. Congress, BJP, TRS, CPI, MIM submitted reports with suggestions. TDP, CPI(M) and YSRCP did not submit any suggestions. On the very first day of the Winter Session of the Parliament, the union cabinet has endorsed the bill and sent it to the President to be sent onward to the Andhra Pradesh legislature for its 'expression of views' as required by Article 3 of the Constitution. The bill was sent on 12 December 2013.

It was given 6 weeks to express their opinion. The Bill reached the Assembly on 13 December 2013. Copies of the Bill were given to the MLAs on 15 December, 2013. They created pandemonium by tearing off and littering the Bill papers. On 16 December 2013, the Legislative Affairs Minister, Sreedhar Babu announced that the debate on the Bill has started in the Assembly. As the President reached Hyderabad on 19 Dec 2013 for customary Southern Winter sojourn, the leaders of all parties submitted appeals to him, for and against Telangana.

Developments on Telangana Bill in 2014 :

Second spell of Assembly Winter sessions started on 3 January 2014. The Legislative Affairs Ministry was shifted to Shailajanath (Seemandhra) from D Sridhar Babu (Telangana) who was then left with only one ministry of Civil Supplies. Disheartened at the act of the Chief Minister, D Sreedhar Babu resigned from his ministership on 2 January 2014. MIM member Akbaruddin Owaisi raised a question whether the discussion on Telangana had

started in the assembly. Speaker Nadendla Manohar answered positively. Mr Vatti Vasantha Kumar, a Minister, initiated the discussion on 8 January 2014. On 10 January 2014, Etela Rajendar the then the floor leader of TRSLP, enumerated to the house the injustice meted out to Telangana. On 25 January 2014, the then Chief Minister of Andhra Pradesh, Kiran Kumar Reddy, opposed the very proposition of Telangana. On the same day, Chandrababu Naidu said that the bill was full of flaws and said that the "genuine" bill be presented for discussion, which indicated his disinclination for Telangana. As the dead line of 42 days stipulated by President of India expired, the Chief Secretary submitted to the President for extension of time for 3 more weeks. The President granted one week more. The Chief Minister gave a resolution to the Speaker that the bill be returned under Rule 77. YSRCP wanted voting on the Bill. Members from Telangana objected to it. The bill was returned to the Central Government on 30 January 2014 stating "Rejected." Of the 294 members of the Assembly, 87 participated in the discussion. The rest submitted their opinion in writing.

THE ANDHRA PRADESH REORGANISATION ACT, 2014 :

Indian Parliament proclaiming the bifurcation of the Andhra Pradesh state into two states, Telangana and residuary Andhra Pradesh. The Act consists of all aspects of division of assets and liabilities, finalize the boundaries of the proposed new states and status of Hyderabad. The bill was passed in the Lok Sabha on 18 February 2014 and in the Rajya Sabha on the 20 February 2014. The bill is attested by the President of India, Pranab Mukherjee on 1 March 2014 and published in the official Gazette. The Appointed day of the new Telangana states is 2 June 2014.

Summary

In this chapter we examined the origin and growth of the Telangana movement, which ultimately culminated into a separate state of Telangana. Telangana movement went on for almost sixty years, in different phases, though, ultimately the people realised the dream and won laurels. There are very few instances in the independent India where the people's movements and democratic aspirations were victorious. The achievement of separate Telangana is one such momentous incident. The agitation of the Telangana people and their victory is unprecedented. They won the battle only through democratic means. The political parties, front organisations and the civil society, in short the whole of Telangana surged forward with one voice

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25. TELANGANA STATE-POLICIES AND PROGRAMS

OBJECTIVES

The Government introduced Dalit Bandhu in 2021 to assist SC households with a gram of Rs.10 Lakhs per household without any bank loan linkage, to establish a suitable income generating source.

Under the 2-BHK Housing Scheme the Government constructed 1,07,612 houses by the end of November 2021 with an amount of Rs. 10,445 Crore.

Since 2014-15, the Government has covered an average 38 lakh beneficiaries annually under Aasara Pension scheme with a total disbursement of Rs. 45,883 Crore (Up to January 2022).

To provide educational support to children from marginalised communities, the Government

has doubled the number of Social Welfare Residential Institutions from 134 in 2014 to 268 in 2021. During this period, the number Welfare Residential of Tribal Institutions increased from 96 to 188, BC Residential Institutions from 19 to 281 and the Minority Welfare Institutions from 12 to 204.

To ensure the health and well-being of women and children, the Government spent Rs. 118 crores in 2021-22 benefitting around 22 lakh beneficiaries under Arogya Lakshmi Scheme. Upto November 2021-22 around 1.51 lakh beneficiaries have received a Direct Benefit Transfer of Rs. 186 crores, along with KCR Kits.

Under the Kalyana Lakshmi/Shaaadi Mubarak scheme nearly 10 lakh marriages have been performed from its inception in 2014 till 2021. A total of 1.9 lakh SC, 1.1 lakh ST, 4.55 lakh BC and 1.97 lakh minority brides have benefited from the scheme.

To empower women financially, a total number of 47.53 lakh women have been organised into 4.39 lakh SHGs and 17,886 Village Organisations in the State.

SC/ST Special Development Fund Act was enacted in 2017 for proportionate allocation of funding to SCs and STs in the budget. Around Rs. 18,000 crore earmarked been funds have utilised for the exclusive benefit of SCs and STs during the year 2021-22 (until February 2022).

Under the Sheep Distribution Scheme, the Government distributed 79.98 lakh sheep to 3.81 lakh beneficiaries comprising 204. benefited from the scheme. Yadava and Kurma communities.

INTRODUCTION

Welfare lies at the heart of policy making in the State of Telangana. The Government has initiated several programs and schemes with an objective of uplifting the poor and marginalised population in the state. The aim of these programs is to help align the economic success of Telangana with specific social goals such as creating a level playing field for the marginalised communities.

The Government is committed to improving the welfare of the socially and economically disadvantaged such as the Scheduled Castes (SCs). Scheduled Tribes (STs). Backward Classes (BCs). Minority Communities, Women, Children, Senior Citizens, and Specially-abled Persons and other disadvantaged communities. The success of the welfare agenda rests on ensuring that the schemes reflect the needs of the relevant communities and are meticulously implemented, with their deliverables aligning with proposed social goals of the government.

WELFARE OF SCHEDULED CASTES, SCHEDULED TRIBES,

BACKWARD CLASSES AND MINORITIES

To achieve its aim of social justice and the creation of an equitable society, the Government is striving to build a sophisticated framework of welfare programs covering every oppressed caste or tribal group, every backward community and every religious minority. This framework aims to bring these targeted sections of the people socially, educationally and economically on par with other developed communities in the society.

DALIT BANDHU

One of the major initiatives taken up by the Government during the financial year 2021-22 is the 1 SC-Scheduled Caste launch of Dalit Bandhu Programme for the economic upliftment of the Scheduled Caste people in the State Under this scheme, each beneficiary household will be provided with a financial assistance of Rs. 10okh as a complete grant without any bank dependencies to establish a suitable income generating source.

The scheme was launched on August 4, 2021 at Vasalamarri Village in the Alair Assembly Constituency (AC) of Yadadri-Bhuvanagiri district Till January 2022, an amount of s.2.000 crore has been released to 17,554 Dalit families and Rs. 7.60 crore has been released to 72 Dalit families in Huzurabad and Alair ACs respectively.

Subsequently, the Government has taken a decision to implement the Dalit Bandhu scheme in 5 more ACs- Madhira (SC)!,Thungathurthi (SC). Jukkal (SC). Achampet (SC) and Kalwakurthy to better gauge the peculiarities and differences in the implementation modalities. An amount of Rs. 250 crores benefiting 2500 Dalit families has been released in these ACs.

After successfully gauging the alignment of the community's need for social and economic upliftment, additionally the Government has proposed to implement the Dalit Bandhu. Scheme in 118 ACs (including the 5 ACs mentioned above and except Huzurabad AC) in the state covering 100 Dalit families in each constituency during this financial year itself and has released an amount of Rs. 300 crores to the 33 districts in the state.

SCHEDULED CASTES/SCHEDULED TRIBES SPECIAL DEVELOPMENT FUNDS (SC/ST SDFS)

The Government passed the "Scheduled Castes and Scheduled Tribes Special Development Fund (Planning, Allocation and Utilisation of Financial resources) Act in 2017" to secure earmarked funds for implementation of schemes that aim at ensuring accelerated development of SCs and STs with an emphasis on achieving equality, focussing on economic, educational and human development along with ensuring their security and social dignity and promoting equity among SCs and STs. As a result, 15.45% of state scheme funds are directed solely towards the welfare and development of SC communities, and another 9.08% for the betterment of the ST communities proportionate to their population in the State. The Act also ensures that unused funds are carried forward into subsequent financial years.

As of 2021-22, Telangana is one of the 4 states (the other three being Andhra Pradesh, Uttarakhand, and Tamil Nadu) to provide legal guarantees for the welfare of and allocation of funds towards SC and ST communities. Around Rs. 18,000 crore earmarked funds have been utilised for the exclusive benefit of SCs and STs during the year 2021-22

(upto February 2022). All Scheduled Caste (SC) specific programmes are being listed under SCSDF and Scheduled Tribe (ST) specific programmes are being listed under STSDF. Some of the important on-going flagship programmes such as Kalyana Laxmi, Aasara Pensions, Drinking water to households, Sonna Biyyam to the students in the SC & ST hostels, KCR

Kits etc., are linked with the Special Development Fund. Figures 11.1 & 11.2 show the expenditure under SC/ST Special Development funds since the implementation of the Act in 2017 till 2020-21.

RESERVATION FOR SCHEDULED CASTES (SCS), SCHEDULED TRIBES (STS), BACKWARD CLASSES (BCS), MINORITIES, ECONOMICALLY WEAKER SECTIONS (EWS) IN THE STATE: The Government has a strong focus on undoing the historical injustices meted out to the SCs, STs and BCs in the state and making the minorities feel empowered by safeguarding their rights and entitlements. One way to address these concerns is by extending reservation to these communities. Currently, the STs, SCs, BCs, Minorities (BC-E) and Economically Weaker Sections (EWS) avail 6%, 15%, 25%, 4% and 10% reservation respectively for admissions in educational institutions and for state Government jobs. In recognition of the need for better data for seamless implementation of these programs, the Telangana Legislative Assembly unanimously passed a resolution, urging the Government of India to undertake a caste-wise census of Backward Classes as part of Census 2021.

LAND RIGHTS TO SCHEDULED TRIBES (STS) & GIRI VIKASAM.

Under the 'Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act' in 2006, the Government has granted the Scheduled Tribes and other tra-

ditional forest dwellers the right to hold and live in the forest land and the rights to "protect, regenerate or conserve or manage any community forest resource that they have been traditionally protecting and conserving for sustainable use". As of January 2022, the Government has issued title certificates to 96,676 individuals involving 3,08,614 acres and 721 community titles involving 4,54,054 acres.

"GIRI VIKASAM" scheme is aimed to convert the uncultivable agricultural lands of small & marginal Scheduled tribe (ST) farmers into cultivable lands for the sustainable agriculture development. As of December 2021, an area of 18,228 acres of land belonging to 6,118 ST farmers has been converted to cultivable land with the cost of Rs 43.1 crore.

EDUCATIONAL SUPPORT TO THE SC, ST, BC AND MINORITIES

Education being a key mechanism to break through poverty and enhance intergenerational mobility, the Government has laid special emphasis on programs that can make it easier for the disadvantaged communities to access and benefit from educational opportunities both at the State and Global level.

RESIDENTIAL SCHOOLS AND COLLEGES

Since the formation of Telangana in 2014, the Government has doubled the number of Social Welfare Residential Institutions, from 134 in 2014 to 268 in 2021. A similar increase has been witnessed by the Tribal Welfare Institutions, which increased from 96 in 2014 to 188 in 2021. The BC welfare residential Institutions have seen a rise as well, from 19 in 2014 to 281 in 2021 and the minority Welfare residential Institutions have increased from 12 in 2014 to 204 in 2021. The new institutions were developed with increased focus on quality of teaching and physical environment in these schools and some of the students have gone on to graduate from IITs, NITs, and other reputed institutions in the country.

Further to encourage the women from the Sc community to pursue higher education, 30 residential junior colleges have been created for them. Currently 17,014 women are studying in these colleges. Similarly. 22 new special residential degree colleges for ST women have been set up and 9,159 women are studying in these colleges.

In addition to these residential educational institutions, separate welfare hostels are also being established and maintained by the respective welfare departments.

SCHOLARSHIPS

The Government has extended financial assistance through scholarships and reimbursement of tuition fees to assist the education of SC, ST, BC and minority communities in the state. Every academic year around 4.86 lakh SC students and 1.27 lakh ST students are assisted with pre-matric scholarships and around 2.5 lakh SC students, 1.4 lakh ST students, 1.2 lakh minority students and 10.1 lakh BC students are assisted with post-matric scholarships including the reimbursement of tuition fees.

SCHOLARSHIPS FOR OVERSEAS EDUCATION : In order to help children from disadvantaged communities in pursuing higher education abroad, the Government has introduced Overseas Scholarship which provides Rs. 20lakh to one child in a family (whose annu-

al income less Rs. 5 lakh) who has secured admission in a foreign university from an eligible country. The Overseas Scholarship of SC and ST students is named as Dr. B.R. Ambedkar Overseas Vidya Nidhi, for BC and EBC students it is named as Mahatma Jyotiba Phule Overseas Vidya Nidhi and for Minority students, it is named as Chief Minister's Overseas Scholarship Scheme. Since the launch of the Overseas Scholarships for SCs, STs, BCs and Minorities till February 2022, a total of 699 SC, 204 ST, 1,790 BC and 2,235 Minority students have received these scholarships.

HOUSING : Access to safe housing plays an important role in the welfare of a family. Apart from providing shelter against various physical threats, both human-made and natural, the availability of adequate housing facilities with proper supply of potable water, sufficient sanitation facilities and clean surroundings is necessary to ensure a dignified life.

TWO-BHK HOUSING PROGRAMME

With the objective of providing affordable and quality housing to the poor, the Government launched a 2 BHK Housing Programme in October 2015. Under this programme, a total of 2,91,057 houses have been sanctioned between 2016 and 2021. Out of which construction of 1,07,612 houses has been completed until November 2021 (Fig. 11.3), while the construction of remaining houses is at various stages of completion. Around Rs. 10,445 crores have been utilised since the launch of the program till November 2021. The Greater Hyderabad Municipal Corporation (GHMC) is the implementing agency in its jurisdiction and for the rest of the state Telangana State Housing Corporation (TSHC) is the implementing agency. Each house has a plinth area of 560 sq. ft., which includes a kitchen and two toilets. The construction cost of each house is Rs. 5.04 lakh in rural areas, Rs. 5.30 lakh in urban areas, and between Rs. 7.00 lakh and Rs. (Table : 01)

7.90 lakh in the limits of Greater Hyderabad Municipal Corporation (GHMC). The 2BHK programme received the PMAY-U (Pradhan Mantri Awas Yojana - Urban) Award for excellent performance in e-governance in 2018-19.

Keeping the spatial distribution of population and social justice in mind, the Government has earmarked a share of these 2BHK houses for specific social groups. In rural areas, 50% houses are reserved for SCs and STs, 7% for Minorities and 43% for other communities. In urban areas this stands at 17% for SCs, 6% for STs, 12% for Minorities and 65% for other communities. Additionally, there is a blanket 2% reservation for ex-Service Personnel and widows of ex-Servicemen, and 5% is earmarked for Persons with Disabilities.

The State has made tremendous progress in providing pucca houses to its population. Telangana is one of the 18 Non-Special Category states where more households (66%) report receiving benefits from a state-specific housing scheme, when compared to a central housing scheme (34%). Telangana ranks 4th in terms of coverage by state-specific housing scheme. Figure 11A shows the percentage of households who have received benefits under state-sponsored and centrally sponsored (specifically PMAYU) schemes across Non-Special Category States.

WOMAN WELFARE

For equitable development in the state across all domains, the Government is implementing a gamut of initiatives specially focussed at women's welfare and empowerment. These initiatives focus on narrowing the gender divide in employment. Improving income and strengthening the bargaining power of women in household. Initiatives like Aaroyo Lakshmi and KCR kits have been implemented to ensure adequate health nutritional services to women. The Government has also taken initiatives to provide financial assistance during weddings and to enable a huge network of SHG groups to empower women.

In additions the above programs. the Government is also implementing the Centrally Sponsored Schemes such as the ICDS. Supplementary nutrition Programme, Poshan Abhiyaan, construction and renovation of Anganwadi Centres. Integrated Child Protection Services, State Resource Centres for Women, Beti Padhao Beti Bachao, and Ujjwala for victims of trafficking and commercial sexual exploitation, among others. Further, the State Government is providing 33.3% reservation for woman in state Government jobs which are under direct recruitment and enrolment in educational institutions.

KALYANA LAKSHMI/ SHADI MUBARAK ARRIAGEASSISTANCE/AID FOR INTER-CASTE MARRIAGES.

The Government launched the Kalyana Lakshmi/Shaaadi Mubarak scheme to provide financial assistance in the form of a one-time grant of Rs.1,00,116 to unmarried girls? (above 18 years of age) from SC, ST, BC and Minority families (with a combined income of both parents not exceeding Rs.2,00,000 per annum) at the time of their marriage. From mid-2019, The Government is also providing financial assistance of Rs. 1,25,145 to unmarried disabled girls irrespective of their caste and religion.

Upto December 2021, a total of 1.9 lakh SC. 1.1 lakh ST, 4.3 lakh BC, 1.9 lakh Minority families have been benefited from the scheme and the Government has disbursed an amount of around Rs. 8085 crores. This initiative not only curbed child marriages to a significant extent but also greatly relieved the financial burden related to marriages.

LAND PURCHASE SCHEME

Access to land is critical for poverty eradication and community development. The Land Purchase Scheme was launched in 2014 with an objective of the State purchasing and assigning 3.00 acres of agricultural land to the women of "BhoomileniNirupeda Dalita VyavasayaAadharithoKutumbalu" The Land Purchase Scheme is under implementation

with 100% subsidy. The District Collectors were given powers to purchase agricultural land for the above programme at a cost ranging from Rs, 2.00 Lakhs to Rs. 7.00 lakhs per acre in the 30 Districts (excluding Hyderabad, BhadradriKothagudem and Medchal) of the State.

Under the Land Purchase Scheme an extent of 16,993.27 acres have been distributed to the 6,942 beneficiaries at a cost of Rs. 761.42 crores (from 2014 to December 2021). During 2021-22, 451.35 acres have been distributed to 261 beneficiaries with an amount of Rs. 25.32 crore.

SELF-HELP GROUPS (SHGS)

The SHG movement has been widely acknowledged grassroots movement that brought transformative changes in the lives of women from marginalised and economically weaker families by empowering them financially. The Government is further facilitating this movement through "SERP (Society for Elimination of Rural Poverty)" by building and nurturing SHGs of women and their federations. A total number of 47.53 lakh women have been organised into 4.39 lakh SHGs and 17,886 Village Organisations in the State. Number of new SHGs formed in the year 2021-22 (till November 2021) is 15865

Telangana has pioneered the facilitation of bank linkages for all these SHGs. Since the formation of the State, the amount disbursed to the SHGs every year almost tripled from Rs.3,738.67 crore in 2014-15 to Rs. 10,448.03 crore by 2020-21 (as the data for 2021-22 pertains to only until December).

"MEPMA" the State Nodal Agency for implementing the Poverty Alleviation Programs in all urban areas of Telangana State. Till date 13,425 micro enterprises have been established through urban SHG women with a total cost of Rs.102.82 Crore. In 2021-22 an amount of Rs. 1,107.32 crore is provided to 17,287 SHGs under Self Help Group - Bank Linkage (SHG-BL) and Rs. 113.92 Crore to 1,241 beneficiaries under Self Employment Program (SEP).

AROGYA LAKSHMI & KCR KITS

Aarogya Lakshmi scheme provides nutritious and healthy meals to all pregnant and lactating mothers registered in all the Aigariwodi Centres. The core objectives of the scheme are to enhance the quality and acceptability of supplementary nutrition to the Pregnant and Lactating women, ensure that Pregnant and Lactating women consume 90+ IF A tablets, eliminate or decrease number of Pregnant and Lactating women with anaemia/ who are undernourished, improve the enrolment of mothers at Anganwadi Centres (AVWCs), among others.

Over and above the norms mandated by the Government of India, in the interest of women's health and welfare the Government of Telangana has enhanced the rates by providing an additional allocation of Rs. 14 per beneficiary per day. In addition, the State Government has increased the number of days the beneficiaries receive milk and eggs from 25 to 30.

An 2021-22 the scheme benefited over 22,00,346 pregnant, lactating women and children in the age group of 7 months to 6 years (covered under Balamrutham and Supplementary Nutrition Programme) with an expenditure of Rs. 118 crores.

With an aim to reduce Maternal and Infant Mortality Rate through promotion of institutional deliveries, the KCR Kit' programme was launched in June 2017. Under the scheme, post-delivery mothers receive a kit containing 15 utility items. Under the

scheme, post child delivery, the mother is provided with financial assistance of R12,000 (R13,000 for a girl child) to compensate for the loss of wages by the women during the pregnancy and postnatal period. Up to November 2021-22 around 1.51 lakh beneficiaries have received a Direct Benefit Transfer of Rs. 186 crores, along with KCR Kits. The impact of the

scheme can be seen in improved institutional deliveries in the state from 30.5% in 2015-16 (NFHS-4) to 49.7% in 2019-20 (NFHS-5).

MAHILA SHAKTI KENDRAS (MSKS)

Mahila Shakti Kendras (MSKs) is a Centrally Sponsored Scheme with a Centre- -State share of 60:40. The MSK Scheme IS aimed at providing 'one p convergent support services for empowering Tural women with opportunities for skill development, employment, digital literacy, health and nutrition. MSKs create Schemes, programmes and laws implemented on women-related by the state, including awareness campaigns on Various acts such as Sexual Harassment of Women at Workplace Act, 2013, Pre- Conception and Pre-Natal Diagnostic Techniques Act, 1994, The Prohibition of Child Marriage Act, 2006, Compulsory registration of marriage act,RTE,2009 Etc.

ONE STOP CENTRES (SAKHI CENTRES): The One Stop Centres (also called Sakhi Centres) were set-up across all 33 districts in the State in December 2017 with an objective to provide integrated support to women affected by violence, in private and public spaces, within the family. community and at the workplace. Sakhi Centres handled 32,114 cases from 2017 to October 2021, which is evident from the growing reach of Sakhi centres. Around 66% of the total registered cases are under domestic violence.

A Women Helpline (WHL) 181 was launched in Telangana on 19th August, 2017 with a 6-seater Call Centre. The Sakhi Centre is integrated with WHL to provide support to women/girls affected by violence.

BHAROSA CENTRES

BHAROSA Centres are one-point help centres to provide integrated support to women and children who have been subjected to severe abuse, be it physical, sexual, financial, or emotional. The first centre was established in Hyderabad in 2016, followed by Vikarabad in 2018, In 2020, new centres were also established in Sanga Reddy and Warangal. BHAROSA Centres in Suryapet, Nalgonda, Medchal, Khammam, and Hyderabad's Old City are under-way

SECURITY, HEALTH, AND ENVIRONMENT (SHE) TEAMS

CHE Teams were established as a division of Telangana Police in 2014. The aim was to deal with offences against women like eve-teasing. stalking. harassment in public or at workplaces, educational institutions, residential areas or social media. At present, there are 331 SHE teams working in the state. Between October 2014 and September 2021. a total of 54,231 complaints were received under the initiative, leading to the arrest of over 19,411 perpetrators.

THE SEXUAL HARASSMENT ELECTRONIC BOX (T-SHE BOX)

The Government established T-She Box (a mobile and web app) as an effort to provide a single window access to every woman, irrespective of her work status, whether working in organised or unorganised, private or public sector, to facilitate the registration of complaint related to sexual harassment.

In 2021-22, 4,376 Internal Complaints Committees (CC) and 28 Local Complaints Committees (LCC) have been registered on the platform. In addition, the Government has also established a new home for the safety of trafficked victims in Hyderabad.

POVERTY ALLEVIATION

Addressing poverty and its determinants has been one of the main focus areas of the Government. Since formation of the State, the Government has revamped the existing poverty alleviation programmes, especially the Public Distribution System (PDS) and Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) and the 100% subsidised 2-BHK Housing Scheme.

Further, State level societies such as Society for Elimination of Rural Poverty (SERP) and Mission for Elimination of Poverty in Municipal Areas (MEPMA) are helping to build and nurture women led Self Help Groups (SHGs) and implementing poverty alleviation programmes in rural and urban areas.

Importantly, the Government broadened the focus of poverty alleviation by working to eradicate

NUMBER OF BENEFICIARIES AND AMOUNT DISBURSED (RS. CRORE) UNDER AASARA PENSION SCHEME (2014-15 TO 2021-22)

Multidimensional poverty. As per NITI Aayog's Multidimensional Poverty Index (MPI) baseline report 2021, which has three equally weighted dimensions-Health, Education, and Living Standards, one in four individuals in India is multi-dimensionally poor, but in Telangana this is true for only one out of seven individuals.

Since the formation of the State, the Government has made targeted interventions in Health (KCR Kits, Aarogya Lakshmi, GRI Poshana, improving the Public Health Infrastructure etc.), Education (revamping school infrastructure through Mana Ooru Mana Badi), and Living Standards (housing, skill development, asset creation, free electricity, etc.) covering specific marginalised groups in the state.

AASARA PENSION:As part of its welfare and social safety net strategy, the Government has introduced the "Aasara" pension scheme in November 2014 in order to support the most vulnerable sections of the society. The scheme is meant to protect different sections of society in particular the old and infirm, disabled persons, Widows, people with HIV-AIDS, Filariasis affected persons (Grade-II& I), incapacitated weavers, toddy tappers, poor Beedi workers and Single Women. In 2021-22 (upto January 2022), around Rs. 7,078 crores has been disbursed to 37.34 lakh pensioners. Since 2014, an average around

38 lakh beneficiaries have been covered annually under this scheme (Fig. 11.5).

Since the launch of the scheme in Nov 2014 to January 2022, around Rs. 45,882 crores has been disbursed (Fig. 11.5). Since June 2019, the pension amount has been increased from Rs. 1500/- to Rs. 3016/- per month for disabled persons and for all other categories of pensioners from Rs. 1000/- to Rs. 2016/- per month.

PUBLIC DISTRIBUTION SYSTEM (PDS)

The Government distributing essential commodities and food grains to priority households at subsidised prices as per their eligibility. The Government has been proactively implementing the Public Distribution System (PDS), through a network of 17,013 Fair Price Shops (FPSs). The Government of Telangana has extended the PDS coverage to an additional 96 lakh people over and above the prescribed coverage of around 1.91 crore (persons/ units) by Government of India under the National Food Security Act (NFSA), thus effectively covering 2.87 crore beneficiaries in the state as on December 2021. Along with additional beneficiary coverage the Government has also enhanced the scale of distribution of rice from 5 Kgs per person at Rs. 3 per Kg as prescribed by Government of India, to 6 Kgs per person at Rs.1 per Kg to all the members in a family. Along with Food Security, the State has facilitated Gas Connections to 18,90,533 poor and marginalised households under the DEEPAM Scheme.

The total outlay on this program has been doubled from Rs. 1,140 crores in 2014 to Rs. 2,281 crores in 2021. In the year 2021-22, the Public Distribution System has served around 3.36 crore beneficiaries in the State.

RESPONSE TO COVID-19

The COVID-19 pandemic and the ensuing lockdowns had adversely affected peoples' lives, particularly the marginalised sections of the populations. The state Government went the extra mile to support poor households during the 2nd wave of Covid-19 pandemic by distributing additional 10 kgs of Rice per person per month at free of cost to all the cardholders. This distribution continued for 7 months between May and November 2021 duly incurring an additional amount of Rs. 324 Crore.

To provide relief to the private school teachers, the State Government distributed Sannabiyam to 2,03,473 teaching and non-teaching staff of recognized Private Schools @ 25kg each at free of cost from April to June, 2021 and incurred an expenditure of Rs. 52.26 Crs. Telangana state is the first State to provide such relief to private school staff.

ECONOMIC SUPPORT SCHEMES

Economic Support Schemes are introduced by the government, i) To provide financial assistance for creation of income generating assets, i) To offer training programmes for Skill up-gradation leading to Self / Wage employment and ii) To plug critical gaps of finance in economic support schemes for the welfare of the SCs, STs and other weaker sections.

SHEEP DISTRIBUTION SCHEME

The Government is implementing the Sheep Distribution Scheme for the Yadava and Kurma communities in the state. Since the inception of the program in 2017 to till date, a total of 79,98 lakh sheep have been distributed to 3.81 lakh beneficiaries. Between 2017 and October 2021 the State Government with a subsidy component of 75% has incurred expenditure of Rs. 3,572 crores. Keeping in view the rise in cost of Sheep in the open market and also increase in transportation prices, in the Phase II of the SRDP program (2021-22 and 2022-23), the Government has enhanced the Unit cost from Rs.1,25,000 to Rs.1,75,000.

FREE ELECTRICITY SUPPLY TO SC, ST AND BC COMMUNITIES

The Government is providing free electricity supply to the families of the Scheduled Castes and Scheduled Tribes for domestic purposes up to 101 units, benefiting around 19.73 lakh SC Households and 1.47 lakh ST Households. The state Government has come up with a scheme of free electricity supply upto 250 units to laundries / dhobi ghats and saloons from 2021-22. benefitting 54,035 people from Rajaka and Nayee Brahmin communities 116.3 Entrepreneurship Development (T-PRIDE) The Government has launched a special incentive package scheme called Telangana State Program for Rapid Incubation of Dalit Entrepreneurs (T-PRIDE) in 2014, to encourage entrepreneurship among the Scheduled Castes (SCs), Scheduled Tribes (STs) and eligible Physically Handicapped Citizens (PHCs). Apart from facilitating access to credit facilities, the policy envisions preferential allotment of plots in Industrial Parks and intensive entrepreneur and skilling programmes. Since the inception of the scheme in 2014 till January 2022, an amount of Rs. 1052 crore was sanctioned to 23,742 ST entrepreneurs, Rs. 1032 crore sanctioned to 22,955 SC entrepreneurs and Rs. 93 crore sanctioned to 1708 PHC entrepreneurs.

DEVELOPMENT AND PROTECTION OF CULTURE

Telangana has long been a meeting place for diverse languages and cultures. It is easily the best example for India's composite culture. pluralism and inclusiveness. It is thus no surprise that the region on the whole came to be known for its Ganga-Jamuna Tehzeeb and the capital Hyderabad as a 'miniature India'.

The Government recognises the importance of preserving this composite culture of the state. In order to preserve the tribal culture, the Government has constructed a tribal museum at Jodeghat in memory of Kumuram Bheem with a cost of Rs. 20 crores. Further, 12 Girijan Bhavans, Adivasi Bhavan, Banjara Bhavan are at various stages of construction with a sanctioned cost of Rs. 20 crore each.

The Government sponsors and celebrates major fairs and festivals of the tribal community like SanthSevalal Jayanthi, Kumuram Bheem Vardhanthi. NagobaJathara, BourapurJathara, JangubaiJathara, Nacharamma Jathara etc., every year. Among the tribal festivals SammakkoSarakkaJathara or Medaramlothara is being celebrate biennially in Tadvai Mandol. Muluqu district, which is the largest tribal religious congregation in the world. The SammakkoSarakkaJathara or MedaramJathara is a State Festival of Telangand. During every jathara, the Government makes elaborate arrangements for providing logistics, drinking water. Sanitation and emergency healthcare facilities. The celebrations for the year 2022 took place from February 14th to 20th, with nearly 1 crore pilgrims participating in the festival.

Bathukamma is an annual flower festival celebrated predominantly in Telangana, and is grandly celebrated by young girls. It is celebrated towards the end of monsoon and heralds the abundance that nature has to offer. The festival begins on the day of Mahalaya Amavasya, and is celebrated with much fanfare for nine days. The main purpose of this particular festival is to pray with devotion to the Goddess Mata Gauri The Government distributes Bathukamma Sarees to all adult women enrolled under the Food Security Scheme during the festival season every year from 2017 onwards

Similarly, the Government also supports the celebration of festivals of minority communities in Telangana. The Government is organising Dawat- e-Iftar and Christmas feast during the Ramzan and Christmas celebrations respectively every year across the state.

WELFARE FOR SENIOR CITIZENS AND THE DISABLED

According to the 2021 report of the Ministry of Statistics and Programme Implementation (MoSPI). 11% of the total population in the State is above 60 years of age. The state is projected to have 14.5 9% of its population in the Elderly category by 2031. Hence, the Government is constantly innovating.

BOX : ELDERLY IN TELANGANA - SUPPORTING OUR BUILDING BLOCKS

A recent report 'Elderly in India, published by the Mo SPI (Government of India), captured how South Indian states have higher proportions of elderly population than the rest of the country. As one of India's 10 'aged-states' (states with at least 5 million population of those aged above 60), Telangana scored 38.9 on the Quality of Life for Elderly Index 2021, highlighting the need for improvement.

The state Government can focus on policies, measures, and schemes centred on elders. These include having geriatric care in medical colleges and Government hospitals. In terms of social security. Revamping of Shelters for homeless elders. Subsidised insurance and medical expenses, public and private transportation. To enable financial self-sufficiency, the idea of Elderly Self-Help Group (ESHG) can be explored.

Of immediate importance is the establishment of robust healthcare infrastructure to tackle widespread Non-Communicable Diseases (NCD). A research paper studying 1,821 participants aged above 60 (with 54% women) surmised that every third person in the districts of Khammam and Warangal had at least one NCD. Even if this doesn't reflect state-wide trends, there is definitely pressing need to face this issue before it becomes a systemic stress-point for existing healthcare facilities.

MANA OORU-MANA BAADI/MANA BASTI-MANA BAADI

Residential Schools for Students belonging to the Marginalised Communities As of academic year 2021-22. the Government runs over 978 residential schools focused on delivering quality education to children belonging to SC. ST. BC and minority communities. Since the formation of the state there has been almost a threefold increase from 298 school in 2014-15 to 978 schools in 2021-22.

TYPES OF RESIDENTIAL SCHOOLS

TELANGANA RESIDENTIAL EDUCATIONAL INSTITUTIONS SOCIETY (TREIS)

TREIS was established to provide quality Education in GURLUKUL method to the socially and economically backward rural tolerated children by established Residencia Schools and Colleges As of 2021-22. THEI Society s managing o total of 37 educational institutions Against the sanctioned strength of 22960 in 2020-21. the enrolment of students for the

same year is 21.789. During 2020-21, the pass percentage of students studying for the Secondary School Certificate from the Residential Schools was 100% and for intermediate students it was 95.396. In addition to this, about 50 students were selected to study professional courses in prestigious institutions across the country such as IIT, IIIT and NIT.

TELANGANA SOCIAL WELFARE RESIDENTIAL EDUCATIONAL INSTITUTIONS SOCIETY (TSWREIS)

THE GOVERNMENT, THROUGH THE TSWREIS,

Manages 268 residential educational institutions (of which 173 are only for girls) with nearly 1.5 lakh students. Admissions into these schools are based on the reservations (SC - 75%, SCC- 2%, ST- 6%; BC-12%: Minorities - 3% & OC/ EBC - 2%). and include

institutions such as the School of Fine Arts & Film Technology, Sainik School in Rukmapur, Armed Forces Preparatory Degree College for Women, Bhongit, 26 Sports Asides and 87 Freedom Schools. In addition to this, the society also runs 872 SC hostels across the state. Accommodating 74,000 students from elementary to postgraduate levels the students from these institutions have performed exceptionally well. In Secondary School examinations, these institutions have achieved 100% results. In Intermediate examinations the achievement has been 89.38% and in Degree Colleges that achievement has been 88.79. More than 400 students got admissions in prestigious institutions such as Azim Premji University, Indian Institute of Technology, University of Delhi, Ashoka University, JNTU and TISS.

TELANGANA TRIBAL WELFARE RESIDENTIAL EDUCATIONAL INSTITUTIONS SOCIETY (TTWREIS)

The Society is currently operating 188 residential educational institutions with English as a medium of instruction in Grades 1 to 10, Intermediate and Degree Colleges. Out of this, 69 institutions are for only boys, 103 institutions are for only girls and 16 are co-education institutions. A separate society of Telangana State Eklavya Model Residential Schools Society (EMRS) was established in July 2020 to provide quality education to tribal children. A total of 23 EMRS institutions are functional in Telangana. 28.42.4 **TELANGANA MINORITY RESIDENTIAL EDUCATIONAL INSTITUTIONS SOCIETY (TMREIS)**

In order to impart quality education to economically weak students belonging to minority communities, residential schools were set up by TMREIS. Currently, the society runs 204 schools across 31 districts in the state with 67,234 students enrolled.

MAHATMA JYOTIBA PHULE TELANGANA BACKWARD CLASSES WELFARE RESIDENTIAL EDUCATIONAL INSTITUTIONS SOCIETY (MJPTBCWREIS)

This society was established in 2014 for the administration of BC Welfare Residential Schools. Currently it operates 261 schools, 19 junior colleges and one degree college with a sanctioned strength of 1,32,440. In 2021-22, 119 BC residential schools were upgraded to Junior Colleges, with a sanctioned strength of 9,650. It has evolved into one of the most important educational institutions for BC students. With further initiatives like Super-100 and School of Excellence- to coach meritorious students aspiring to succeed in NEET, EAM-

CET and JEE, the society has extended its services for the students to perform well in all major competitive exams.

KASTURBA GANDHI BALIKA VIDYALAYAS (KGBV)

Kasturba Gandhi Balika Vidyalaya's (KGBV) are the residential schools for girls. The objective of these schools is to ensure access to quality education for girls belonging to disadvantaged and underprivileged sections of the society. The scheme is implemented in educationally backward blocks (EBB)/mandals of the country where the female Literacy level is below the national average and gender gap above national average. KGBVS operate with Grades VII to XII (Intermediate). Currently there are 475 KGBVs functioning in the state, out of which 267 KGBVs have Grades VI - X & 208 KGBVS are functioning up to the Intermediate level. There are 91,617 girls enrolled up to class X and 22,453 girls enrolled in Intermediate sections.

MODEL SCHOOLS

The Government of India had launched the scheme of setting up of 6,000 Model Schools in Educationally Backward Blocks (EBBs) in the country in a phased manner. These schools operate with Grades VI to Intermediate based on state curriculum with English as medium of instruction. In 2013-14, 194 model schools were set up in the state.

The Government of Telangana has taken the complete responsibility of running the schools as the Government of India has delinked the scheme and stopped providing financial support from 2015-16.

ASSISTANCE FOR STUDENTS FROM THE MARGINALIZED COMMUNITIES

The Government of Telangana has been extending financial assistance to deserving and meritorious students from SC, ST, BC, and Minority communities for their educational advancement through various programmes. Financial assistance is also being given to school going children in the form of pre-matric scholarships.

PRE - MATRIC & POST - MATRIC SCHOLARSHIPS

The Government of Telangana has been providing pre-matric, post-matric scholarships and fee reimbursement to students in order to reduce the dropout rate. Between 2014-22, the government spent Rs. 40254 crores on providing pre-matric scholarships and Rs. 7,153.11 crore on providing post-matric scholarships for SC, ST, and BC students. In 2021-22, the Government has spent Rs. 25.22 crore on providing post-matric scholarship and spend Rs. 79.67 crore on fee reimbursement, for minority students.

ANSWER THE FOLLOWING QUESTIONS

1. Write about the welfare of schedule casts, schedule tribes , backward classes and minorities?
2. Write a note on Dalit Bandu?

3. Explain the reservation for scheduled casts, scheduled tribes, backward classes, minorities, and economically weaker sections [EWS] in the state?
4. Write a note on land rights to scheduled tribes and GRI Vikasam?
5. Analyse the two - BHK Housing programme?
6. Discuss the Kalyana Lakshmi / Shaadi Mubarak [Marriage Assistance] aid for inter - castes marriages?
7. What do you mean by self-help groups?
8. What do you mean by Arogya Lakshmi and KCR Kits?
9. Write about Mahila Shakti Kendra's?
10. Write about the one stop centres (Saki Centres)?
11. What do you mean by BHAROSA centres?
12. What do you mean by security, health, and environment (she teams)?
13. Write an essay on Aasara pension?
14. Write about public distribution system (PDS)?
15. Mention the sheep distribution scheme?
16. Write an essay on welfare for senior citizens and the disabled persons?
17. Write a note on Telangana minority residential educational institutions society (TMREIS)?
18. Explain the Kasturba Gandhi Balika Vidyalaya's (KGBV)?
19. Discuss the model school policy?
20. Write a note Pre-Matric and Post-Matric scholarships?
21. Analyse the Telangana social welfare residential educational institutions society [TSWREIS]?
22. Explain the Telangana tribal welfare residential educational institutions society [TTWREIS]?

MULTIPLE CHOICE QUESTIONS

1. Under the two BHK housing scheme the government of Telangana constructed _____ houses by the end of NOV2021

1,07,612 / 1,07,842 / 1,07, 641

2. 2014-15 in the finance year the government of Telangana has covered an average _____ lakh beneficiary annually Under Aasara pension scheme
38 / 36 / 37
3. Under the sheep distribution scheme, the government of Telangana _____ lakh sheep distributed
79.98 / 79.99 / 79.97
4. Dalit Bandu scheme was launched on _____ at vasala marri village
Aug 4 2021 / Aug 7 2021 / Aug 2 2021
5. Vasala marri village in the alair assembly constancy of _____ district
Yadari - Bhuvan Giri / Sanga Reddy / Siddipet
6. The government of Telangana launched a 2-BHK Housing program in - _____ year
April 2015 / October 2015 / November 2015
7. _____ crore rupees has been utilized since the launch of 2-BHK Housing program till Nov 2021
10,444 / 10,454 / 10.445
8. Each house has a plinth area of _____ square feet
566 / 561 / 560
9. Under the Kalyana Lakshmi / Shaadi Mubarak scheme to provide financial assistance _____ rupees
Rs1,00,126 / Rs 1,00,116 / Rs 1,00,111
10. The first BHAROSA Centre was established in _____ in _____
Hyderabad, 2016 / Siddipet, 2017 / Medak 2016
11. 33 Sakhi centres setup across the states in _____
Dec 2017 / Nov 2017 / Oct 2017

12. TSWREIS manages _____ residential educational institutions
268 / 299 / 289
13. TTWREIS is currently operating _____ residential educational institutions
188 / 198 / 178
14. _____ Residential schools were setup by TMREIS
205 / 208 / 204
15. Mahatma Jyotiba Phule Telangana backward classes welfare residential educational institution society currently operates _____ schools _____ junior colleges
261---19 / 259---18 / 260---20
16. Currently there are _____ KGBV residential schools functioning in the state
477 / 475 / 479
17. The government of India had launched the scheme of setting up _____ model schools in the country
6025 / 6015 / 6000
18. Between 2014-22 the government of Telangana spent Rs _____ on providing pre-metric scholarships per SC, ST and BC students
Rs 402.54 Crore / Rs 402.50 crore / Rs 402.74 crore
19. Between 2014-22 the government of Telangana spent Rs _____ on providing post-matric scholarships per SC, ST and BC students
Rs 7,153.11 crore / Rs 7,150.11 crore / Rs 7,155.11 crore
20. In 2021-22 the government of Telangana has spent _____ crore on providing post-matric scholarship for minority students
Rs 25.22 crore / Rs 30.25 crore / Rs 27.24 crores
21. The government of Telangana has spent Rs _____ crore on fee reimbursement, for minority students
Rs 79.76 crore / Rs 80.77 crore / Rs 79.77

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26. DETERMINANTS OF FOREIGN POLICY

OBJECTIVES

After studying this unit, you should be able to:

- *Explain different factors which shaped foreign policy*
- *Analyze the geographic-strategic position of states*
- *Describe the main aims and objectives of foreign policy*

INTRODUCTION

In the modern world, no single state can survive on its own. Each state is bound by interdependence that's why every state has to dream of good relations with other states. As a member of the international society, the relations of the states are determined and controlled by foreign policy. Several things also determine foreign policy and those things are called determinants of foreign policy.

WHAT IS FOREIGN POLICY?

Foreign policy is involved in international relations and activities. Broadly speaking, foreign policy is formed by the type of activities and behaviors associated with its own interests related to other states. It is the decision-making process for pursuing certain international activities. Foreign policy refers to the summation of states' response to the international environment, the current and expected decision-making. The medium of meeting national interests and goals is intimately involved with foreign policy.

DETERMINANTS OF FOREIGN POLICY

Each state formulates foreign policy to meet specific goals in the international field. This policy is not solely dependent on the wishes and consciences of policy makers.

Foreign policy leaders have to decide on foreign policy issues after many considerations. They are influenced by many elements. The factors that influence foreign policy are called the determinants of foreign policy.

Foreign policy of a state determined by several factors. They are classified into three categories.

- General Determinants
- External Determinants
- Internal Determinants

GENERAL DETERMINANTS

The general determinants are common to all the states. These are the basic components of a state foreign policy. Some of them are:

1. Sovereignty and Integrity of a state:

Every state keeps in mind its sovereignty and territorial integrity while formulating its foreign policy. A state must protect its territory, property and lives of its citizens.

2. Interdependence of States:

All the states are poor or rich, big or small depending on one another for one or more needs. Such interdependence may lead to cooperation conflict. A wise foreign policy strives to achieve diplomatic relations and both are benefitted through or mutual bargaining.

3. Promotions of National Interests:

The interests of the states differ in time, place, location and circumstances. Every state wishes to safeguard its national interest. Through a foreign policy they can be addressed on the basis of mutual cooperation .

INTERNAL DETERMINANTS

Every state formulates its foreign policy based on some specific internal conditions. It adopts such diplomatic strategies in tackling the problems and difficulties of its people. They may vary from each country.

1. Geographical Location :

There are two aspects of the influence of geography on foreign policy. The geographical environment of the state and the political importance of its geographical location. The states' geographical environment refers to its size, area and climate.

The ideal geographical environments of the state are:

- The size of the state will be such that it will help the residents to maintain a decent living standard.
- The climate needs to be favorable to hard labor.
- Terrain needs to be supportive of national resistance. Mountains, rivers, sea-borne countries enjoy the advantage of being free from foreign invasions for natural reasons.
- The shape of the state needs to be such that one can easily fast during the war period.

In nature, it is not possible to achieve the favorable geographical environment of a country. The geographical location of each country is particularly influenced by its foreign policy. Its insular position in Great Britain helps spread connectivity with other countries. Again the United States has succeeded in pursuing a policy of separation from Europe for its geographical location.

2. Population:

The population is considered one of the important determinants of foreign policy. For a long time, the population has been regarded as an important criterion for meaning state power. In the past war, the massive infantry of the peoples' republic of China helped to resist the US forces. The relation between population and foreign policy gains importance in terms of the capability of a state. The importance of the population to determine the policies of solidarity among all parts of the citizen, the development of political organizations, the quality of the public, the promotion of political consciousness, the spread of the political participation, the pressure of the public opinion, the type of government etc., However, its quality is particularly important with respect to population size. Citizen's skills abilities and quality money help to spread national influence.

3. History

Each nation's history is influenced by its foreign policy. The outline of the history of each nation is formed through the special circumstances of the chips and events. It is possible to identify its identity.

The geographical boundaries of each nation are determined through the constraints of historical events. Through the history of the development of a nation. Many basic features of foreign policy are developed. In lights of historical experience, each nation forms the basis of its foreign policy.

4. Economic Resources:

The nature and style of foreign policy is largely determined by economic resources. The economic strength of a state is an indicator of its affordability. The effect of that ability is reflected in relations with other states. The main objective of the economic structure is to utilize the country's land, labor, capital and enterprise for production, distribution of economic wealth produced, consumption, public welfare, improvement of living standard of the citizens etc., are also included in the economic activities of the state.

A country rich in natural resources can easily achieve its economic prosperity, for example mineral oil has become one of the most important political hubs of middle east international politics. Natural resources and industrial development are the basis of the international status of country. In the present world, each country's resistance depends on the rate of industrialization and natural resources.

5. Ideology:

Each state-system is governed by specific political ideologies. The values, policies, programs, objectives and goals of a state are governed by that ideology. Ideology does not

simply determine the internal policies and values of a state; is governed by foreign policy and those ideologies. So it can be considered one of the most important determinants of foreign policy.

For example, socialist states are convinced of the Principles of international peace, friendship, mutual cooperation, refusal to interfere in the internal affairs of other states etc., in the end capitalism maintains its existence through exploitation and oppression of home and abroad. It is for this reason that capitalist countries follow aggressive policies in economic, political and cultural fields.

6. Efficiency of Government and Nature of Political Leadership :

Government, political leaders are the main source and strength of foreign policy. The role of the state at any given time and the type of the foreign policy to be followed depends on the quality of the decision makers.

On the basis of practical experience, it can be said that foreign policy cannot be separated from the nature of Government leadership under any circumstances.

Foreign policy decisions are bound to be influenced by the leadership of the government, including psychological structure, political experience and foresight, personality, realization of world-politics. For this reason, it is possible to notice differences in political issues between leaders of the same.

7. Quality of Diplomacy :

Quality of diplomacy one of the most important determinants of foreign policy. The success or failure of a state in international politics depends on its diplomatic tactics and excellence. Each of the goals and objectives of the state is determined by the diplomatic ingenuity of the government. All the goals of foreign policy are determined by the people involved in diplomatic activity. It is through diplomatic activity that the main linkages and differences with other states are resolved. Diplomats determine the mechanism for combining different interests.

External Determinants :

A nation cannot formulate its foreign policy according to its internal factors alone. It has to consider the external factors also, other nations opinions, interests are also to be taken into consideration while formulating foreign policy. Some of the external determinants are:

1. International Organization :

The activities of international organization influence the foreign policy of a state. Various international laws, treaties, are formulated and implemented by these organizations, whether to participate in them or not is decided by the foreign policy.

2. International Affairs of the other States :

No state can ignore the view point of other countries, while formulating its foreign policy. A state has to keep in mind the interests of other states while dealing with them. If it ignores the affairs of other states, it has little chance to succeed.

3. Other Elements :

There are some other elements covered under external determinants of foreign policy. These include. a) External Environment b) Regional Environment c) Political, Economic and Global issues. d) Power Structure in the World.

SUMMARY

The above discussion on the determinants of foreign policy, it can be seen that foreign policy is influenced by many factors. In space and time a particular elements can gain importance in compassion to different elements. In many situations, any ingredient or determinant may seem irrelevant.

MODEL EXAMINATION QUESTIONS:

1. Discuss the internal determinants of foreign policy? **8 Marks**

2. Give a brief account of the external determinants?

1. What is foreign policy? **4 Marks**

2. How history is influenced by foreign policy?

3. Diplomacy.

1. Give one example international organization **2 Marks**

2. Interdependence means?

3. Promotions of National interests

4. Sovereignty State.

1. People are _____ influencing capacity to the nation. **1 Mark**

2. Geography means _____ etc.,

3. A state must protect its _____.

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27. INDIA'S FOREIGN POLICY

Objectives

Introduction

Basic Determinants of India's Foreign Policy

Geographic - Strategic position

Political Tradition and Historical Experience

Indian Cultural Values

Economic Factors

Contemporary International Milieu

Nehru's Charismatic Leadership

Aims and Objectives of India's Foreign Policy

Main Features of India's Foreign Policy

Panchasheel

Non-Alignment

Opposes Colonialism ,Imperialism and racial discrimination

International peace

Special relations with Asian Countries

Faith in the United Nations

Disarmament

Look East Policy

Summary

Glossary

Model Examination Questions

OBJECTIVES

After studying this unit, you should be able to:

- *Explain different factors that shaped India's Foreign Policy*
- *Examine the geographic - strategic position of India*
- *Describe the main aims and objectives of India's Foreign Policy*
- *Discuss about the main principles of India's Foreign Policy*

INTRODUCTION

India occupies a very important position in the world. It is the largest democracy, seventh largest country in geographically and one with many languages and regional diversities. It is a land of lofty mountains and mighty rivers. Its location in the southern peninsula of the Asian continent and the triangular shape tapering south ward to the Indian ocean gives it a distinctive character. It enjoys the protection of some formidable natural barriers, notably the Himalayas and seas. India's neighbours are People's Republic of China and Nepal in the north, Pakistan in the North-West, Burma and Bangladesh in the East and Srilanka in the South.

BASIC DETERMINANTS OF INDIA'S FOREIGN POLICY :

Foreign Policy is a policy followed by a nation towards external environment consisting of other countries and one's own national interests. It is through foreign policy a state moves to international plane to act, react and interact with other nations in the international system.

The foreign policy of India is shaped by a number of factors. These may be classified as follows.

Geographic - strategic position :

Geographically, India is located in an area of considerable strategic significance. Geographic-strategic position of India was recognized by Jawaharlal Nehru when he said in the constituent Assembly on 8th March 1949 "Look at the Map. If you have to consider any question, the Middle East, India inevitably comes into the picture. If you have to consider any question, concerning South-East Asia, you cannot do so without India. So also with the Far East. While the Middle East may not be directly connected with South-East Asia, both are connected with India. Even if you think in terms of regional organizations in Asia, you have to keep in touch with the other regions. And whatever regions you may have in mind, the importance of India cannot be ignored". Thus India is located as the pivotal country in South Asia.

Political Tradition and Historical Experience:

India's Foreign Policy arose out of its political tradition and historical experience. Jawaharlal Nehru rightly said, "It is a policy inherent in the circumstances in India, internal in the past thinking of India. Inherent in the whole mental outlook of India, inherent in the conditioning of the Indian mind during struggle for freedom and inherent in the circumstances of the world today".

India draws its inspiration from its ancient civilizations and past political traditions. The ancient Hindu civilization, the Buddhist and Muslim views of life and patterns of thought. The heritage of British policies, the Nationalist movement and the stance taken by the Indian National Congress on foreign affairs and the Gandhian principles have exerted enormous influence upon the Indian thinking on world affairs. The concept of non-violence preached by Gautama Buddha and propagated by Ashoka, the spirit of tolerance exhibited by Akbar and other Indian rulers. The moral principles of M.K. Gandhi and the humanist ideals of Aurobindo and M.N.Roy have had their share in formulating India's Foreign Policy.

Until August, 1947, India was under the colonial regime of the United Kingdom and the major decisions of its foreign policy were made in Whitehall or in the Governor-General's palace in New Delhi. But spokesmen of the Indian nationalist movement took an active interest in international affairs. From its inception in 1885, the Indian National Congress (INC) evinced an interest in foreign affairs. A resolution passed at the first session of the INC criticized the annexation of upper Burma by British. A resolution of 1904 asserted that "an expedition to Tibet was but part of a general forward policy which ... threatens to involve India in foreign entanglements". Thus the INC had shown great interest in world affairs even before the achievement of independence.

Indian Cultural Values :

Faith in the Indian culture and pride in Indian civilization have been the sources of India's commitment to follow Independent foreign policy and play a leading role in International relations. The importance that Indian Foreign Policy gives to world peace, peaceful means for settlement of disputes, mutual respect for each other's non-existence, is due to the impact of Indian culture. Panchasheel is a major principle of India's Foreign Policy and clearly stands deeply influenced by Indian culture. In the words of N.D.Palmer. "Some of the characteristics and practices of Hindu civilization have a very noticeable influence on Indian attitudes and policies today. Among these are a kind of other worldly attitude towards life and an emphasis on nonmaterial factors and a spirit of tolerance, detachment, meditation and compromise which perhaps is best explained in Buddhism". Indian desire to have friendship and cooperation with all the nations derive strength from the secular character of Indian culture.

Economic Factors :

India was under the colonial region of United Kingdom for nearly two centuries, it remained primarily as a poor country at the time of its political independence in 1947. India, therefore needed time and economic assistance from abroad to meet its economic needs.

Further, it has to divert all its resources for constructive work and could not afford to enter the arms race with other countries. Thus peace was essential to the very existence of India. As Vijaya Lakshmi Pandit observed "our need for peace is imperative. It is not merely desirable or preferable, it is a vital necessity and a daily prayer. We have problems to face in India that would tax the energies and resources of a nation far better equipped and developed than ours. We need peace not in order to become more powerful or more prosperous, but in order to exist. We need it in order to eat, to be clothed and housed and made literate". Hence by assuring non-aligned policy, India tried to be away from power-blocs and pursues the path of peace and cooperation with all which enabled it to obtain and form wherever possible. In such a policy as J.C.Kundra comments, "She(India) found the triple coincidence of serving India's own interests, the interests of world peace and finding a moral justification in a policy of peace, which is not easy to find in mere neutralism".

Contemporary International Milieu :

The policy of "non-alignment" as India's foreign policy was also dictated by the contemporary international environment that existed at the time of Indian independence. When India gained its political independence, the world was divided into two military blocks headed by two super powers named the USA and the USSR. There was a serious competition, rivalry and struggle for world dominance in between these two blocks. It continued for years and the period was named as coldwar. It started soon after the Second World War and continued for forty-five years. These two big countries became two opposite poles known as East and West. The world politics revolved around these two poles. Thus the world became bipolar. As a new independent country, India had a number of economic problems to address. Prime Minister Jawaharlal Nehru felt that it was not desirable for India to join either of these blocks. From security point of view also, India was not prepared to antagonize either of these two super powers. Hence, Nehru formulated the policy of non-alignment, through which he wanted to keep India out of coldwar entanglements. India could keep on friendly terms with both the blocks and receive necessary aid from them.

Nehru's Charismatic Leadership:

As the first Prime Minister and Foreign Minister for eighteen continuous years. Nehru laid strong foundations for India's foreign policy. He not only evolved and innovated a policy of peace and friendship with other countries but also, established the machinery of government to handle diplomatic affairs in a systematic way. Michael Brecher has pointed out in his biography that Nehru was the philosopher, the architect, the engineer and the voice of his country's policy towards the outside world. He further says that in no other state does one man dominate foreign policy as does Nehru in India.

AIMS AND OBJECTIVES OF INDIA'S FOREIGN POLICY :

The main objective of India's Foreign Policy, like that of any other country, is the protection of its national interest. As Nehru observes in the constituent Assembly on 4th December 1947. /we may talk about peace and freedom and earnestly mean what we say. But in the ultimate analysis, a government functions for the good of the country it governs and no government dare to do anything which in the short or in long run is manifestly to the disadvantage of the country. Therefore, whether a country is imperialistic or socialist or

communist, its foreign minister thinks primarily of the interests of the country.

Foreign policy objectives of India which include:

1. Non-involvement in a third world war.
2. Development of Indian economy and for that purpose keeping open all channels of international trade and aid.
3. Maintenance of India's independence in the sphere of external affairs.
4. Securing a fair treatment and the dignity of the Indians settled abroad.
5. Creation of consultative machinery in co-operation with neighboring and other Asian Countries.

MAIN FEATURES OF INDIA'S FOREIGN POLICY:

India became a sovereign state in 1947 and began playing an active role in International politics and relations among Nations. Jawaharlal Nehru, the first Prime Minister left a legacy on India's Foreign Policy by enunciating its basic principles. Nehru adopted a realistic Foreign Policy keeping in view the prevailing conditions such as the cold-war between super powers bipolarization, military alliances, arms race, imperialism, colonialism and racialism. Even though some of these have changed over the years, the basic aims, principles and parameters of India's Foreign Policy remain unchanged.

Basic Principles Governing India's Foreign Policy

The principles have stood the test of time and are ingrained in international law and India's foreign policy practice. The principles of Indian foreign policy are as follows -

- Panchsheel
- The policy of Non-Alignment
- The policy of Anti- Colonialism and Anti Racism
- Peaceful settlement of International Disputes
- Foreign Economic Aid - Support to UN, International Law and a Just and Equal World Order

Panchasheel :

Panchasheel is the most important feature of the India's foreign policy. India adopted this feature on 29th May 1954 by an alliance with China. Panchsheel means five principles of conduct. These principles include:

1. Mutual respect for the territorial integrity and Sovereignty of the states.
2. Non-aggression
3. Non-interference in the internal affairs of other states

4. Equality and mutual benefits

5. Peaceful co-existence

Panchasheel became very popular in several states of the world. It was considered as the greatest contribution made by India to international relations.

Non-Alignment :

It was a post-second world war phenomenon approved by more than half of the Nations of the world. It has greatly influenced the nature of International relations. The concept of NAM emerged through a gradual process. Non alignment aimed to maintain national independence in foreign affairs by not joining any military alliance formed by the USA and Soviet Union in the aftermath of the Second World War. Non-alignment was neither neutrality nor non-involvement nor isolationism. It was a dynamic concept which meant not committing to any military bloc but taking an independent stand on international issues according to the merits of each case.

The concept of Non-Alignment emerged in 1955 at Bandung, Indonesia conference. Nehru took the initiative to convene the Asian Relations Conference in New Delhi in 1947. Among the non-aligned, Nehru had evolved special relationship with President Tito of Yugoslavia and Nasser of Egypt. These three are regarded as the founding fathers of the Non-Aligned Movement.

As NAM was a product of Cold War politics and the bipolar world, many scholars have questioned the relevance of NAM after the end of the Cold War and the disintegration of the Soviet Union. Again, globalization led to the change in the priorities of even its chief votaries like India, which tried to adopt neo-liberal market economy principles in order to integrate with the emerging global order. This new situation generated the impression as if NAM is sidelined and its relevance is declining. However, even in the present scenario NAM has a significant role to play, First, with the disintegration of Soviet Union. The NAM can act as a check against US dominance. Secondly the developed (North) and developing (South) world are divided over several economic issues. The NAM remains a very relevant forum for developing world countries to engage the developed nations in a productive dialogue and for reforming UN.

Opposes colonialism, Imperialism and Racial Discrimination:

India's Foreign Policy mainly opposes colonialism and imperialism. India expressed her solidarity with the people living in the colonies of Asia, Africa and Latin America. It strongly condemned the policy of suppression of the people in colonies. It rendered all types of assistance - political, diplomatic and economic for achieving independence of these colonies. It also opposed the imperialist strategy adopted by the super powers.

India since a long time has opposed all kinds of discrimination based on race. Culture etc., it has aptly highlighted the problem of racial discrimination at international level. It has severely criticized the policy of racial segregation of the Governments of South Africa and Rhodesia (Now Zimbabwe)

International Peace:

India's Foreign Policy aims at promoting peace, friendship and cooperation with all countries of the world irrespective of their political or economic systems. These elements were reflected in Article 51 of the chapter IV of the Indian constitution which directs the state to work for international peace and security. India strongly believed that war between super powers world destroy the mankind.

Special Relations with Asian Countries :

The Bandung Conference of twenty-nine Afro-Asian nations held in April 1955 in Jakarta was symbolic of the nascent solidarity of Asia and Africa. The Conference demonstrated the growing maturity of the Afro-Asian nations and their desire to play an independent and constructive role in world affairs. The Conference provided a forum to Afro-Asian nations for developing a common understanding on international problems. The Indian exposition of non-alignment and of Panchsheel, as embodied in the 1954 agreement with China, found eloquent expression at the conclusion of the Conference. The Bandung Conference also endorsed the call earlier given by Nehru in April 1954, suggesting a standstill agreement on the prohibition and elimination of nuclear weapons. This formed part of India's step-by-step approach towards disarmament for furthering the cause of peace. India's Foreign Policy comprises the idea of developing special relations with countries of Asia. It strives to promote unity among them through organizing several conferences and arriving at various treaties. India wishes to make Asia free from the dominance of the big powers. It has taken special initiative in the formation of South Asian Association for Regional Co-operation (SAARC).

Faith in the United Nations :

India was a founder member of the United Nations. India's Foreign Policy objectives reflect the aims and principles of the main organs and specialized agencies of the United Nations. It has extended complete cooperation to the UN efforts in preserving the world peace.

Disarmament :

India's Foreign Policy is always committed to the conventional and nuclear disarmament. India favoured the use of nuclear energy for the purposes of peace and opposed the employment of nuclear weapons, bombs and warheads irrationally.

Look East Policy :

A change in the direction of Indian Foreign Policy towards the South East Asian nations began in 1992. This policy was launched by the former Prime Minister of India Mr. P.V.Narasimha Rao. The basic thrust was to reach out to the South East Asian neighbors. The chief objectives of this policy are to renew political contacts with South East Asia and East Asia. This will enable India to deepen economic cooperation and secure strategic defense cooperation. India from 2014 onwards emphasized on "Act East Policy". Under this India has to play a protective role in South East Asia and East Asia.

Phases of India's foreign Policy

The various changes in the international relations has influenced India's foreign policy. The three main phases of the global political and security order are identified as below and India's Foreign Policy response to the same are

1947 to 1991:

The period is identified as the bipolar world order that is dominated by two rival superpowers, the USA and the USSR. During this period India followed the policy of nonalignment so as to overcome its severe political, social and economic stress and deprivation, after two centuries of colonial rule.

1991 to 2008:

Post disintegration of former USSR and its split, foreign currency crisis in India and emergence of unipolar world order dominated by USA, India moved itself away from non-alignment to a multipolar alignment, incorporated globalization and paid greater attention to its immediate neighbourhood.

2008 to the Present times: In 2008, financial crisis and recession was followed by rise of China in 2000's and other emerging countries and multilateral institutions. The shifting of fulcrum of global power from the West to the East for trade. Evolving Indian diplomacy is primarily focused on the USA, China, other P-5 member countries, and the immediate neighborhood. Africa has loomed into focus along with Latin America and Economic diplomacy has taken the pole above that of political and security issues.

SUMMARY :

India's foreign policy has evolved and changed over the last seventy years, usually at a steady pace, but sometimes drastically to respond to fast changing global or regional scenario. India has been fortunate to enjoy good growth and prosperity for the last three decades. This has provided greater leverage to India's foreign policy. Thus India's Foreign Policy is influenced by a number of factors which include political tradition, historical background, Indian cultural values, its economic conditions, contemporary international environment. India has followed certain basic principles in the conduct of its foreign policy from which it has not deviated much. In fact some of its basic features such as non-alignment still remain significant and relevant..

GLOSSARY :

Bandung conference The Asian-African Conference, also known as the Bandung Conference, was held in Bandung, Indonesia from 18 to 24 April, 1955. The conference was attended by 29 Asian and African countries.

Look East Policy: This policy was launched by the former Prime Minister of India Mr. P.V.Narasimha Rao. The basic thrust was to reach out to the South East Asian neighbors.

NAM : Non-alignment was neither neutrality nor non-involvement nor isolationism. It was a dynamic concept which meant not committing to any military bloc but taking an independent stand on international issues according to the merits of each case.

Panchasheel: Panchasheel is the most important feature of the India's foreign policy.

MODEL EXAMINATION QUESTIONS :

1. Describe the main determinants of Indian Foreign Policy. 8 Marks
2. Write an essay on basic principles of India's foreign policy. 8 Marks
3. What is Panchsheel 4 Marks
4. What is Non Alignment 4 Marks
5. What is Bandung conference 2 Marks

6. What is Look East Policy 1 Marks

1. India got Independence

- a) 1947 b) 1945 c) 1949 d) 1950

2. India is located in

- a) Asia b) Africa c) Europe d) Astracha

3. India is member in

- a) SAARC b) EEC c) ANZUS d) NATO

4. Which year UNO is emerging.

- a) 1946 b) 1945 c) 1947 d) 1948

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28. INDIA AND NON-ALIGNED MOVEMENT

OBJECTIVES OF THE NON-ALIGNED MOVEMENT

The main objective of NAM at the beginning was to keep away the newly independent countries of Asia and Africa from the super power rivalry and to protect and preserve their newly acquired independence. The other important objectives of the NAM are the following:

i) To eliminate all those causes which could lead to war.

- (i) To protect the nascent freedom of the new-born independent countries of Asia and Africa from colonial domination.
- (ii) To oppose colonialism, imperialism racial discrimination.
- (iii) To advocate sovereign equality, of all states.
- (iv) To encourage friendly relations among, countries.
- (v) To advocate peaceful settlement international disputes.
- (vi) To oppose the use of force and the use of nuclear weapons.
- (vii) To strengthen the United Nations as an organ of world peace.
- (viii) To protect human rights and to protect the environment.
- (ix) To build a New International Economic Order (NIEO) based on equity, equality, and justice.

Introduction:

The concept of non-alignment emerged during the Cold War. After the Second World War, the world was divided into two power blocs - one led by the USA and the other by the erstwhile Soviet Union. It was during this period that many newly independent countries in Asia and Africa decided not to join any of the two blocs and to remain non-aligned. Thus, non-alignment was the chief characteristic of awakening in Asia and Africa.

Meaning of Non Alignment: Non-alignment is the international policy of a Sovereign state according to which it does not align itself with any of the power blocs and at the same time actively participates in the world affairs to promote international peace, harmony and cooperation.

Architecture of NAM: The Non-Aligned Movement was formally launched at its first summit held in September 1961 at Belgrade in Yugoslavia. It was attended by 25 Afro-Asian and one European country (Cyprus). Three Latin American countries participated as observers. The Conference was attended by Prime Minister Nehru of India, President Joseph Broze Tito of Yugoslavia and President Nasser of Egypt. These three are considered as the founding fathers of NAM. Among the other founder members of the NAM were Archbishop Makarios of Cyprus, U Nu of Burma (Myanmar), President Sukarno of Indonesia, Kwame Nkrumah of Ghana, Emperor Haile Selassie of Ethiopia and King Mahendra Bir Bikram Shah of Nepal.

Several issues concerning world peace were discussed at the first NAM Summit. These included problems of Berlin and the Congo, the question of Chinese representation in the UN and the issue of apartheid in South Africa. The summit expressed the faith of NAM in the principle of peaceful co-existence and declared that imperialism was a threat to world peace. It demanded immediate and total abolition of colonialism. It also called for complete disarmament.

Periodic NAM summits have been held after the movement was launched in 1961. Though general topics like world peace, non-alignment, disarmament, etc., were discussed at all the summits, yet they also discussed the issues and problems which now and then appeared on the international scenario.

The main features of NAM are the following

1. It is not aligned to any of the power blocs.
2. It is opposed to any kind of military alliances like NATO SEATO, Warsaw Pact, etc.
3. It retains its freedom to take independent foreign policy decisions.
4. It does not remain aloof from international problems.
5. It actively participates in the politics among nations.
6. So, non-alignment stands for 'action' rather than passivism.
7. It judges an issue on merit. It upholds the Rights of all people for freedom and justice.

Thus, Non-alignment is a policy which gives freedom to decide the course of action that a country wishes to adopt in relation to world politics.

Factors Responsible for Non Alignment

The following factors were responsible for the development of the Non-aligned Movement:

Global Tension COLD WAR: Most of the newly independent countries of Asia and Africa realised that the division of the World into two power blocs was not in their larger interest; and this might endanger world peace. These nations felt that by maintaining distance from both the superpowers they would put off the danger of another war of nuclear holocaust.

Struggle against Imperialism and Neo colonialism: The newly independent nations opted for non-alignment because of some emotional and psychological constraints. They wanted to enjoy their newly acquired freedom and the power that had come with it without any pressure from other bigger nations.

Right of Independent Judgement The newly independent nations were able to keep their own identity by not aligning with the power blocs. They wanted to solve their problems themselves without any outside influence.

Use of Moderation in relations to all Big Powers: The newly independent nations wanted to promote goodwill and cooperation among the countries of Asia and Africa and to explore and advance their mutual interests by establishing friendly relations with all the nations.

Restructuring International Economic Order: Most of the newly independent countries of Asia and Africa were economically backward and had a low standard of living. Since they needed both capital and technical know-how to boost their economic development, they considered it worthwhile to get both the things wherever they could without any strings attached with them.

Formation of a collective Force: The newly independent nations realised that although they do not have the military and economic power to influence international affairs, they had moral force and with their collective reason they could maintain or promote world peace on their own.

Panchasheel

In 1954, India and China signed an agreement containing five principles of peaceful co-existence. These principles collectively known as Panchsheel became guidelines for Non-Aligned Movement to evolve. These five principles were.

- (i) Mutual non-interference in each other's internal affairs;
- (ii) Mutual non-aggression;
- (iii) Equality for mutual benefit;
- (iv) Mutual respect for each other's territorial integrity and sovereignty; and
- (v) Peaceful co-existence.

These five principles or Panchsheel were given practical shape at a conference held at Bandung (Indonesia) in April 1955. This Non-Aligned conference was attended by 29 countries from Asia and Africa including Philippines, Turkey, and South Vietnam, Communist China and North Vietnam. The conference was presided over by the first Prime Minister of India, Jawaharlal Nehru, Chinese Prime Minister Chou En Lai and Gamal Abdel Nasser, Prime Minister, and later President of Egypt. The delegates at the conference condemned colonialism and emphasised the need for economic growth in the third world countries. The Bandung Conference, thus, paved the way for cooperation among newly independent nations, which later blossomed into Non-Aligned Movement.

India and NAM :

The Non-Aligned Movement owes a lot to the first Prime Minister of India, Jawaharlal Nehru in fact, India was the first country to initiate the policy of non-alignment, under the leadership of Nehru. Nehru had declared in the American Congress in 1949, "Where freedom is menaced, or justice is threatened, or where aggression takes place, we cannot be and shall not be neutral, our policy is not neutralist but one of active endeavour to preserve and, if possible, establish peace on firm foundations."

Pt. Nehru was a visionary. He realised that the greatest danger to the sovereignty and integrity of India and the other newly independent nations of Asia and Africa lay in their joining any of the two power blocs. He called upon these countries to keep themselves away from the politics of two opposing camps, which had already brought about two world wars. He advocated mutual respect for the sovereignty and territorial integrity of all nations. It was Nehru, who gradually led the countries of Asia and Africa towards the concept of non-alignment. He convinced these countries that they had great moral force and with their collective efforts could exert pressure on the issues of war and peace. It was in confirmation of his views that he along with Joseph Broz Tito of Yugoslavia, Gamal Abdel Nasser of Egypt, Chou En Lai of China, Ho Chi Minh of Vietnam and Kwame Nkrumah of Ghana led the Bandung Conference. The decisions taken at the Bandung Conference were given a final shape at Belgrade in 1956. Here, it was decided to form an organisation of the newly independent countries.

Nehru was acknowledged as the greatest spokesman for neutrality of Asian and African States in the Cold War era. Opposing the policy of alignment, Nehru said, "By aligning ourselves with any one power, you surrender your opinion, give up the policy you would normally pursue because somebody else wants you to pursue another policy. I do not think that it would be a right policy for us to adopt."

Though Nehru was committed to the western concept of liberalism and democracy, he did not approve of the military or economic alliances like NATO, CENTO, SEATO, etc., initiated by the USA to contain communism or the ones promoted by the Soviet Union like the Warsaw Pact, Cominform, Comecon, etc. He opposed these alliances as he believed that they encouraged colonialism and imperialism and were likely to produce a race for armaments.

Nehru was against the philosophy advocated by the two power blocs. He rejected the communist state as "monolithic" and described Marxism as an outdated theory. He did not favour capitalism either and was influenced by socialism. He therefore, strongly advocated

the principles of democratic socialism. His policy of non-alignment, however, was not meant to promote a third bloc, but to ensure freedom of decision-making of the recently decolonised states.

Thus, under the stewardship of Nehru, India played an important role in spreading the message of NAM. India promoted the cause of freedom of many countries of Asia and Africa which were still under foreign domination. Nehru was against the policy of apartheid being followed in South Africa. That is why India sponsored a resolution in the UN in 1962, calling upon the member nations to take diplomatic and economic steps against South Africa and to force her to give up the policy of racial discrimination.

Nehru was against the mad race for armaments and called for disarmament and abolition of stockpiles of nuclear weapons. It was in pursuance of his policy of disarmament that India signed a treaty in 1963 for banning atomic tests. Five decades after Nehru's death, India continues to follow the path of NAM and its objectives as preached by the founding fathers themselves.

Achievement of NAM

Non-alignment has been pursued by more than half of the world for over five decades. The number of participating countries also increased each time, from 25 in 1961 to 120 in 2012. The Asian and African countries regularly attended the NAM summits. Some Latin American nations joined NAM, whereas some European countries like Austria, Finland, Sweden attended NAM summits as observers. NAM has a number of achievements to its credit. Some of these include the following:

1. NAM has helped in easing of tension between the two
2. Power blocs and ultimately in bringing about the end of the Cold War.
3. NAM acted against the arms race of the superpowers during the Cold War years.
4. NAM has supported the cause of international peace, justice, and freedom.
5. NAM has advocated New International Economic Order (NIEO) based on greater economic cooperation and justice. In fact, the first UN Conference on Trade and Development (UNCTAD) held in 1964 was largely the outcome of the efforts made by the non-aligned countries.
6. NAM has made the developed countries realise that the continued deprivation of the third world would affect the economy of the world and their own prosperity.

Future of NAM

Today, NAM stands for a broader objective of international peace as well as independence of foreign policy of each sovereign State. Though NAM has virtually lost its political relevance, it continues to be an effective forum for seeking economic justice. It could not do anything when two of its own member states, i.e., Iran and Iraq were engaged in a prolonged conflict. Similarly, it could not do much when Afghanistan was invaded by the Soviet Union in 1979 or Iraq was invaded by the US-led coalition forces in 2003.

With the emergence of neo-colonialism, NAM has become all the more relevant. Many small and weak countries are unable to preserve their sovereignty in economic field because of the interference of international financial institutions like the World Bank, IMF and WTO which try to impose their decisions on them. This is a grave challenge to the process of

democracy in these countries and for which NAM can come forward and counteract these moves. The USA has emerged as the sole super power in the world and has been dictating its own terms as was evident during its unilateral actions in Afghanistan and Iraq. It is here that NAM could utilise its vast experience gained over years to prevent US domination. Hence, NAM still continues to be a positive, dynamic and constructive movement aimed at achieving universal peace, disarmament and development.

Summary

The main objective of NAM at the beginning was to keep away the newly independent countries of Asia and Africa from the super power rivalry and to protect and preserve their newly acquired independence. To eliminate all those causes which could lead to war. To protect the nascent freedom of the new born independent countries of Asia and Africa from colonial domination. To oppose colonialism, imperialism, and racial discrimination. To advocate sovereign equality of all states. To encourage friendly relations among countries. To advocate peaceful settlement of international disputes. To oppose the use of force and the use of nuclear weapons. To strengthen the United Nations as an organ of world peace. (Table : 28.1)

Model Question

- 1) Explain how non-alignment is neither neutrality nor isolation?
- 2) Write a note on objectives of NAM?
- 3) Write about the basic principles of Panchsheel?
- 4) Write about the founder members of NAM?

Multiple Choice Questions

- 1) The first NAM conference was held at
Belgrade 1961/ New Delhi 1985/ Harare, 1986
- 2) Anti-colonialism and anti-imperialism have been basic objectives of.
NAM/ NATO/ CENTO.
- 3) The Sixteenth NAM Summit (2012) was held at
Belgrade / Tehran / Cairo

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29. INDIA AND ITS NEIGHBOURS -Pakistan, Bangladesh, Srilanka, Nepal, Maldives

OBJECTIVES:

In this Unit, you will be studying about India's relations with its South Asian neighbours except Pakistan which has been covered separately in Unit-8. After going through this Unit, you should be able to:

- Understand the specific dimensions of India's relations with each one of its neighbouring countries;
- Importance of the 'Neighbourhood First' policy; and
- Opportunities and challenges these relations present for India in terms of its security and development.
- Explain the basic dispute between India and Its neighbours
- Examine some of the major initiatives and shortcomings in the nature of their relations.

Introduction

India has a large and complex neighbourhood. It shares borders and maritime boundaries with neighbours which are several thousand kilometers long. India's defence and security acquire preeminence. Relations are large and complex covering aspects of security, migration, trade, water sharing, and presence of outside great powers in the neighbourhood. All these issues get closely entwined making it difficult to track and resolve any one of the issues in isolation. Dynamics of these relations change rapidly as issues move up and down the priority list depending upon the exigencies of time. As many as seven of India's immediate neighbouring countries are covered in this Unit. Each one of the bilateral relations is important and has its own specificities.

India and Pakistan are South Asian Neighbors. They were a part and parcel of each other. In the recent past, the peoples of the two countries have strong emotional, cultural and historical links, but the political relations between the two countries have all along been tense.

and strained. Since 1947, the relations between the two countries have been far from being satisfactory.

1) 1947-48 War: Just after independence, a conflict started between India and Pakistan in the areas of Jammu and Kashmir. The Pakistani Government was claiming that Kashmir belongs to Pakistan. India rejected the claim of Pakistan. Pakistan sent its soldiers in the guise of tribal invaders. Pakistan's undesirable action resulted in a war in 1947-48. The war was fought by the armies of both the countries. The result was division of the Kashmir valley into two parts. This division took place because the cease fire was declared by India. Keeping in view the resolution of the security Council. Whatever in the possession of the Pakistani Army came to be known as Occupied Kashmir. The part which was left under the control of the Indian Army came to know as Kashmir province.

2) Indo-Pak war of 1965: in March-April 1965 Pakistan made aggression in the area of Rann-of-Kutch. It was a limited invasion and India gave a be fitting reply to the invaders. But Pakistan had something else in its mind. It sent numerous armed Pakistani infiltrators into Kashmir under the codename of Operation Grand slam and Operation Gibraltar. They were directed to create trouble through acts of sabotage in the Indian territory. They did create grave problem for India, but the quick action of Indian forces led to the capturing of a large number of Pakistani infiltrators. Disturbed by this development, Pakistan launches a massive armed attack on India from the Kashmir border and this led to the outbreak of war between India and Pakistan in September, 1965. The war fought not only in Kashmir front but also across the entire boundary. The war lasted for about eighteen days and it came to an end on September 23, 1965.

TASHKENT DECLARATION:

The 1965 war between India and Pakistan had ended, but the atmosphere governing Indo-Pak relations remained surcharged with tensions. To help India and Pakistan, the Premier of the Soviet Union, Alexei Kosygin offered his good offices. He proposed a meeting of Indian and Pakistani Leaders in the USSR at Tashkent. The proposal was accepted by both the countries and the Tashkent conference between India and Pakistan was held from 4th to 10th Jan, 1966. The result was the signing of the Tashkent Declaration on January 10th between the Indian Prime Minister Mr. Lal Bahadur Shastri, and the Pakistani President, Mr. Ayub Khan.

THE IMPORTANT PROVISION OF TASHKENT AGREEMENT

- i) Both the countries would exert all efforts to create good neighborly relations between India and Pakistan in accordance with United Nations charter.
- ii) They would not have resources to force and settle their disputes through peaceful means.
- iii) All armed personnel of the two countries would be withdrawn to the positions they had held prior to August 5th, 1965.

- iv) Both sides discourage propaganda directed against the other country and would encourage propaganda which promotes the developments of friendly relations between the two countries.
- v) Prisoners of war of both the countries would be repatriated.
- vi) Both the sides would continue meeting both at highest and other levels on matters of direct concern to both countries.

The Tashkent Declaration was signed on the afternoon of 10th of January, 1966 and the Indian Prime minister, Mr. Lal Bahadur Shastri died of a massive heart attack in the morning of January 11th. After his death, the Tashkent pact was not implemented in the spirit it was concluded.

Indo-Pakistan War 1971: The development of crisis in east Pakistan (now Bangladesh) in 1971 led both the countries into another war. The full-fledged war started with the Pakistani Air attack on Indian Airforce aerodromes on the morning of December 3, 1971. The war ended on December 16, 1971 with unconditional surrender of about 90,000 Pakistani troops before the joint command of Indian Army and of Mukti Bahini of Bangladesh. The war dismembered Pakistan as the East became Bangladesh. In terms of casualties also it suffered heavy losses. In terms of territory and troops, India too suffered sufficient losses.

Shimla Conference 1972 & Shimla Agreement: Shimla Conference took

Place in July, 1972. On July 2, 1972 Mrs. Indira Gandhi, the Prime of India and Mr. Z.A. Bhutto, the Pakistani Prime Minister signed agreement, commonly known as Shimla agreement. The salient provisions of the Agreement are given below:

- (i) The governments of both the countries would put an end to confrontation that had spoiled their normal relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent.
- (ii) The principles and purposes of the Charter of the United Nations would govern the relations between the two countries.
- (iii) They would settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them.
- (iv) They would prevent the organisation, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations.
- (v) They commit themselves to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs.
- (vi) The basic issues and causes of conflict between the two countries would be resolved by peaceful means, integrity, political independence and sovereign equality.
- (vii) They would always respect each other's national unity, territorial integrity.

- (vii) In accordance with the Charter of the United Nations they would refrain from the threat or use of force against the territorial integrity or political independence and sovereign equality of each other.
- (ix) In order to initiate the process of the establishment of the durable peace, Indian and Pakistani forces would be withdrawn to their side of international border.
- (x) In Jammu and Kashmir, the Line of Control resulting from the ceasefire of December 17, 1971 would be respected by both sides without prejudice to the recognised position of either side. Both sides undertook to refrain from the threat or the use of force in violation of this line.
- (xi) Heads of the governments of both the countries would meet again at a mutually convenient time in the future. In the meantime, the representatives of the two sides would meet to discuss further the modalities and arrangements for the establishment of durable peace and normalisation of relations, including the questions of repatriation of prisoners of war and civil interests, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

KARGIL WAR

In 1998, Pakistani Army men carried out an intrusion in Kargil. They crossed over the LOC and entered into the Indian side. When the Indian side observed these intrusions in 1999, Indian forces carried out an intense air and ground offensive and drove out the intruders. The prime intension of making an intrusion in Kargil was to slice off a part of the National Highway IA as doing so would make difficult for India to supply logistic to the Indian troops in the Siachen glacier. Indian Army was successful in unfurling National Flag with essence of National Pride on the Summit of Kargil.

CURRENT SCENARIO

India and Pakistan continue to have a hostile relationship with each other. Pakistan's support for cross border terrorism with its explicit backing of radical jihadi organizations like Lashkar-E-Taiba, Jaish-e-Muhammad, Hizbul Mujahideen has cost India a lot both in terms of human losses and damage of property and reputation. The Line-of-Control (LOC) continues to be a hot channel as there have been regular skirmishes between the two armies. The Pakistanis use such skirmishes to send terrorists on to this side of the LOC. In recent years, however, India has responded to these attacks by carrying out surgical strikes in 2016 and Balakot airstrike in 2019. Such responses have considerably elevated India's overall security posture and heightened international concerns over potential nuclear war. Another worry for India is the growing partnership between Pakistan and China. Both have explicitly participated in military exercises and exchange critical information. This, seen in the wider context of India moving close to the US in the form of QUAD grouping, has raised the chances of a multinational conflict. In this juncture, however, Pakistan continues to real under severe economic crisis at home and with a cash-strapped situation, is also unable to fund terrorism against India. The political crisis that led to the arrest of Imran Khan, the former PM of Pakistan, has brought the powerful military-intelligence "deep state" within the

country onto the centre-stage. With people appealing for a democratic system, Pakistan faces a serious situation at home which is beneficial to India as it won't have to face constant threat from state sponsored terrorism.

India and Bangladesh

A Special Neighbour: **The geostrategic importance of Bangladesh cannot be denied.** It is a very special neighbour of India. Bangladesh connects the northeastern parts of India with rest of the country. While Bangladesh complains that it is an 'India-locked' country; people in the northeast

India say that they are 'Bangladesh-locked'. Transit facility through Bangladesh is important for the development, security and governance of northeastern India. Bangladesh knows this; and uses transit facility as leverage to bargain better with India. It is a point of friction too, as Bangladesh at times obstructs, even cancels the transit facilities. India is vulnerable to pressures from Bangladesh over the narrow Siliguri corridor ('Chicken Neck') - a 22 kilometre long stretch of land that connects northeast of India with rest of the country. In terms of power capability, forget the asymmetry between India and Bangladesh at national level. Look at the power balance at the sub-regional level. If one takes only the northeastern region into account, Bangladesh matches up strongly with India's capabilities.

Porous Borders: Among all of its neighbours, India shares the longest border with Bangladesh. The 4351 kilometre long land border is the fifth-longest border in the world. It runs through five Indian states of West Bengal (2217kms), Assam (262 kms), Meghalaya (443kms), Tripura (856 kms) and Mizoram (318 kms). The border crosses through 25 districts in the five states. When borders are so permeable, it is not easy to safeguard them. With so many districts along the border, India has its own vulnerabilities. Border management is a problem and a sore point between authorities in the two countries. The porous borders are used for smuggling food items, medicines, cattle, machinery and narcotics on quite a large scale. The Bay of Bengal, located to the south of Bangladesh, is a frontier that is watched over by the Indian Navy. Bangladesh also has a maritime dispute with India in the strategic Bay of Bengal.

Illegal Migration: Movement of people from Bangladesh into India is an intractable challenge. There are those who enter India legally but overstay their visa; their number is estimated to be several thousand every year. Then there are those who entered illegally and have lived here literally for generations. Migrants enter India illegally in search of employment and improving their life conditions. There is a historical pattern in the movement of the people: people from territories, what today constitute Bangladesh, have historically migrated to neighbouring parts - often to return back after few years. In more contemporary periods, it is the 'push' factor. Bangladesh is the most populous of India's neighbours; also it is one of the poorest in the region. Poverty and unemployment drive Bangladeshis into India. Borders are porous and crossings easy and short: at times, one needs to wade through a small stream for few minutes only to arrive into India. Illegal migration is a bone of contention between the two countries; also it is a domestic political issue in northeastern states particularly Assam where people feel that their culture is under threat from the large non-Assamese population. India cannot take unilateral measures. Other issues get

entwined. India is dependent on Bangladesh to harness water resources, to stop illegal migration, to check smuggling and to combat terrorism.

Water Dispute: India and Bangladesh share 54 trans-border rivers, varying in sizes. The Ganga water sharing agreement was concluded in 1996 after long delays and negotiations. The dispute over India's plans to construct and operate the Farakka Barrage persists. The construction of Farakka Barrage would increase the flow during lean season of the Bhagirathi-Hooghly branch of river Ganga so as to increase the water depth at the Kolkata port which has been threatened by siltation.

Bangladesh needs that water and in the same period for irrigation of farmlands. The inadequate water during the lean season is unable to meet the needs of the two countries. **Economic Interdependence:** Of all of India's South Asian neighbours, Bangladesh and India have close economic interdependence. Bangladesh is India's largest trading partner in South Asia. It imports large quantities of cotton yarn for manufacture of garments which is the major export of Bangladesh. Informal trade far exceeds the formal trade. For northeastern states particularly Tripura, it is cost effective to import things of daily consumption from Bangladesh than, say, from Kolkata. Historically, Bangladesh and the adjoining northeastern regions were an integrated

Dacca and Kolkata as prosperous business hubs. Politics and partition has not been able to erode the local economic exchanges. The economic realities of the past are only reinforced by modern-day logic of business.

INDIA'S ROLE IN EMERGENCY OF BANGLADESH: 1971 saw an event of major importance in the sub-continent. At the time of independence of the India, the province of Bengal was divided into two parts, East Bengal and West Bengal. The partition of Bengal was envisaged in the plan of independence of India. East Bengal became the part of Pakistan, while West Bengal was included in the territory of the India. East and West Pakistan were having no cultural or historical ties.

The people of East Pakistan were proud of their distinct Bengali language and Bengali culture, but the people of West Pakistan never paid due regard and status to the language and culture of the eastern part of their country. Urdu was the official language of Pakistan and Bangla was never accorded its due status. Economically too the people of East Pakistan were not well off. The economy of eastern part of Pakistan was less developed as compared to that of west Pakistan against Bengali population of east Pakistan compelled the latter to organized themselves in the form of Mukti Bahini.

SURRENDER OF PAKISTAN ARMY: In the war Pakistan lost heavily, its army surrender in the East before the joint command of India and Mukti Bahini of Bangladesh. With the unconditional surrender of the Pakistani forces on Dec 16th, 1971, Bangladesh was borned and Dhaka became the capital of the free country. India was largely responsible for the birth of Bangladesh as sovereign independent state in 1971. Had India not come to the rescue of the people of East Pakistan and to the support Mukti Bahini, the emergence of Bangladesh might have remained a distant and dream of the people of East Pakistan.

CORDIALITY IN RELATIONSHIP: Indo-Bangladesh relations started on a note of high level of cordiality because of India sympathy and support to its struggle for liberation

from the clutches of rulers of Pakistan. On Dec 6th, 1971 India accorded recognition to the people's republic of Bangladesh. This was followed by a series of bilateral agreements covering defense, foreign relations and trade. These provided for the withdrawal of India's armed forces from Bangladesh and for the handing over of the liberated areas to Bangladesh. On March 19th, 1972, India and Bangladesh signed a 25 years treaty of friendship, cooperation and peace.

ISSUES OF TENSION: From 1975 a crack appeared in the relationship between India and Bangladesh..

SHARING OF GANGA WATER: In April, 1975 an interim agreement regarding the sharing of Ganga Water was signed between the two countries. After the agreement the Farakka Barrage was commissioned by India and at the same time negotiations were initiated with Bangladesh securing a final settlement over the distribution of Ganga Water. Finally, the issue of sharing of water was settled by the two countries by signing on Dec 12th 1996 and Indo Bangla treaty on sharing of Ganga Water.

INDIAN PRIME MINISTER ON TOUR TO BANGLADESH AND CONCLUDED ABOUT 12 AGREEMENTS WITH HIS COUNTERPART: In Sep 2010 India's Prime Minister went to visit Bangladesh. India's Prime Minister Dr. Manmohan Shing was the first Prime Minister who after 12 years visited Bangladesh and finalized 12 agreements with the Bangladesh Government.

Dispute of Enclaves : On 6th of June, 2015 Indian Prime Minister Shri Narendra Modi and Smt. Shaik Haseena, the Prime Minister of Bangladesh entered into important boundary agreement. According to the agreement, both the countries agree to start the bus service between India and Bangladesh. It was also said that Bangladesh would hand over 51 enclaves to India and India would give 111 Enclaves to Bangladesh. Earlier the people living in this enclave were known as state less persons, but after the agreement between the two countries the people of these enclave would be able to get the citizenship of that country to which they have been transferred.

There are security aspects to Bangladesh-China relations which India cannot ignore. China has become Bangladesh's top source for arms imports. From Chinese angle, Bangladesh is China's second-largest arms export destination in the world, behind Pakistan. Bangladesh accounts for 20 percent of all Chinese arms sales. Beijing has provided Dhaka with five maritime patrol vessels, two submarines, 16 fighter jets, and 44 tanks, as well as anti-ship and surface-to-air missiles. In 2017, Bangladesh Navy took delivery of two Chinese submarines at a minimum price. Defence ties with China had increased military capability of the country

India-Nepal relations

Nepal is another landlocked Himalayan neighbour of India. The country lies between India and China. Nepal was a kingdom but following a long political strife, became a republic in 2006. Nepal is a diverse society; as many as 125 different castes and ethnic groups were reported in the 2011 census. It is a multi-religious society with Hindus accounting for 81.3 per cent and Buddhists for 9 per cent of the population. People of Nepal are strongly conscious of their distinct national identity; and the main objective of its foreign policy is to maintain

independence in relations with its two powerful neighbours - India and China. Historically, the landlocked status often produced a sense of powerlessness and dependence on India. Nepal depends on Indian ports. In spite of it Indo- Nepalese relations have passed through a number of distinct phases.

Treaty of Peace and Friendship, 1950 India's relations with Nepal are regarded as 'special'. India and Nepal have open borders. There are no natural geographical factors that define the boundaries; thus to regulate or close the border is not an easy thing to do. The bilateral Treaty of Peace and Friendship was signed on 31 July 1950. Under the treaty, it was agreed to have open borders and free circulation of currency. The two countries agreed to grant each other's citizens national treatment in all matters including employment, business and ownership of property. India is economically more developed and a large market; the treaty has helped people of Nepal in terms of finding jobs and business opportunities in India. The 1950 treaty was signed in the backdrop of China's annexation of Tibet in 1949

Nepal as a zone of peace; At the time of this coronation, King Birendra in February, 1975 advanced the proposal of Nepal being accepted by the other powers as a "zone of peace". Since then, Nepalese spokesmen have been soliciting support for the proposal at various forums including the U.N. India has not reacted favorably to the proposal. From India's point of view declaring Nepal a piece of zone is not in Indian interest as China was one of the first states to recognize Nepal as zone of peace. Another 115 states have also extended recognition to Nepal, as a zone of peace. India's hesitation in recognizing Nepal as a zone of peace is a factor which causes fears and doubts in the minds of Nepal authorities.

Dimensions of Bilateral Relations India's relations with Nepal are important for a number of reasons - historical, cultural, religious, economic, security, geographical and hydrogeographical. The two share a long border of over 1850 kilometers which is open. Nepal borders as many as five Indian states - Sikkim, West Bengal, Bihar, Uttar Pradesh and Uttarakhand. Around six million Nepali citizens live and work in India; they avail facilities and opportunities at par with Indian citizens. Around 600,000 Indians live and work in Nepal. Indian currency is freely convertible in Nepal. Currently some 32,000 Nepali citizens are serving in the Indian army. There are 39 battalions in 7 Gorkha regiments. These troops are drawn mainly from ethnic Nepali Gurkhas and ethnic Nepali origin people known as Indian Gorkha.

Security Concerns of India: India and Nepal share open borders that raise security concerns. In December 1999, an Indian Airlines flight from Kathmandu to Delhi was hijacked to Kandahar. Security becomes a point of friction, as Nepal has become a centre for intelligence agencies of foreign powers in particular China and Pakistan. In 1989, India imposed an economic blockade of the landlocked small state which brought hardship in accessing ordinary consumer goods. A similar blockade in 2015 greatly aroused anti-India sentiments.

China Card' What is Nepal's China card? Nepal has geographical contiguity with the Tibetan region of China, and it is found leaning more and more towards China in recent times. It has also used its growing relations with China as a tool to draw significant concessions from India. India has offered more generous trade and transit terms to Nepal so as to keep it closer to the 1950 treaty. Relations with China give Nepal a good measure of autonomy in its foreign policy besides allowing it to bargain better with India. China is now a

'strategic partner of cooperation' of Nepal. And Nepal has signed on China's Belt and Road Initiative (BRI). China is the lead investor and trading partner of Nepal. China has committed to invest in infrastructure development including road and rail links between Kathmandu and Tibetan region of China. China has offered to build an ambitious 'cross-Himalayan connectivity network' through aviation, trading ports, highways, railways and telecommunications. The proposed 70-kilometre railway shall connect Kerang in Tibet with Kathmandu; it will eliminate Nepal's dependence on India. Nepal is upbeat on this relationship and wants to play the China Card to lessen its dependence on India. Chinese President Xi Jinping visited Kathmandu in October 2019 and assured that China will transform Nepal from being a 'landlocked' to a 'land-linked' country - a slogan that is going to resonate in the Himalayan state for decades to come.

India and Srilanka

Sri Lanka, earlier known as Ceylon (until 1972), is a small island country situated in the Indian Ocean to the south of India. Its total area is 25,332 sq. miles. Only 18 miles wide shallow water in the Palk Straits separates Jaffna in northern Sri Lanka from the Southernmost tip of the Indian state of Tamil Nadu. Its geostrategic location in the Indian Ocean (and its closeness to US naval base in Diego Garcia indicates its importance far beyond its size, population and resources. The history of cultural relations between India and Sri Lanka dates back to the ancient times. Out of the total population of Sri Lanka, about 64 percent believe in Buddhism and about 15 percent believe in Hinduism. Sri Lanka became a British colony in early 19th century. It was granted independence on February 4, 1948.

Its two major ethnic groups, the Sinhala's and the Tamils, trace their origin to India. The Sinhala's consider themselves as original Aryans and the Tamils trace their roots to the Dravidians of the Tamil Nadu area. The peoples of India and Sri Lanka were joined in the common struggle for freedom from the British colonialism. But despite links of history, geography, religion, cultural legacy and common struggle against British imperialism, the relations between the two countries have periodically been strained. A brief description of the major irritants between the two countries is as given ahead:

Agreement of Kachchativu: On June 8, 1974, the international boundary between India and Sri Lanka in the waters of Palk Strait and Palk Bay was demarcated. Under this agreement Kachchativu a small island became part of Sri Lanka. Another agreement demarcating the maritime boundary in the Gulf of Manner and the Bay of Bengal was signed on March 23, 1976. The signing of these two agreements were historic landmarks in Indo-Sri Lankan relations since these ended one of the major irritants in the relations between the two countries

Problem of Indian Tamils Jaffna province of Sri Lanka has large concentration of Tamil population. The problem became serious when Tamilians began demanding a national homeland or "Eelam" in northern Sri Lanka. It is important to understand that there are essentially two categories of Tamilians in Sri Lanka: The Ceylon Tamils whose forefathers had migrated to Sri Lanka centuries ago. They are estimated to be one million. The second category is of Indian Tamils whose forefathers were taken by the Britishers as plantation workers in the 19th century. They are another one million, many of them without citizenship. The problem of their status dominated early India-Sri Lanka relations. The conflict with Ceylon Tamils came later.

The issue of Tamilians, and the policy pursued by government cast a dark shadow on Indo-Sri Lanka relations. India from time to time complained against the discriminatory policy of the Ceylon government. The agreement of 1964 sought to solve the problem of stateless persons (Indian Tamils) in Sri Lanka. About 3 lakhs of these people were to be granted Sri Lankan citizenship and about 5 lakh 25 thousand persons were to be given citizenship of India. These people were given 15 years time to shift to India in instalments. Later in 1974, the fate of the rest 1 lakh 50 thousand stateless persons was decided. It was agreed between the two countries that half of them were to be given citizenship of Sri Lanka and rest would become Indian nationals. Thus, the issue of stateless persons was sorted out peacefully between the two countries. During 1954 to 1974 the following three agreements were signed by the then Prime Ministers of both the countries to solve the problem of citizenship of the stateless persons of Indian origin in Sri Lanka: Nehru: Kotelawala Pact, 1954. Sirimavo: Shastri Agreement, 1964; Indira: Sirimavo Agreement, 1974.

The Tamil Problem : Besides the Tamils of Indian Origin, there are original Tamils of Sri Lanka who constitute about 12% of the total population of the country. The Lankan Tamils are the descendants of South Indians and have common cultural and ethnic links with the Tamils of India. Tamils of Sri Lanka maintain separate cultural identity and do not normally mix up with the Sinhalese who constitute 74% of the total population of Sri Lanka. The Tamils of Sri Lanka are mainly confined in Jaffna Peninsula. They had been demanding regional autonomy so that they might maintain and protect their distinct cultural and ethnic identity against the onslaughts of Sinhalese dominant nationalism. The declaration of Sinhalese language as the only official language of Sri Lanka and the denial of due status to Tamil language and a number of other discriminatory steps against the Tamils led some of the Tamils to demand a separate State for them. The Sinhalese were encouraged to settle down in Tamil dominated areas in large numbers. The citizenship law of 1948 and 1949 had deprived about 10 lakh Indian Tamils of political rights. The Tamil youth who had lost faith in non-violence organised themselves into Liberation Tigers LTTE (Liberation Tigers of Tamil Eelam). The aim of these 'Tigers' is a sovereign Tamil State of Eelam. Tamil Separatism

The ethnic problem between Tamils and Sinhalese assumed serious proportions in 1983. As the gulf between the communities developed Tamil United Liberation Front (TULF) demanded separate homeland for Tamils in 1988 - Tamil Eelam. A reign of terror was unleashed against the agitating Tamils in 1983 when 2 lakh Tamils were rendered homeless.

The worst racial riots in the history of the country made thousands of Tamils refugees in India.

India offered to help resolve the crisis but it was interpreted as "Indian intervention in Sri Lanka" on behalf of the Tamils. When the situation became grim, India and Sri Lanka signed an agreement in 1987. India offered military assistance under the Accord. Indian Peace Keeping Force (IPKF) was sent to Sri Lanka to help restore normalcy in the country. Though the accord of 1987 was a triumph of Indian diplomacy, it proved to be costly for India. India lost about 1200 soldiers and it costed Rs. 2 crore a day on IPKF in the height of its involvement. The worst part was that the Tamils turned against IPKF and a fighting broke out between the two. Rajiv Gandhi, the architect of India-Sri Lanka Accord of 1987 was assassinated in 1991 at the behest of LTTE leader, Velupillai Prabhakaran.

Relations between India and Sri Lanka can generally be termed as friendly, except for the brief spell in which the Tamil ethnic problem cast its shadow on the relations of the two countries. Indian Peace Keeping Force (IPKF) sent to Sri Lanka was a bitter experience to India. After their withdrawal in 1990, India preferred to keep its hands off the ethnic problem of Sri Lanka, letting room for other countries like Norway to initiate substantial peace process to the problem. But growing economic ties between India and Sri Lanka are a symbol of mutual trust. After the assassination of Rajiv Gandhi, LTTE was banned in India and declared a terrorist organization. India also declined to provide military assistance to Sri Lankan armed forces. There was a drift in Indian foreign policy for several years which cost India in the long term. India's approach left the field open for China, Pakistan, EU, Japan, Israel and the US to gain influence in Sri Lanka - offering various ideas for a negotiated settlement or establishing economic linkages. The all-out military campaign by Sri Lankan armed forces resulted in heavy casualties of the civilians and human rights violation. Government forces regained control of the Eastern Province in 2007. LTTE was completely defeated and the death of its leader Velupillai Prabhakaran was announced on 18 May 2009.

RELATIONS BETWEEN INDIA AND MALDIVES

MALDIVES: A GEOSTRATEGIC OVERVIEW The Maldives is an archipelago located 370 miles southwest of India in the Indian Ocean. The archipelago nation oversees key shipping lanes in the Indian Ocean. Because of geostrategic location, it draws the attention of great powers. The country spread north to south. Near the southern end of this natural coral barricade do open two passages which permit safe ship navigation from one side of the Indian Ocean to the other through the territorial waters of Maldives. Under more peaceful circumstances, the island nation is crucial to check piracy and trafficking. Its 1,192 coral islands are grouped into 26 atolls, which make the total area of the country as 298 square kilometers. Maldives is the world's lowest-lying country in the world; it is just six feet above the sea level. Global warming could really make this nation of 417,000 population submerge into the ocean. Male is the capital city with a population of 417,500 people live. Islam is the state religion, practiced by entire population. Dhivehi is the language spoken by Maldivians - similar as in the Island of Minicoy in Lakshdweep. Maldives gained full independence in 1965 as Sultanate outside the British Commonwealth.

The ruling Sultan was deposed in 1968. Authoritarian tendencies and culture of autocratic rule remain strong. President Maumoon Abdul Gayoom ruled for 30 years (1978-2008). Mohamed Nasheed became president in 2008 and introduced democratic norms and institutions. Maldives is a multiparty mocracy since 2008. High end tourism is its main foreign exchange earner; the economy is traditionally dominated by fishing. India-Maldives relations refer to the bilateral relations between India and other under.

BILATERAL TREATIES AND STRATEGIC PARTNERSHIP

1976 Maritime treaty. In December 1976, India and the Maldives signed a maritime boundary treaty to agree on maritime boundaries. Treaty explicitly places Minicoy on the Indian side of the boundary. India and Maldives officially and amicably decided their maritime boundary in 1976. A minor diplomatic incident.

Occurred in 1982 when the brother of the President of Maldives Maumoon Abdul Gaydom gave a speech that India mistook as a claim that the neighbouring Minicoy Island that belonged to India were a part of Maldives; Maldives rapidly officially denied that it was laying claim to the island and explained that President Maumoon's brother had in fact been talking about the cultural connections between Maldives and Minicoy.

Dimensions of Bilateral Relations

It is the smallest and least populated country among all of India's immediate neighbours. India and Maldives share ethnic, linguistic, cultural, religious and commercial links steeped in antiquity. Over the decades, India has developed close strategic, military and economic relations with the archipelago nation. India remains the first security provider to Maldives: it provided military assistance to Maldivian authorities to defeat the mercenary coup in November 1988. Indian navy came to the rescue of the island country during the Tsunami in 2004. In 2014, India supplied one thousand tones of drinking water to Maldives. Within hours of water crisis, Indian navy and air force delivered tones of water. Maldives is a major recipient of India's developmental aid and assistance.

Relations with Maldives explain the logic of geography; the country is on the periphery of South Asian waters. At the southern end of the archipelago are located the two open passages permitting safe ship navigation from one side of the Indian Ocean to the other through the territorial waters of Maldives. Besides, it is close to the Indian naval base on the Lakshadweep islands - to the north of Maldives. Just south of Maldives, US maintains a military base in Diego Garcia which provides support for US military operations in Afghanistan and West Asia. India is keen to enhance cooperation between the Indian navy and Maldivian security forces for military and strategic reasons. Cooperation and coordination between intelligence agencies is essential to check the spread of terrorism and radicalism. The government of President Abdulla Yameen (2013-18) was close and became dependent on China. Yameen government led Maldives into the China-dominated Maritime Silk Road; signed a free trade agreement and took a huge loan of US\$1.5 billion from China. Yameen discarded close security ties with India and took his country out of the Commonwealth.

COMMERCIAL RELATIONS

Since the success of Operation Cactus, the relations between India and Maldives have expanded significantly. India has provided extensive economic aid and has participated in bilateral programmes for the development of infrastructure, health, telecommunications and labour resources. It established the Indira Gandhi Memorial

Hospital in Male, the capital of Maldives, expanded telecommunications and air links and increased scholarships for Maldivian students. While India's exports to Maldives during 2006 were worth 384 crore, imports were worth less than 6 crore.

The State Bank of India has contributed more than US500 million to aid the economic expansion of Maldives. India and Maldives have announced plans to jointly work to expand fisheries and tuna processing. There were reports of Maldives having leased several islands to China to develop tourism; and also to build a joint naval observatory on a northern island. Chinese firms have invested millions of dollars in tourism and infrastructure. And China is now an important economic and strategic partner of Maldives. The country went through

lots of political turmoil prior to the elections of 2018 but India followed a hands-off policy towards the country. Prime Minister Modi had to cancel his visit to Male in March 2015 on account of the worsening domestic situation in that country. The presidential election held in September 2018 was a contest between the incumbent President Abdulla Yameen of the Progressive Party of Maldives (PPM) and the rival Maldives Democratic Party (MDP) led by Ibrahim Mohamed Solih. Most observers viewed it a contest for influence between India and China. Under Yameen, Maldives has been entrapped into an unrepayable Chinese loan of several billion dollars - Prime Minister Narendra Modi attended the swearing-in ceremony of President Ibrahim Mohamed Solih in Male on 18 November 2018. The two countries have agreed to restore coordinated naval patrolling and aerial surveillance of the sea lanes. Maldives' strategic and economic relations with China have grown and cannot be reversed but President Solih is determined to rebalance Maldives relations with India and China.

The foremost goal of Indian foreign policy since independence has been its own national security in its immediate neighbourhood. There are unresolved borders and boundary related issues with the neighbours. The presence of great powers in South Asia raises India's security concerns. Other issues have joined to make the bilateral list longer and more complex; for instance, India's claim as an emerging and, now a 'leading' power. Being a large and rapidly growing economy, India wants access to the resources and markets of the neighbouring countries. None however is as supreme as security in its neighbourhood. Given the differential in terms of power and capability, scholars describe India as the dominant or the predominant power in South Asia. It is said that India faces the challenges any regional hegemon would face while engaging its neighbours. But, truth is graver than this. More often, neighbours resent India's dominant position in the region; they even question and contest it and would invite outside great power to leverage their ties with India. In consequence, India's sense of insecurity gets accentuated. Almost all neighbouring countries for instance have developed close economic and strategic ties with China. They are ready to play the ?

'China Card' to balance relations with India and even draw more benefits from India. Chinese investments and technology had made it a virtual stakeholder in the peace and security of South Asia.

India shares land and maritime boundaries with eight countries - Bangladesh, Bhutan, China, Maldives, Myanmar, Nepal, Pakistan and Sri Lanka. Because of the Pakistan Occupied Kashmir (POK) under Pakistan's control, India today is not contiguous to Afghanistan. Significantly, except Afghanistan and Pakistan, no two South countries share borders with each other. Hence, India geographically unites as well divides South Asia. India has historical, cultural, religious, linguistic, ethnic, economic and trade relations with all its neighbours. In fact, if one goes by history, culture and economics, South Asia could, or should, be a fairly harmonious region. But it is not. Politically and administratively, the whole of South Asia was either part of British India or administered and governed by imperial Britain from its colonial seat in Calcutta/Delhi. All major languages either originated in present day India; or at least continue to be spoken by large linguistic groups - the exception being Sinhala language. Internal developments impact external relations among South Asian neighbours. And this remains quite a challenge for it. Regional issues, it is felt at times, keep India bogged down to within the South Asian region. Since the 1990s, as India's economy

expanded and its influence at global level increased, the notable change has been a conciliatory approach towards the neighbours. It is recognized that a peaceful and friendly neighbourhood is necessary for India to occupy its due place in world affairs as a credible emerging power. It is said that no nation can become a credible power without the neighbourhood recognizing its primacy in the region. Therefore, taking care of neighbourhood has become even more important in the context of India's high and sustained economic growth rate over the past quarter of a century. India's rapid economic growth is despite its poor economic relations with neighbours. China is strongly present in India's neighbourhood. India's immediate neighborhood is a conflict-ridden region. Power dynamics could change rapidly. The region requires foremost attention and allocation of large resources on India's part.

MODE QUESTIONS :

a. Explain the Tashkent declaration of 1965 was between India and Pakistan?

Write about the 1947 - 48 War between India and Pakistan?

Discuss the Shimla agreement between India and Pakistan?

Write about the Indo-Pakistan War of 1971?

Discuss the military relations between India and Maldives?

b. Write about the Martine treaty of 1976 between India and Maldives?

Explain the commercial relations between India and Maldives?

Write about the Drinking Water crisis between India and Maldives?

Explain the 2011 - 2015 political crisis of Maldives?

Discuss the key roll of India in the emergence of Bangladesh?

Write a note on the Farakka barrage?

Write about the surrender of Pakistan Army?

Explain the Border agreement between India and Bangladesh?

Examine the sharing of Ganga Water between India and Bangladesh?

Discuss the Tamil problem in Sri Lanka?

Write a note on Rajiv-Jaya Wardhane accord?

Explain the withdraw of Indian peace keeping force form the soil of Sri Lanka?

Write a note on A crack relations between India and Sri Lanka?

What are the causes to relations on the way towards improvement between India and Sir Lanka?

Analysis the Nepal as a zone of peace?

Explain the stresses and strains in relationship between India and Nepal?

Write a note on Trade and transit treaty of August, 1971?

MULTIPLE CHOICE QUESTIONS:

a. India and Pakistan are two _____ neighbors

SOUTH ASIAN NEIGHBORS / SOUTH EAST NEIGHBORS / MIDDLE EAST NEIGHBORS

b. A conflict started between India and Pakistan in the areas of _____

SIACHEN DISPUTE / JAMMU AND KASHMIR / KARGIL WAR

c. Maldives located Lakshadweep I lands of South India in _____

INDIAN OCEAN / SPECIFIC OCEAN / ARABIAN SEA

d. The emergence of Bangladesh in _____ year

1981 / 1961 / 1971

e. Prime Minister Modi's visit to Sri Lanka on _____

30th May 2019 / 30th June 2019 / 30th July 2019

f. Sirimavo and L B Shashthri agreement _____ in the year

1964 / 1984 / 1994

g. Smt Indira and Sirimavo agreement _____ year

1986 / 1976 / 1974

h. Nepal is a part of India _____ realm

Cultural / educational / Literal

i. Visit of Prime Minister of Nepal to India on _____

20th October 2011 / 20th November 2011 / 30th December 2011

Q. Which one among the following South Asian countries has the highest population density? (2009)

(a) India

b) Nepal

(c) Pakistan

(d) Sri Lanka

• • •

30. India and other Important Nations of Political Entities (USA, Russia, China and European Union)

Objectives

- To understand the relations between India and United States over a period of time.
- To understand the historically maintained India's close relationship with Russia
- To understand the multifaceted relationship between India and China
- To understand the multidimensional relationship with European Union(EU)

Introduction

India has a diverse set of relationships with countries around the world, based on various factors such as political, economic, strategic, and cultural ties. In this lesson we study the various key aspects of India's relationships with countries like United States, Russia, China and European Union. India's relationships with these countries are subject to various geopolitical factors, historical issues, and evolving regional dynamics. The nature and dynamics of these relationships effected the changing circumstances and priorities of Indian foreign policy. India has been striving to maintain diplomatic relations with different countries around the world. Its foreign policy is guided by principles such as non-alignment, peaceful coexistence, and fostering mutually beneficial partnerships.

India's relationship with USA

The relationship between India and the United States has evolved significantly since India gained independence in 1947. Initially, the two countries maintained a somewhat distant relationship, with India pursuing a policy of non-alignment during the Cold War and the United States supporting Pakistan as a key ally in the region. However, over time, the relationship between India and the US has grown closer and more multifaceted. However, at present both India and the United States collaborate with each other on certain global issues like climate change, cyber security and the Quad initiative (comprising India, the United States, Japan, and Australia). Here's an overview of the India's relationship with United States:

- 1. Cold War Era:** During the Cold War, India pursued a non-aligned foreign policy, maintaining equidistance from the two superpowers, the United States and the Soviet Union. However, India's relationship with the US was strained due to American support for Pakistan, particularly during the India-Pakistan conflicts of 1965 and 1971.
- 2. Post-Cold War era:** Indo-US relations began to improve. The end of the Cold War, the emergence of a more globalized world order and dominance of US in world politics created opportunities for closer cooperation. Economic reforms in India and the growth of its IT industry further strengthened ties between the two countries.
- 3. Nuclear Cooperation:** A major turning point came in 2005 when the US and India signed the Civil Nuclear Cooperation Agreement, also known as the "123 Agreement." This landmark deal allowed for civilian nuclear cooperation between the two countries, despite India not being a signatory to the Nuclear Non-Proliferation Treaty. This agreement marked a significant shift in US policy towards India and opened up avenues for increased collaboration in various fields.
- 4. Strategic Partnership:** In recent years, India and the US have developed a strategic partnership based on shared democratic values, economic cooperation, and mutual security concerns. The countries have engaged in joint military exercises, intelligence sharing, and defense technology cooperation. In 2016, the US designated India as a "Major Defense Partner," facilitating defense trade and technology transfer.
- 5. Economic Relations:** Economic ties between India and the US have also deepened. The US is one of India's largest trading partners, and both countries have sought to increase bilateral trade and investment. However, issues such as trade imbalances, intellectual property rights, and market access remain points of contention.
- 6. Counterterrorism and Security Cooperation:** India and the US have cooperated closely in combating terrorism and promoting regional stability. They have shared intelligence and coordinated efforts to counter extremist groups. The US has supported India's efforts to address cross-border terrorism, particularly emanating from Pakistan.
- 7. Climate Change and Clean Energy:** India and the United States have been collaborating on addressing climate change and promoting clean energy. The two countries have launched initiatives such as the US-India Partnership to Advance Clean Energy (PACE) and have worked together on global platforms like the Paris Agreement.
- 8. Defense Cooperation:** Indo-US defense and strategic cooperation has been growing steadily. In October 2020, India and the US signed the Basic Exchange and Cooperation Agreement for Geospatial Intelligence which allows a higher level of military cooperation in technology, interoperability, and defense manufacturing. The Agreement largely relates to geospatial intelligence, and sharing information on maps and satellite images for defense. It will provide Indian military systems with a high-quality GPS to navigate and missiles with real-time intelligence to precisely target the adversary. Moreover, it will give access to topographical and aeronautical data and products that will aid navigation and targeting.

- 9. Quad Cooperation:** The Quadrilateral Security Dialogue, or Quad, has emerged as a significant platform for cooperation among India, the United States, Australia, and Japan. The Quad aims to promote a free and open Indo-Pacific region and has focused on issues such as maritime security, infrastructure development, and supply chain resilience.
- 10. People-to-People Ties:** Indo-US people-to-people ties have been significant, with a large Indian diaspora residing in the United States. Education, research, and cultural exchanges play an essential role in fostering bilateral relations. The US remains a popular destination for Indian students, and initiatives like the Fulbright-Nehru program facilitate academic exchanges.
- 11. Cultural Exchanges:** Indo-US cultural exchanges have been on the rise, with increased collaboration between artists, musicians, dancers, filmmakers, and scholars from both countries. These exchanges help foster a better understanding of each other's cultures and traditions.
- 12. Education and Scholarly Exchanges:** Educational ties between India and the US have strengthened over the years. Indian students continue to be one of the largest international student communities in the US, contributing to academic and cultural diversity on American campuses. Many American universities have also established collaborations with Indian institutions, fostering research partnerships and academic exchanges.

India and the United States have been deepening their strategic partnership, which was elevated to a "Global Strategic Partnership" in 2004. The two countries have been collaborating on a wide range of issues, including defense, counterterrorism, trade, energy, and people-to-people exchanges. The Indian diaspora in the United States plays a crucial role in strengthening cultural ties. Indian-Americans have excelled in various fields and have made significant contributions to American society, including politics, business, academia, and the arts.

India's relationship with Russia

India and Russia (formerly Soviet Union) had a long-standing relationship since India gained independence in 1947. The bilateral ties between the two nations have been characterized by close cooperation in various fields, including defense, trade, science and technology, and cultural exchange. During the 1971 Indo-Pakistani War, the Soviet Union supported India diplomatically and militarily. The Soviet Union also provided significant economic and military assistance to India. After the disintegration of Soviet Union, India continued to maintain friendly relations with Russia. The two countries signed the Treaty of Friendship and Cooperation in 1993, ensuring the continuity of their partnership. The disintegration of the Soviet Union in 1991 had a significant impact on India-Russia relations. Russia emerged as its successor state. Some of the important aspects of the India and Russian relations are as follows:

- 1. Cold War Era:** During the Cold War, India pursued a policy of non-alignment and maintained close ties with the Soviet Union. India's first Prime Minister, Jawaharlal Nehru, developed a strong friendship with Soviet leaders like Nikita Khrushchev.

- 2. Economic Cooperation:** India and Russia have aimed to strengthen economic ties over the years. They have explored opportunities in sectors like energy, pharmaceuticals, information technology, and agriculture. However, bilateral trade has remained relatively modest compared to the potential.
- 3. Collaboration for the establishment of steel industry:** The collaboration between India and the Soviet Union during the early years of India's independence laid a strong foundation for the development of the steel industry in the country. The Soviet Union played a significant role in providing technical expertise, equipment, and financial assistance for the construction of the steel plants in India for the establishment of the Bhilai Steel Plant in Chhattisgarh, Rourkela Steel Plant in Odisha, Bokaro Steel Plant in Jharkhand and The Visakha Steel Plant in Visakhapatnam, Andhra Pradesh, India.
- 4. Defense Cooperation:** India and Russia have had a robust defense relationship for several decades. Russia has been a major supplier of defense equipment to India, including aircraft, tanks, missiles, and submarines. The two countries have also engaged in joint military exercises and technology transfers.
- 5. Indo-Soviet Treaty of Friendship and Cooperation:** In 1971, India and the Soviet Union signed the Indo-Soviet Treaty of Friendship and Cooperation, which further solidified their strategic partnership. The treaty emphasized mutual support in areas of defense, trade, and technology.
- 6. Strategic Partnership:** In 2000, India and Russia elevated their relationship to a "strategic partnership." This declaration aimed to enhance cooperation in areas such as defense, space exploration, energy, and counterterrorism.
- 7. Nuclear Energy Cooperation:** Russia has been involved in the construction of nuclear power plants in India. The Kudankulam Nuclear Power Plant in Tamil Nadu is a prominent example of their collaboration in the nuclear energy sector.
- 8. Space Cooperation:** India and Russia have a history of space cooperation. Russia has been instrumental in assisting India's space program, establishment of ISRO and in the launching Indian satellites by using Russian rockets. The transfer of cryogenic technology from Russia to India is an important aspect of their space cooperation and highlights the collaborative efforts between the two countries in the field of space exploration.
- 9. Cultural Exchanges:** India and Russia have a long history of cultural exchanges. Cultural events, festivals, and exhibitions are regularly organized in both countries to promote cultural understanding and strengthen bilateral ties. These exchanges encompass various art forms, including dance, music, theater, cinema, and literature. India and Russia have fostered cultural ties through various exchange programs to showcase their cultural heritage and foster greater understanding between their peoples
- 10. Educational and Scholarly Exchanges:** There has been a significant focus on academic and scholarly exchanges between India and Russia. Educational institutions

in both countries collaborate on research projects, student exchanges, and faculty visits. This exchange facilitates cultural interaction and promotes a better understanding of each other's traditions and customs.

- 11. Contemporary Relations:** In recent years, India-Russia relations have remained strong. Russian President Vladimir Putin and Indian Prime Minister Narendra Modi have held multiple bilateral meetings and maintained regular contact. They have emphasized cooperation in areas such as defense, space, energy, and connectivity projects like the International North-South Transport Corridor.

Despite the evolving geopolitical landscape and India's increasing engagement with other countries, the strategic partnership between India and Russia has endured. The historical ties, shared values, and mutual interests continue to underpin the relationship between the two nations.

India's relationship with China

The relationship between India and China since their independence has been complex and marked by both cooperation and conflicts. When the People's Republic of China was established in October 1949, two central narratives formed in the CCP: that China was the dominant Asian power without an equal in the region and that the United States was the primary adversary. India's role in Asia as being as important as its own and did not look upon it as an equal, declassified papers also reveal that there was deep distrust of the country within the highest levels of the Chinese party-state from the beginning. The core of China's India policy consisted of two main strands. First, India must be deterred from becoming a U.S. camp follower, and policy should be crafted to keep it neutral on important matters of concern to China. Second, India's standing and influence in the developing world should be utilized to build "Asian solidarity" as a bulwark to stop further U.S. inroads into Asia.

Keeping India away from the United States became a key objective of China's policy.²⁵ Persuasion and pressure were used for this purpose.

Here is an overview of their relationship:

- 1. Early Years (1950s-1960s):** India was one of the first countries to recognize the People's Republic of China after its establishment in 1949. Both countries aimed to establish friendly relations, signing Panchasheel, the Five Principles of Peaceful Coexistence in 1954. However, border disputes soon emerged, particularly over the regions of Aksai Chin and Arunachal Pradesh. The disagreement led to the Sino-Indian War in 1962.
- 2. Post-War Years (1970s-1980s):** Diplomatic relations between the two countries were frozen after the war, but in the early 1970s, both sides made efforts to normalize relations. In 1978, Indian Prime Minister Morarji Desai made a historic visit to China, marking a significant step toward improving bilateral ties. Throughout the 1980s, both countries engaged in dialogue and border negotiations to find a peaceful resolution to their territorial disputes.

- 3. 1990s and Beyond:** In the 1990s, India and China undertook several confidence-building measures and signed agreements to maintain peace along their shared border. Economic relations between the two nations expanded rapidly, with bilateral trade growing significantly. However, border tensions continued to simmer, and in 1999, a brief conflict erupted in the Kargil region of India-administered Kashmir, which did not directly involve China but had its support for Pakistan.
- 4. Economic Relations:** China is one of India's largest trading partners, with significant bilateral trade between the two countries. However, there have been concerns in India regarding the trade imbalance, as well as issues related to market access and protection of intellectual property rights.
- 5. Regional Cooperation:** India and China are both members of several regional organizations, such as the Shanghai Cooperation Organization (SCO) and the BRICS grouping (Brazil, Russia, India, China, South Africa). These platforms provide opportunities for engagement and dialogue between the two countries on regional and global issues.
- 6. Strategic Competition at Indian Ocean Region:** There is an element of strategic competition between India and China, particularly in the Indian Ocean region. Both countries have been strengthening their naval capabilities and expanding their presence in the region.
- 7. Recent Developments:** In 2017, a military standoff occurred between Indian and Chinese forces at Doklam, a disputed area between China, India, and Bhutan. The standoff was resolved peacefully after several months of negotiations. Border tensions escalated again in 2020, resulting in a deadly clash between Indian and Chinese troops in the Galwan Valley, leading to casualties on both sides. The two countries have since engaged in multiple rounds of military and diplomatic talks to ease tensions and disengage from the disputed border areas.
- 8. Wuhan Informal Summit (2018):** Indian Prime Minister Narendra Modi and Chinese President Xi Jinping held a first informal summit in Wuhan, China. The summit aimed to improve bilateral relations and enhance strategic communication between the two countries. The summit aimed at ensuring higher levels of strategic communications between India and China.
- 9. Mamallapuram Informal Summit (2021):** The recent Mamallapuram Summit has begun a "New Era of Cooperation" between India and China. It was decided to have a High-Level Economic and Trade Dialogue mechanism to be established to enhance trade and commercial relations between both the countries. India-China agreed to support and strengthen the rules-based multilateral trading system. Also promised to work together for open and inclusive trade arrangements to maintain inclusive international order. Both countries recognized the joint efforts to ensure that the international community strengthens the framework against training and financing terrorist groups throughout the world and on a non-discriminatory basis.
- 10. Belt and Road Initiative (BRI):** China's ambitious infrastructure project, the Belt and Road Initiative, has raised concerns in India due to its flagship project, the

China-Pakistan Economic Corridor (CPEC), passing through Pakistan Occupied Kashmir (PoK) and severely infringes on India's sovereignty which India considers an integral part of its sovereign territory. India further sees the BRI, and specifically the CPEC, as bolstering China's strategic influence in the region. The corridor's proximity to India's northwestern border raises concerns about the potential for increased Chinese military presence in the region, which could affect the strategic balance. Moreover, India states that any infrastructure development in PoK should be done with its consent.

The relationship between India and China has seen periods of cooperation, especially in economic matters, but has also been marred by territorial disputes and occasional military confrontations. Both countries continue to navigate their complex relationship and work towards maintaining stability in the region. **Border Disputes:** One of the major issues between India and China is their unresolved border disputes. The most notable one is the long-standing territorial dispute over the region of Aksai Chin, which led to a brief war between the two countries in 1962. Disputes also exist in the eastern sector of the border.

India's relationship with European Union (EU):

India being amongst the first countries to establish diplomatic relations with the European Economic Community in 1962. The first India-EU Summit was held in Lisbon (Portugal) in 2000. Since then, fifteen annual bilateral Summits have been held between India and the EU. The relationship was upgraded to a 'Strategic Partnership' during the 5th India-EU Summit held at Hague (Netherlands) in 2004. The bilateral Strategic Partnership encompasses dialogue mechanisms covering a wide range of issues including trade, energy security, science & research, non-proliferation and disarmament, counter terrorism, cyber security, counter-piracy, migration and mobility, etc.

- 1. Political Cooperation:** India and the EU engage in regular political dialogue and hold summits to discuss bilateral and global issues. They share common concerns on global challenges such as climate change, terrorism, and regional security. Both sides seek to strengthen their strategic partnership through regular high-level visits and consultations.
- 2. Trade and Economic Relations:** The EU is one of India's largest trading partners. Bilateral trade between India and the EU has been growing steadily over the years. The EU is a significant destination for Indian exports, particularly in sectors such as information technology, pharmaceuticals, textiles, and agricultural products. Efforts have been made to enhance trade relations through negotiations on the India-EU Free Trade Agreement (FTA).
 - i. The EU as a whole is India's largest trading partner while India was EU's 9th largest trading partner in 2018.
 - ii. India is also the fourth largest service exporter to the EU and the sixth largest destination for service exports from the EU.
 - iii. EU is the largest source of Foreign Direct Investment (FDI) into India.

iv. India and the EU are in the process of negotiating a bilateral Broad-based Trade and Investment Agreement (BTIA) since 2007

- 3. Investment and Technology:** The EU is a major source of foreign direct investment (FDI) in India. Many European companies have invested in sectors such as automotive, energy, telecommunications, and infrastructure in India. Collaboration in research and development, innovation, and technology transfer is also an important aspect of the relationship.
- 4. Development Cooperation:** The EU provides development assistance to India, focusing on areas such as sustainable development, renewable energy, education, and skill development. Development cooperation programs aim to support India's inclusive growth and poverty reduction efforts.
- 5. Cultural Exchanges and People-to-People Contacts:** India and the EU promote cultural exchanges, academic collaborations, and tourism to enhance mutual understanding. Educational and research collaborations, scholarships, and exchange programs are encouraged to strengthen people-to-people contacts.
- 6. Climate Change and Sustainable Development:** India and the EU cooperate on climate change mitigation, adaptation, and clean energy transition. The EU supports India's efforts to achieve its climate goals and sustainable development objectives through various initiatives, including technology transfer, capacity building, and financial assistance.
- 7. Multilateral Cooperation:** India and the EU closely cooperate in multilateral forums such as the United Nations, World Trade Organization (WTO), and G20. They work together on various global issues, including peacekeeping, human rights, global health, and counterterrorism.

India and the European Union (EU) have engaged in various agreements and treaties covering a wide range of areas, including trade, investment, political cooperation, and cultural exchanges. Here are some key agreements and treaties between India and the EU:

- 1. Cooperation Agreement (1994):** Signed in 1994, this agreement established a framework for cooperation between India and the EU in various fields, including economics, science and technology, and cultural exchanges.
- 2. EU-India Free Trade Agreement (FTA) Negotiations:** The EU and India have been negotiating a comprehensive FTA since 2007, aiming to enhance trade and investment between the two parties.
- 3. Strategic Partnership:** In 2004, India and the EU established a Strategic Partnership, focusing on political dialogue, security, and counterterrorism cooperation. This partnership aims to strengthen bilateral relations and address global challenges. The EU and Indian leaders' agreed to resume negotiations for a "balanced, ambitious, comprehensive and mutually beneficial" trade agreement, and to launch separate negotiations on an investment protection agreement and an agreement on geographical indications (GIs).

4. Joint Action Plan (2005): The Joint Action Plan provides a framework for cooperation in various sectors, including trade and investment, energy and climate change, science and technology, and education and cultural exchanges. At the 2005 EU-India Summit, held in 2005, leaders adopted the EU-India Joint Action Plan (the 'JAP') for the Strategic Partnership.

5. The JAP included five sections:

- Strengthening dialogue and consultation mechanisms;
- Political dialogue and cooperation;
- Bringing together peoples and cultures;
- Economic policy dialogue and cooperation;
- Developing trade and investment.

Three years later, in 2008, the Plan was updated. The 2008 JAP contained a review of the accomplishments related to the goals of the 2005 JAP. The updated document also identified four new activities, with the objective of promoting international peace and security and working together towards achieving economic progress, prosperity and sustainable development:

- Promoting peace and comprehensive security;
- Promoting sustainable development;
- Promoting research and technology;
- Promoting people-to-people and cultural exchanges.

5. Science and Technology Cooperation Agreement (2001): This agreement promotes cooperation in science, technology, and innovation between India and the EU. It includes collaboration in research and development, exchange of scientists and researchers, and joint projects. It is expected to enhance research and innovation cooperation in different fields like Water, Energy, Healthcare, Aristech & Biotech, Integrated Cyber-Physical Systems, Information and Communication Technologies, Nanotechnology, and clean technologies, etc. It will also strengthen the institutional linkages in research, exchange of researchers, students, startups and attract co-investment of resources for co-generation of knowledge.

6. Civil Aviation Agreement (2008): The Civil Aviation Agreement enables airlines from India and EU member states to operate flights between the two regions. It facilitates air connectivity, promotes tourism, and enhances economic ties.

7. Horizon 2020: India is associated with the EU's Horizon 2020 program, which is a research and innovation framework. It allows Indian researchers, research institutions, universities working in the area of science, technology and innovation will be able to team up with their European partners to participate in projects under H2020 and make best use of Europe's excellent opportunities in research and innovation.

It's important to note that the status and details of agreements can change over time, and there may be additional agreements beyond my knowledge cutoff. It's advisable to refer to official sources or the respective governments' websites for the most up-to-date information on agreements and treaties between India and the EU.

Summary:

- India-U.S. relations have improved significantly in recent years. They share strategic interests in areas such as defense, counterterrorism, trade, and technology. The two countries engage in regular high-level dialogues and have signed important agreements. India has historically maintained close ties with Russia, rooted in defense cooperation, economic partnerships, and cultural exchanges. The countries collaborate in defense technology, nuclear energy, and space exploration. India-China relations are complex. While they share a border and engage in trade, there have been occasional tensions, including territorial disputes. Efforts have been made to manage differences through dialogue and economic cooperation. India's relationship with the European Union (EU) is multifaceted, covering trade, investment, and development cooperation. Negotiations have been ongoing for a free trade agreement, and both sides collaborate on various global issues. The relationship has evolved over time and is based on shared values, democratic principles, and mutual interests. The EU is India's largest trading partner, and both parties have engaged in negotiations for a comprehensive free trade agreement called the EU-India Broad-based Trade and Investment Agreement (BTIA) since 2007. However, the BTIA has faced challenges and has not been finalized yet.

Despite the changing global dynamics and India's diversification of foreign relationships, the India maintains its relationship with other countries based on historical bonds, shared values, and strategic interests, and India continues to work towards strengthening its ties in various fields.

Questions :

- 1. Explain Indo-US relations evolved over the decades (8 Marks)**
- 2. Examine the evolution of India's relationship with the European Union (8 Marks)**
- 3. Explain Indo Russian economic and defence cooperation (4 Marks)**
- 4. What is EU-India Joint Action Plan (the 'JAP') for the Strategic Partnership? (4 Marks)**
- 5. Quad Cooperation (2 Marks)**
- 6. Belt and Road Initiative (BRI) (2 Marks)**

7. the Correct answer from the following Multiple choice questions. (1 mark each)

i) The "US-India Civil Nuclear Agreement," also known as the

123 Agreement, pertains to which area

a) Trade partnership

b) Military alliance

c) Nuclear cooperation

d) Environmental protection

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ii. The Kudankulam Nuclear Power Plant, a significant symbol of Indo-Russian collaboration, is located in which Indian state?

a) Maharashtra

b) Tamil Nadu

c) Kerala

d) Gujarat

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iii. Indo-China War of 1962 was primarily fought over a border dispute in which region

a) Kashmir

b) Arunachal Pradesh

c) Ladakh

d) Sikkim

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iv. Which Indian leader initiated the policy of "Panchsheel" (Five Principles of Peaceful Coexistence) in relations with China?

a) Jawaharlal Nehru

b) Indira Gandhi

c) Atal Bihari Vajpayee

d) Rajiv Gandhi

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v. The European Union (EU) and India established a strategic partnership in which year

a) 1991

b) 2000

c) 2004

d) 2010

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31. THE UNITED NATIONS ORGANIZATION

After going through this unit, you will be able to:

- Discuss the Significance of UN in post-cold war politics
- Discuss the organs of UNO
- Discuss the reforms for UN

Introduction

Disastrous World Wars The 20th century had seen two World Wars that left a legacy of misery and depression in nearly every country. The wars cost billions of dollars. Millions lost their lives and many people became disabled, homeless, and unemployed. The peace treaties signed after the First World War sowed the seeds of bitterness and conflict leading to the Second World War. All the countries feared that the Second World War could be the cause of a Third World War which might lead to the end of the world.

Destructive Weapons, like atom bombs, were invented and used during the Second World War. After the bitter experience of two world wars within a span of 25 years, the world leaders of Allied governments like the US president Roosevelt and the British Prime Minister Winston Churchill realised the potential danger of wars to humanity. They held many discussions that finally led to the formation of the United Nations Organisation (UNO). The text for the UN Charter was drafted at the San Francisco Conference held in June 1945. The Charter was signed by 50 participating nations. The United Nations formally came into existence on October 24, 1945 when the Charter was ratified by 29 nations including the five permanent members of the Security Council. Since then, October 24 is celebrated every year throughout the world as the United Nations Day.

OBJECTIVES OF UNITED NATIONS

OBJECTIVES, PURPOSE AND PRINCIPLES OF UNITED NATIONS

The constitution of the United Nations is the Charter of the UN. It has nineteen chapters which are divided into 111 articles that explain the purposes, principles and operating methods of the organization.

OBJECTIVES OF UNITED NATIONS

The objectives of the UN are enshrined in the preamble to the Charter of UN. It has the four objectives as mentioned below:

- (a) To save the succeeding generations from the scourge of war
- (b) To reaffirm faith in fundamental human rights, in the work and dignity of the human person and equal rights of men, women and nations large and small.
- (c) To establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and
- (d) To promote social progress and better standard of life in larger freedom.

(I) PURPOSE OF UNITED NATIONS

The purpose of the UN has been set forth in Article 1 of the Charter. These are mentioned as follows:

- (a) Maintenance of international peace and security
- (b) Development of friendly relations among nations
- (c) International cooperation in solving problems of economic, social, cultural and humanitarian nature; promotion and encouragement of respect for human rights and fundamental freedoms; and
- (e) To be a center of harmonizing the actions of nations to achieve the above ends.

(II) PRINCIPLES OF UNITED NATIONS

To fulfill the purposes of the UN, the following principles are envisaged in Article 2 of the Charter. It has been mentioned as follows:

- (a) The organization is based on the principle of the sovereign equality of all its members.
- (b) All members shall fulfill in good faith the obligation they have assumed under the Charter.
- (c) The members shall settle their international disputes by peaceful means.
- (d) The members shall refrain in their international relations from the threat or use of force in any manner inconsistent with the purpose of the UN.

PRINCIPAL ORGANS OF UNITED NATIONS

The United Nations has six official languages : Arabic, Chinese, English, French, Russian, and Spanish. As we have discussed in the previous section, the six principal organs of the UN are:

- (a) TheGeneralAssembly
- (b) TheSecurityCouncil
- (c) TheEconomicandSocialCouncil
- (d) TheSecretariat
- (e) TheInternationalCourtofJustice and
- (f) TheUnitedNationsTrusteeshipCouncil

The General Assembly

The General Assembly is the main deliberative Organ of i the UN. The work of the United Nations is determined by the will of the majority of the members as expressed in resolutions adopted by the Assembly. While the decisions of the Assembly have no legally binding force for Governments, they carry the weight of world opinion on major international issues, as well as the moral authority of the world community:

Composition

All members of the United Nations are members of the General Assembly. Each State has five representatives in the General Assembly, but each State has one vote.

The regular session of the General Assembly begins each year on the third Tuesday in September and continues usually until the third week of December. At the start of each regular session, the Assembly elects a new President, 21 Vice-Presidents and the Chairmen of the Assembly's six Main Committees. To ensure equitable geographical representation, the presidency of the Assembly rotates each year among five groups of States: Africa, Asia, Eastern Europe, Latin America and Caribbean, and Western Europe and other States. Special sessions are convened by the Secretary-General at the request of the Security Council or by a special request by a majority of members.

Decisions on important matters are made by a two-third majority. These matters include: the election of the non-permanent members of the Security Council, admission of new members, the suspension or expulsion of members, budgetary issues, etc. Decisions on other questions are made by a majority of members present and voting.

Powers and Functions

Under the Charter, the powers and functions of the General Assembly include the following:

1. To consider and make recommendations on the principles of cooperation, in the maintenance of international peace and security;
2. To discuss any question relating to international peace and security
3. To discuss and make recommendations on any question within the scope of the Charter or affecting the powers and functions of any organ of the United Nations,

4. To make recommendations for the peaceful settlement of disputes.
5. To receive and consider reports from the Security Council and other organs of the United Nations.
6. To consider and approve the budget of the United Nations and to apportion the contributions among members.
7. To elect the non-permanent members of the Security Council, the Economic and Social Council and the Trusteeship Council, and to elect the judges of the International Court of Justice.
8. To appoint the Secretary-General on the recommendation of the Security Council.

The Security Council

The Security Council is the executive body of the United Nations. It has the primary responsibility for the maintenance of international peace and security. It functions continuously. A representative of each of its members must be present at all times at the United Nations Headquarters.

Composition The Council consists of 15 members. It has five permanent members China, France, Russia, Britain and the United States of America. The regional representation of the ten non-permanent members is (i) Afro-Asian countries 5; (ii) Latin American countries (ii) West European and other countries (iv) East European countries 1. The ten non-permanent members are elected by the General Assembly by a two-third majority a term of two years. A retiring member is not eligible for immediate re-election. The Presidency of the Council rotates monthly, according to the English alphabetical listing of its member States.

Veto Power : Each member of the Security Council has one vote. Decisions on procedural matters are made by an positive vote of the members, including the concurring votes of all five permanent members. The negative vote of a permanent member is called a veto. The Council is powerless to act if any of the five permanent members uses the veto power. However, abstinence from voting does not amount to a negative vote or veto.

Power and Functions

- (i) To maintain international peace and security in accordance with the principles and purposes of the United Nations;
- (ii) To investigate any dispute or situation which might lead to international friction and to take military action against an aggressor.
- (iii) To recommend methods of adjusting such disputes or the terms of settlement;
- (iv) To formulate plans for the establishment of a system to regulate armaments;
- (v) To determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken;

- (vi) To call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression; to take military action against an aggressor;
- (Viii) To recommend the admission of new Members;
- (ix) To exercise the trusteeship functions of the United Nations in "strategic areas";

International Court of Justice

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It has been established in 1945 according to the Statute of the International Court of Justice which forms an integral part of the UN Charter. The Statute of the International Court of Justice, similar to that of its predecessor, is the main constitutional document constituting and regulating the Court. It is based on the Permanent Court of International Justice which was prepared by the League Council and has been unanimously approved by the League Council in 1920.

It is located in The Hague, Netherlands and is based in the Peace Palace in The Hague, Netherlands, sharing the building with the Hague Academy of International Law, a private centre for the study of international law. The Court began work in 1946 as the successor to the Permanent Court of International Justice. Its purpose is to adjudicate disputes among states. The court has heard cases related to war crimes, illegal state interference and ethnic cleansing, among others, and continues to hear cases.

Membership of International Court of Justice

All the members of the United Nations are ipso facto member of the International Court of Justice. A state which is not member of the United Nations can also become a party to the statute of the Court.

Composition of International Court of Justice

The International Court of Justice consists of fifteen judges elected by the General Assembly and the Security Council, voting independently. The Judges are elected on the basis of their merit and their high moral character and not on the basis of their nationality. It carefully elects the judges so that no two judges can be nationals of the same state. This has been done in order to ensure that no country or group dominate the courts.

Functions and Powers of International Court of Justice

The International Court of Justice has a dual role to settle, in accordance with international law, the legal disputes submitted to it by the States, and to give advisory opinions on legal questions referred to it by duly authorised international organs and agencies.

i) Settlement of disputes

The Court hears all the cases involving the sovereign states which have accepted the Statute of the Court. The other states can also take their disputes to the court on fulfillment of conditions laid down by the Security Council.

Although, the court does not enjoy any compulsory jurisdiction, the states who are party to the statute may at any time declare that they recognize as compulsory ipso facto and without special agreements, in relation to any other states accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning the following:

- (a) The interpretation of a treaty
- (b) Any question of international laws
- (c) The existence of any facts which if, established, would constitute a breach of an international obligation
- (d) The nature of extent or the reparation to be made for the breach of an international obligation.

(ii) Law applied

The International Court of Justice decides the case referred in accordance to the international law, international conventions and the general principles of law recognized by civilized nations. In addition, to this the court also makes use of judicial decisions and teachings of highly qualified publicists of various countries to determine the rules of law.

The Court does not enjoy any enforcement power. It has to mainly rely on two factors for the enforcement of its decisions. Firstly, each member of the United Nations has an obligation to comply with the decisions of the Court in any case to which it is as under. In other words, if the state has agreed to submit the case to the court, it would accept the decisions of the court.

Secondly, the Security Council can undertake enforcement action to give effect to the judgments of the Court, the other party, the other party may have recourse to the Security Council, which may if it deems necessary, make recommendations or decide upon measures to be taken or give effects to the judgments.

(iii) Advisory opinions

The International Court of Justice also enjoys power to give advisory opinion to the General Assembly, the Security Council and other specialized agencies of the United Nations, on legal questions. While seeking such an opinion the agency has to submit in writing the request containing an exact statement of the question upon which an opinion is required as well as all the documents likely to throw light upon the question. Besides, the advice of the court is more like an advice than a decision and the Court does not render advisory opinion on its own.

Economic and Social Council (ECOSOC)

The framers of the UN Charter were fully aware of the importance that the social and economic conditions for preserving world peace. Therefore the Economic and Social Council (ECOSOC) has been established to co-ordinate the economic and social work of the United Nations along with the specialized agencies and institutions to assist the General Assembly in promoting international economic and social co-operation and development.

The ECOSOC is one of the six principal organs of the United Nations that operate under the authority of the General Assembly in accordance with the Article 55 of the UN Charter. The article also enjoins the United Nations to create conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of the people. It is responsible for promoting higher standards of living, full employment and economic and social progress. The Economic and Social Council (ECOSOC) has fifty-four members. Each year the General Assembly elects eighteen members for a period of three-year term but the retiring members are eligible for immediate re-election. The president is elected for a one-year term and chosen amongst the small or middle powers represented on ECOSOC.

Trusteeship Council :

The UN Charter established the Trusteeship Council as one of the main organs of the United Nations, and assigned to it the task of supervising the administration of Trust Territories placed under the International Trusteeship System. The main goals of the International Trusteeship System were to promote the advancement of the inhabitants of Trust Territories and their progressive development towards self-government or independence. The Trusteeship Council is made up of the five permanent members of the Security Council -- China, France, the Russian Federation, the United Kingdom and the United States. The aims of the Trusteeship System have been fulfilled to the extent that all Trust Territories have attained self-government or independence, either as separate States or by joining neighbouring independent countries.

The Trusteeship Council suspended its operations on 1 November 1994, a month after the independence of Palau, the last remaining United Nations trust territory. By a resolution adopted on 25 May 1994, the Council amended its rules of procedure to drop the obligation to meet annually and agreed to meet as occasion required -- by its decision or the decision of its President, or at the request of a majority of its members or the General Assembly or the Security Council.

Secretariat

The United Nations Secretariat carries out the day-to-day work of the UN as mandated by the General Assembly and the Organization's other main organs. At its head is the Secretary-General, who is appointed by the General Assembly on the recommendation of the Security Council for a five-year, renewable term.

The duties carried out by the Secretariat areas varied as the problems deal with by the United Nations. These range from administering peace-keeping operations to mediating international disputes, from surveying economic and social trends and problems to preparing studies on human rights and sustainable development. Secretariat also forms the world's communications media about the work of the United Nations; organizes international conferences on issues of world-wide concern; and interprets speeches and translates documents into the Organization's official languages.

The Secretariat has offices located at the headquarters of the United Nations in New York. It also has branch offices at Geneva, Vienna and Nairobi.

Critical Evaluation of United Nations

The United Nations stands at a crossroads. Unlike its predecessor, the League of Nations, it has endured, and in its seventy-five years as the largest and most representative global multilateral institution, it has recorded many successes. UN reform has been on the agenda since the organization was created in 1945. . The world looks vastly different economically, socially, and technologically than it did when it emerged from the ashes of World War II. The distribution of power has also shifted considerably. Global institutions need to reflect these changes or lose legitimacy UN reform is not a new issue. Yet it has gained a new urgency. Beyond the pandemic, other challenges are pressing: climate change, nuclear proliferation, artificial intelligence, the digital economy, and international terrorism.

The greatest challenge confronting the organization-one that has repeatedly rendered it unable to act decisively on critical global issues-is inflexibility among the permanent members of the Security Council in the eyes of the emerging players, whether governments or their people..Reforming the Security Council to be more inclusive, representative, transparent, and effective, and to demonstrate greater cooperation and consensus-building, therefore remains critical to the United Nations' overall success.

The Security Council as currently constituted in terms of membership, functions, and powers cannot effectively respond to the myriad crises engulfing the world. As powerful countries move toward unilateralism, populism, and nationalism at the expense of multilateralism and collective action, a united and forward-looking Security Council capable of effectively driving the wider United Nations to achieve its goals is sine qua non.From an African perspective, reform of the Security Council should be in line with the Ezulwini Consensus, which proposes two additional permanent seats and two additional elected seats for Africa. Under this proposal, the two permanent members would be granted all prerogatives and privileges of permanent membership, including veto power.

The security dynamics in the immediate aftermath of World War II focused on managing a divided Europe and safeguarding its peripheries from the Soviet bloc. Today, the Indo-Pacific is driving the global economic and political agenda. Global institutional frameworks should reflect this shift, especially when a weakening United Nations is leading to a proliferation of self-selected groups-the so-called plurilateral and minilateral forums. These coalitions of the willing are viewed as more effective and efficient ways of dealing with not only traditional security issues but also nontraditional ones, such as the ongoing COVID-19 crisis. Definitions of security have changed considerably; the Security Council has yet to adapt to the new reality. Failure of the UN system to rise to the occasion during the COVID-19 crisis will have significant bearing on its global influence.

The issue of UN reform is also linked with that of ensuring proper resourcing. Discussing reforms without making provisions for adequate resources will lead nowhere;While some countries have gradually deemphasized the United Nations in favor of new frameworks to address their most pressing challenges, others have been gaming the UN system to further their narrow interests. For example, the danger in having UN officials and agencies champion China's Belt and Road Initiative is immense.

These and other challenges are mounting. For India, as with many other states, the status quo is no longer a viable option. If UN reforms fail, New Delhi's approach to the United Nations could significantly alter in the coming years as India would feel it necessary to look elsewhere for solutions. And India wouldn't be the only country doing so.

1	Trygve lie	Norway	1946 - 1953
2	Dag Hammarskjold	Sweden	1953 - 1961
3	U Thant	Burma (Myanmar)	1962 - 1971
4	Dr. Kurt Waldheim	Austria	1971 - 1981
5	Javier Perez De Cuellar	Peru	1982 - 1992
6	Dr. Boutros Boutros Ghali	Egypt	1992 - 1997
7	Kofi Annan	Ghana	1997 - 2006
8	Ban Ki-moon	South Korai	2007 - 2016
9	Antonio Guterres	Portugal	2017 - Till date

Glossary

The International Court of Justice enjoys two types of powers viz settlement of disputes and rendering advisory opinions.

MODEL QUESTIONS :

- i. Explain the Objectives and principles of the United Nations? [8 m]
- ii. Discuss the organs of UNO? [8 m]
- iii. Write a note on the International Court of Justice? [4 m]
- iv. Write about the Trusteeship Council? [4 m]
- v. What is ECOSOC? [2 m]
- vi. State any two functions of the Security Council?

MULTIPLE CHOICE QUESTIONS :

a. The official how many official languages of the UN _____

six / five / Seven.

b. The International Court of justice located in _____

Geneva / The Hague / NewYork

c. How many Veto Power Counties in the security council _____

Ten/ Fifteen / Five

d. Which country is not a part of the United Nations ? _____

India/Mozambique/Israel/Palestine

• • •

32. THE UNITED NATIONS ORGANIZATION AND CONTEMPORARY ISSUES

TERRORISM

HUMAN RIGHTS

ENVIRONMENTAL ISSUES

As the world's only truly universal global organization, the United Nations has become the foremost forum to address issues that transcend national boundaries and cannot be resolved by any one country acting alone. To its initial goals of safeguarding peace, protecting human rights, establishing the framework for international justice and promoting economic and social progress, in the seven decades since its creation the United Nations has added on new challenges, such as AIDS, big data and climate change. While conflict resolution and peacekeeping continue to be among its most visible efforts, the UN, along with its specialized agencies, is also engaged in a wide array of activities to improve people's lives around the world - from disaster relief, through education and advancement of women, to peaceful uses of atomic energy

- 1) Explain the global environmental problems.
- 2) Understand the different international regimes which were created to deal with different environmental issues.

1. DEFINITION OF TERRORISM

Today, all nation-states are plagued with the problem of terrorism in one form or the other. The disintegration of post-Cold War states, and the Cold War legacy of a world awash in advanced conventional weapons and know-how, has assisted the proliferation of terrorism worldwide. Vacuums of stability created by conflict and absence of governance in areas such as the Balkans, Afghanistan, Colombia, and certain African countries offer ready-made areas for terrorist training and recruitment activity, while smuggling and drug trafficking routes are often exploited by terrorists to support operations worldwide. With the increasing ease of transnational transportation and communication, the continued willingness of states such as Iran and Iraq etc to provide support, and dehumanizing ideologies

that enable mass casualty attacks, the lethal potential of terrorist violence has reached new heights. Today, terrorism is a concept that relates not only to an act restricted to the use of weaponry to spread violence, but has, in the course of time adopted many facets and is now classified under biological terrorism, cyber terrorism, eco-terrorism, nuclear terrorism, as well as state terrorism.

2. UNDERSTANDING TERRORISM

The first recorded usage of the term 'terrorism' was in 1795. The French government used the expression 'Reign of Terror'. The use of the word 'terrorist' to signify anti-government activities was recorded in 1866 referring to Ireland, and in 1883 referring to Russia.

Definitions

Terrorism is characterized by violence and the methods and tactics used for terrorist activities. Terrorism usually targets the civilians with the sole objective of creating fear and violence. In most of the cases, between the objective and the root cause for which violence is used, there is a disagreement. Historically, the term 'terrorism' described any state violence against citizens. However, in general application, terrorism has turned out to be the application of violent ways by a person or group to generate substantial bloodshed and frenzy for causes such as religious exclusion or persecution, ideological or issues that are ethnic-specific.

Terrorism is a criminal act that influences and audiences beyond the immediate victim. The strategy of a terrorist is to commit acts of violence that draw the attention of the local populace, the government, and the world to their cause, the terrorist plans their attack to obtain the greatest publicity, choosing a target that symbolized what they oppose. The effectiveness of the terrorist act lies not in the act itself, but in the public or government's reaction to the act (For example, in 2001 Sep 11th Twin Towers attack by the Al-Qaeda Terrorist organization). Their immediate victims were thousands of Americans who were killed and many more who were wounded. Their true target was the American Government and the US Congress. 'terrorism' is intentional and calculated violence or threat of violence to attain the following goals: Political, Religious and Ideological.

PERSPECTIVES OF TERRORISM

There are three perspectives of terrorism: The terrorist, the victims, and general public perspective. Terrorists do not see themselves as evil. They believe they are legitimate combatants, fighting for what they believe in, by whatever means possible. A victim of a terrorist act sees the terrorist as a criminal with no regards for human life. The general public view is the most unstable. The terrorist takes great pains to foster a positive image in hope of swaying the general public's point of view towards their cause. This sympathetic view of terrorism has become an integral part of their psychological warfare and needs to be countered vigorously by these states.

DIFFERENCE BETWEEN TERRORISM AND INSURGENCE:

Guerilla warfare and insurgences are often assumed to be synonymous with terrorism. One reason for this is that insurgence and terrorism often have similar goals. However, if we

examine insurgence and guerilla warfare, specific differences emerge. A key difference is that an insurance is a moment a political effort with a specific aim. The ultimate goal of an insurgency is to challenge the existing government for control of all or a portion of its territory, or force political concessions in sharing political power. Insurgence require the active or tacit support of some portion of the population involved. Where as a terror group does not require and rarely has the active support or even thou sympathy of a large section of the population.

Terrorism does not attempt to challenge government forces directly terrorist as a rule avoid direct confrontation with government forces. Ultimately, the difference between insurgence and terrorism comes down to the intend of the actor. Insurgence can adhere to international norms regarding the law of war in attaching their goals, but the nature of the terrorism is absolutist for its goals are of paramount importance.

TYPES OF TERRORISM

Different types of terrorism have been defined by lawmakers, security professionals and scholars. Types differ according to what kind of attack agents an attacker uses (for example biological) or by what they are trying to defend (as in eco- terrorism). By that point, modern groups began to use techniques such as hijacking, bombing, diplomatic kidnapping and assassination to assert their demands They began to distinguish different types of terrorism as part of the larger effort to understand how to counter and deter it. Here, a comprehensive list of types of terrorism is provided.

- 1) State Terrorism:** There are three difference ways that states can emerge the use of terror are: Government or State Terror: Where a government Terrorizes its own population to control or repress them. This action usually constitutes the acknowledge policy of the government, and make use of official institution such has the judiciary, Policy, Military and other government agencies. (Sadam Hussain used chemical weapons on his own Kurdish population without any particular change or expansion of policies regarding the use of forces on is own citizens).
- 2) State involvement in Terrorism:** This are activities were government personal carry out operations using terror lactic this activity may be directed against other nations in trust, its own population, or private group or individuals viewed as a dangerous to the state. In many cases, these activities are terrorism under official sanction although such authorization is rarely acknowledged openly. Historical examples include the soviet and Iranian assassination campaigns against did idents who had fled abroad and Libyan and north Korean intelligence operatives downing airlines on international flights.
- 3) State sponsorship of terrorism;** Also known as state supported terrorism where governments provide supplies, training, and other forms of support to non-state terrorist organizations. One of the most valuable types of this support is the provision of safe haven or physical basing for the terroir's organizations. Otherwise readily available to groups without extensive resources. Finally, the extension of diplomatic protection and services, such as immunity from extradition, provision of diplomatic passports etc. An example of state sponsorship is the Syrian government's sup-

port of Hamas and Hezbollah in Lebanon. Syrian resources and protection enabled the huge training establishments in the Bekka Valley.

2. Bioterrorism

Bioterrorism refers to the intentional release of toxic biological agents to harm and terrorize civilians in the name of a political or other cause. The US Center for Disease Control has classified various viruses, bacteria and toxins that could be used in a bioterrorist attack. Category A Biological Diseases are those likely to do the most damage. They include: Anthrax (*Bacillus anthracis*)

Botulism (*Clostridium botulinum* toxin), Plague (*Yersinia pestis*), Smallpox (*Variola major*), Tularemia (*Francisella tularensis*), Hemorrhagic fever, due to Ebola Virus or Marburg Virus.

- 1. Cyber terrorism:** Cyber terrorists use information technology to attack civilians and seek to draw attention to their cause through the means of information technology. Cyber terrorism refers to an attack on information technology itself in a way that would radically disrupt network services. For example, cyber terrorists disable networked emergency systems or hack into networks housing critical financial information.
- 2. Eco-terrorism :** Eco-terrorism is a recently coined term describing violence perpetrated in relation to the interests of environmentalism. In general, environmental extremists sabotage property to inflict economic damage on industries or actors they see as harming animals or the natural environment. These have included fur companies, logging companies and animal research laboratories.
- 3. Nuclear terrorism :** Nuclear terrorism refers to a number of different ways in which nuclear materials might be exploited as a terrorist tactic. These include attacking nuclear facilities, purchasing nuclear weapons, or building nuclear weapons or otherwise finding ways to disperse radioactive materials.
- 4. Narco-terrorism :** Narco-terrorism coining of the term in 1983. It once denoted violence used by drug traffickers to influence governments or prevent government efforts to stop the drug trade. In the last several years, narco-terrorism has been used to indicate situations in which terrorist groups use drug trafficking to fund their other operations.

Religious Terrorism: The year 1979 was a turning point in international terrorism. Throughout the Arab world and the West, the Iranian Islamic revolution sparked fears of a wave of revolutionary Shia Islam. the Soviet invasion of Afghanistan and the subsequent anti-Soviet mujahedeen war, lasting from 1979 to 1989, stimulated the rise and expansion of terrorist group Hezbollah

Human Rights:

The concept of Human rights emphasis that Human Rights are inherent to all human beings, whatever their nationality, place of residence, sex, national or ethnic origin, colour

religion, language, or another status. All are equally entitled to human rights without discrimination. These rights are all interrelated, interdependent, and indivisible.

Introduction:

International human rights law lays down obligations of governments to act in certain ways or to refrain from certain acts in order to promote and protect human rights and fundamental freedoms of individuals or groups. The Universal Declaration of Human Rights (UDHR) is the foundation of the international system of protection for Human Rights. It was adopted by the United Nations General Assembly on Dec 10th, 1948. Universal Human Rights are expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law.

The founders of the United Nations responded to the horrors carried out by Nazis in Germany during the second world war by emphasizing on Human Rights in the organization's Charter. At the San Francisco conference, where the charter was adopted, some 40 non-governmental organizations successfully lobbied delegates for relatively strong language on human rights. December 10th is celebrated annually as internationally Human Rights Day. The 30th articles of the UDHR strive to establish the civil, political, economic, social and cultural rights of all people. It emphasizes on human dignity and cuts across political boundaries and authority, committing governments to uphold the fundamental rights of each person presently of the socio-economic, cultural background. The charter of the United Nations was signed on 26th June 1965. The Magna Carta

In 1215, The Magna Carta, said the limit on the powers exercised by the monarch in 13th Century England, after king John of England violated a number of ancient laws and customs by which England had been governed, his subject forced him to sign the Magna Carta. Among them right of the church to be free from governmental interference, the rights of the free citizens to own and inherit property and to be protected from tax, it established the right of women who owned property to choose not to remarry, and established principles of due process and equality before the law. It also contained provisions for bidding bribery and official misconduct. Philosophically, the 1776 American declaration of independence stressed to themes. Individual rights and the rights of revolution these ideas became widely held by Americans and spread internationally as well, influencing in particular the French revolution. The 1789 French declaration (Declaration of rights of Man and citizen) were landmarks on how revolutionary visions could be transformed into national law and made into justiciable guarantees against future abuses. The declaration proclaimed that all citizens or to be guaranteed the rights of liberty, property, security and oppression

International covenant on Civil and Political Rights

Within human rights, civil and political rights are given great importance cause they attempt to protect the individual from the misuse of political power and recognize a person's right to participate in their country's political process. Civil and political rights include freedom from slavery, torture and arbitrary arrest; freedom of thought, opinion and religion; the right to a fair trial and equality before the law. The Covenant is divided into six parts as follows:

1. Right of self-determination.

2. formulates countries general obligations, mainly to put the covenant effect as law, to give victims effective remedies and to guarantee gender equality; it also restricts the possibility of verbal or written abuse.

3. Civil and political rights, including

3.1. The right of life.

3.2. The prohibition of torture.

3.3. The right to liberty and security of person.

3.4. The right to be fair Hearing.

3.5. the right to privacy.

3.6. the right to freedom of religion, expression, and peaceful assembly

3.7. The right to family life

3.8. The rights of children to special protection.

3.9. The right to participate in the conduct of public affairs.

3.10. The over arching right to equal treatment, and

3.11. The special rights of members of ethnic, religious, and linguistic minorities.

Convention on the elimination of All Forms of Discrimination against women.

On 18 December 1979, the conventions on the elimination of all forms of discrimination against women was adopted by the United Nations General Assembly. It entered into forces as an international treaty on 3 September 1981 after the twentieth country had ratified it . By the tenth anniversary of the Convention in 1989. almost one hundred nations have agreed to be bound by its provisions. The Conventions was the culmination of more than thirty years of work by the United Nations Commissions on the status of women and to promote women's rights. The Commission's work has been instruments in bringing to light all the areas in the areas in which women are denied equality with men. These efforts for the advancements of women have resulted in several declarations and conventions, of which the convention on the elimination of all forms of discrimination against women is the central and the most comprehensive document. Among the international human rights treaties, the convention takes an important place in bringing the female half of humanity into the focus of human rights concerns. The spirit of the convention is rooted in the goals of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person in the equal rights of men and women. The present document spells out the meaning of equality and how it can be achieved. In so doing the Convention establishment not to guarantee bill of rights for women, but also an agenda for action by guarantee the enjoyment of those rights. Convention on the rights of the child

Adopted and opened for signature , ratification and accession by General Assembly resolution 44/25 of 20 November 1989 it came into force on 2 September 1990 , in accordance with article 49 Recognizing that the child , for the full and harmonious development of his or her personality , should grow up in a family environment , in an atmosphere of happiness , love and understanding , considering that the child should be fully prepared to live an individual life in society , and brought up in the spirit of the ideals proclaimed in the charter of the United Nations , and in particular in the spirit of peace , dignity , tolerance , freedom , equality , and solidarity.

GENOCIDE :

Genocide as a term came into general usage only after World War II, when the full extent of the atrocities committed by the Nazi regime against the Jews of Europe during that conflict became known. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

In 1948, the United Nations declared genocide to be an international crime; the term would later be applied to the horrific acts of violence committed during conflicts in the former Yugoslavia and in the African country of Rwanda in the 1990s. An international treaty signed by some 120 countries in 1998 established the International Criminal Court (ICC), which has jurisdiction to prosecute crimes of genocide.

Conclusion

Human rights violations have emerged as a major problem in international Relations today. All the states are facing problems whether it is related to racial discrimination, communal issue, ethnos regional conflicts etc...At the international level organization like the amnesty international , human rights watch along with United Nations are working tirelessly to promote and protect human rights , in the era of globalization , with increases in migration there is bound to be tension between the people from different socio-economic , cultural background . But by guaranteeing human rights, states can prevent many a clashes between people

ENVIRONMENTAL ISSUES:

Introduction:

Start environmental degradation caused by human activity has long and complex history. However, until the period of European global expansion and the industrial revolution,

environmental degradation generally remains uneven and localised. The range and the scale of environmental crisis were understood only in late 20th Century. The issue like Ozone depletion, global warming, climate change acid rain and the likes started getting into the lexicon. they soon became the part of the house hold vocabulary. An issue becomes a global issue if it catches the world's attention and second the issue persists debunking easy solution/and thirdly it reflects our increasing interdependence. Environmental issues like Global warming, Climate change, Ozone depletion, Environmental pollution at different levels, Loss of biodiversity etc have become global issues requiring global solutions.

Ozone depletion:

Ozone is an allotrope of oxygen consisting of three atoms of oxygen; this gas is found in a significant quantity in Stratosphere, which is one of the many layers of the atmosphere. The importance of Ozone is that it absorbs the harmful Ultraviolet rays of the Sun, thus preventing them from reaching the Earth's surface. If in case the UV radiation reaches Earth without being absorbed it causes skin cancer, cataract, sun- burns, interferes with the process of photosynthesis in plants. The UV ray's cause direct damage to the DNA of animal cells, thus it is obvious that the ozone layer is acting as a 'Sun screen' preventing the harmful UV rays reaching the Earth. The

Ozone is vulnerable to destruction by chlorine, fluorine, and bromine. The manmade-chemicals such as CFCs used in Refrigerators as coolant and propellant in sprays started to play havoc with the Ozone layer as they are stable in the lower atmosphere and when they reach the upper atmosphere and they are broken apart by the incoming UV rays, releasing chemicals such as Chlorine which destroy Ozone, each atom of Chlorine for example destroy on an average about 100,000 Ozone molecule es. The production of CFCs oblivious of the damage these chemicals doing to the Ozone

layer created a situation where in the layer thinned considerably in the Arctic region- which was famously known as 'Ozone hole', This was discovered in the year 1985.

GLOBAL WARMING

Global warming also known as Greenhouse effect is the term used to signify the steadily increasing global temperatures. There are certain gases in the atmosphere which act like the glass of the greenhouse which trap the heat escaping from green house, the greenhouse gases of greatest concern are carbon dioxide, water vapor, methane., chiro fluorocarbons, nitrogen oxides and tropospheric ozone. The level of greenhouse gases began rising steadily since industrial revolution aiding to this the burning of forests to make way for cultivation, the increasing rice cultivation and dairy farming to feed the fast-growing population led to the spurt in the levels of methane, the manifold increase in vehicles and the burning of fossils fuels as increased the emissions of greenhouse gases. Although the greenhouse gases help the planet earth from being frozen but the increasing emissions of greenhouse gases increase the average temperature of Earth which adversely changes the climate. A single degree increase of temperature will melt large polar caps which increase the quantum water in the seas, which ultimately increase the sea levels thus submerging many island and low laying areas across the world, not only this changing climate profile will lead to the present wheat bowls being turned into dust bowls, and at the same time some areas going to be

deluged by tidal waves and heavy rains, these changes will also result in the outbreak unknown viral and bacterial diseases.

OVER EXPLOITATION OF COMMONS:

The global commons are the resources shared by all members of the international community, such as the oceans, deep-sea bed, atmosphere, and outer space. Many argue that the world's genetic resources are a global resource, which should be preserved in the common interest. In 1968 Garrett Hardin proposed a theory known as 'tragedy of commons', which explains the over exploitation of

commons by communities resulting in a common tragedy. This is what precisely being done by Multinational fishing companies with their huge fishing trawlers are over exploiting oceans thus threatening the livelihood of the coastal fishing communities, certain species of fish are on the verge of extinction. The Japanese on pretext of scientific experiments are hunting whales for commercial purpose thus threatening the very existence of these huge mammals. The tropical rain forests which act like a carbon sink are being cut to feed the lumber and paper industry today over 50 percent of the area has been reduced from what it was in 1955. As a result, tens of thousands of species of plants and animals are probably becoming extinct each year.

There are different types of Environmental pollution:

AIR POLLUTION:

Industrialization has brought dirtier air to all parts of the earth. From factories and transportation systems, with their telltale smokestacks and exhaust pipes, toxic fumes are being emitted constantly into air. The pollutants of air are carbon dioxide, carbon monoxide, sulphur oxide, Nitrous oxide, air borne lead etc. Most of the pollutants which go into air boomerang upon us in the form of acid rain example sulphur mix with rainwater forming sulfuric acid, when it falls to the earth it dirties and damages the environment instead of cleaning and enriching it. The lead particles in air underdevelopment of Childs brain and can also lead to cancer. The burning of forests. in East Asia for cultivation of Oil palm is leading to a phenomenon Known as 'Asian brown cloud' which is cocktail of many polluting gases.

WATER POLLUTION

The water contamination takes place in a number of ways, the release of untreated municipal wastes into water bodies, industrial effluents being pumped into rivers and lakes. The classic example of industrial effluents such as mercury and cadmium which was realized into sea and rivers by Japanese chemical companies made the fish poisonous and the people who eat these fish was affected with Minamata and Itai Itai disease. One major source of water pollution is by MNCs

Which routinely fill huge Tankers with industrial effluents which are dumped into seas with impunity, some states also dump radioactive wastes into seas in order to cut the huge costs involved in storing these wastes. The underwater nuclear tests also contributed in the radioactive pollution of our seas and oceans. The Green Revolution has also contributed in a way in the poisoning of the water table due to the heavy use of chemical fertilizers and pes-

icides which leach into soil and pollute the groundwater. Many massive oil tankers sunk in many different seas and oceans thus polluting marine ecosystems which have done unimaginable damage to flora and fauna of these areas.

LAND POLLUTION

The industrial revolution in its wake led to the massive increase in the production of commodities, the consumerist culture which it created in turn created the mad rush to buy new products while discarding the old products. This human attitude created a big problem of managing the discarded products and most of these products had toxic materials in them, these along with the solid municipal wastes had become a major land pollution problem to many countries. Many developed countries took to the recourse of Landfills which themselves could not solve the problem but in fact aggravated it as people living in suburban towns built on these landfills became diseased. Dumping of old ships into the third worlds ship breaking yards is leading to the poisoning of land by asbestos, mercury, cadmium "lead and other deadly chemicals which are realized in the process of breaking the ships. The pollution caused by the plastics in the modern world is also a major land polluter as these take millions of years to biodegrade. Till the signings of partial test ban Treaty, the atmospheric nuclear explosions contaminated both air and land.

INTERNATIONAL RESPONSE TO ENVIRONMENTAL ISSUES:

THE STOCKHOLM CONFERENCE OF 1972

The Stockholm conference of 1972 was organized in response to this dramatic increase in environmental concern in the 1960s. The aim was to establish an international framework to promote a more coordinated to pollution and other environmental problems. The Conference, which was held in Stockholm, marked a turning point in the development of international environmental politics. Some of principles that were agreed, and institutions and programmes that was established, had an enduring effect. The Stockholm conference attracted wide publicity as it was UNs first major conference on international environmental issues.

- a) The Declaration of the conference contained 26 principles concerning the environment and development.
- b) An action plan with 109 recommendations spanning six broad areas
 - 1) Human settlements
 - 2) Natural resource managements
 - 3) Pollution
 - 4) Educational and social aspects of environment
 - 5) Development and environment.
 - 6) International organizations

The Stockholm conference significantly strengthened the framework for future environmental cooperation, it led to the establishment of global and regional environmental monitoring networks, which have improved monitoring environmental problems, such as marine pollution and ozone depletion, and have indirectly stimulated action to tackle them. The conference also led to the creation of UN Environment programme (UNEP), which was given the task of coordinating the environment-related activities of other UN agencies and promoting the integration of environmental related activities in their work.

MONTREAL PROTOCOL:

The Montreal protocol, signed in 1987, stands at the centre of the regime to prevent the depletion of the ozone layer. In mid-1980s, British scientists discovered that, during two months of the year, a hole was occurring in the ozone layer over the South Pole. Almost every year since it was discovered, the hole was continued to get larger. It galvanized the world to see the imminent danger of ozone depletion, about 60 nations met in Montreal, Canada, in 1987 and signed a protocol to first reduce and then replace the ODS. The terms of the agreement are:

1. It seeks to phase out ODS by 2000 by developed countries.
2. The phase out period for the developing countries is 2010.
3. It was agreed to cut the production of CFCs by 50 percent by 1998.
4. In 1992 the phase out period was advanced to 1995. In 1997 more ODS were added to the list of restricted substances, and more stringent limits on Methyl bromide and HCFCs were agreed.
5. By 1999, 95 ODS were controlled under the protocol, and worldwide CFC consumption has reduced from 1.1 million tonnes in 1986 to less than 150,000 per year.
6. A fund was set up, mainly contributed by the industrial nations, to help the poorer nations to obtain substitutes for Ozone-depleting chemicals.

The Montreal protocol has brought impressive results. The transition away from the widely used CFCs and other ozone-depleting substance has been faster than possible. In the ten-year period after the protocol signed in 1987, consumption of these chemicals dropped over 70 percent, with most developed countries nations meeting the protocol goal, as amended, to cease CFC production by 1996. Ozone loss is expected to gradually diminish until about 2050, when Antarctic hole could disappear. Since the signing of the protocol in 1987, it gradually expanded its scope and it truly became global with over 160 parties to the protocol.

THE RIO DECLARATION: The Rio Declaration represents a set of 27 agreed principles aimed at the objective of a new and suitable global partnership, international agreements that respect the integrity of global environmental and developmental system, recognition of the integral and interdependent nature of Earth, our home.

The agreed principles relate to; national responsibilities and international cooperation on environmental protection; and the role and rights of citizens, women, and indigenous

peoples; common but differentiated responsibilities of developed and developing nations in environmental protection; environmental issues are best handled with public participation of all citizens, at the relevant level, and thus public education; participation, and access to information and redress should all be promoted; a precautionary approach should be adopted to prevent environmental degradation.

AGENDA 21 :

The outcome of the discussion of Agenda 21 is 450-page documents with 40 chapters; it is the operational plan for moving humankind into the age of sustainability. Its implementation demands commitment and the capacity of all nations, people, and individuals. The principal topics under Agenda 21 are:

- Promoting sustainable urban development.
- Combating deforestation.
- Biotechnology management.
- Managing fragile Mountain ecosystems.
- Hazardous waste management.
- Transfer of environmentally sound technology.
- Creation of Global Environmental Facility to provide agreed incremental costs to

Help developing countries to implement aspects of Agenda 21.

The Commission for Sustainable Development is established as part of UN

System, to promote and review progress on implementation and to help to coordinate activities of UN in this context.

KYOTO PROTOCOL :

The lack of legally binding commitments in Rio conference to limit emission levels of the greenhouse gases caused wide spread concern. The problem has to be addressed soon as the world was at the tipping point, in order to address the problem, The Kyoto protocol was signed. The Kyoto protocol is a protocol to the United Nation's framework convention on climate change, aimed at fighting global warming adopted on 11 Dec 1997 in Kyoto, Japan. The major distinction between the protocol and the convention is the while the convention encouraged industrialized countries to stabilize GHG emissions, the protocol commits them to do so. Recognizing that developed countries are principally responsible for the current high levels of GHG emissions in the atmosphere as a result of more than 150 years of industrial activity, the protocol places differentiated responsibility on the developed and developing countries regarding in cuts of greenhouse gas emissions, Under the protocol 37 countries known as Annex 1 countries committed to reduce four green house gases.

1. The EU, USA, and Japan respectively committed themselves to reduce their annual emissions by 2008-12 to 8, 7, and 6 percent less than 1990 levels. Other countries such as Russia, Ukraine and New Zealand also committed to their emission levels.

Over all these commitments would imply a 5 percent reduction in green house gas emissions in industrialized countries. To achieve this agreement, a number of so-called flexibility mechanisms were included in the protocol. like buying Carbon credits. Carbon Sinks. Clean Development Mechanism.

The agreement reached in Kyoto in 1997 left many key issues opens, requiring further negotiations. The protocol started with teething troubles as USA failed to ratify the protocol citing that Countries like India and China who are presently largest contributors of the greenhouse gas emissions are let of the hook. In 2010 Canada, Japan and Russia stated that they would not take further Kyoto targets. The Canadian government withdrew from the treaty on December 2011.

MODEL QUESTIONS:

- What are the various types of Terrorism? [8 m]**
- a. Write an Essay on the environmental issues plaguing the world today? [8 m]
 - b. Write a note on civil and political rights? [4 m]
 - c. Analyse the Elimination of all forms of Discrimination against Woman? [4 m]
 - d. Write a note on Genocide? [2 m]
 - e. Write about the Kyoto Protocol?
 - f. What do you mean by Gender Politics? [4 m]

MULTIPLE CHOICE QUESTIONS:

- a. Insurgency is a political effort with a _____

SPECIFIC AIM / SOCIAL ISSUES / RELIGION ISSUES

- b. State sponsored terrorism is also called _____

STATE OPPOSED TERRORISM / STATE SUPPORTED / TERRORISM AGAINST STATE

c. An important global security concern today is_____

ECONOMIC CRISIS / COLLECTIVE ACTION AGAINST TERRORISM / SOCIAL
ISSUES

d. Insurgency is a movement with_____

A POLITICAL OBJECTIVE / TERRORIST INTENT / CREATE INTERNAL DISTUR-
BANCES

f. Within Human Civil and_____ rights are great important.

LEGAL / ECONOMICAL / POLITICAL

**g. Human Rights _____ have emerged as a major problem in contemporary
International Relations.**

VIOLATIONS / NON-VIOLATIONS

• • •





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