தமிழ்நாடு திறந்தநிலைப் பல்கலைக்கழகம்
எல்லோருக்கும் எப்போதும் கல்வி

B.A., POLITICAL SCIENCE
FIRST YEAR – IST SEMESTER

PRINCIPLES OF POLITICAL SCIENCE

SCHOOL OF POLITICS AND PUBLIC ADMINISTRATION

TAMIL NADU OPEN UNIVERSITY
577, ANNA SALAI, SAIDAPET, CHENNAI - 600 015

தமிழ்நாடு திறந்தநிலைப் பல்கலைக்கழகம்

B.A., Political Science

First Year

BPSS - 11

Principles of Political Science

SCHOOL OF POLITICS AND PUBLIC ADMINISTRATION

TAMIL NADU OPEN UNIVERSITY
577, ANNA SALAI, SAIDAPET, CHENNAI - 15

OCTOBER 2021

BPSS – 11 – PRINCIPLES OF POLITICAL SCIENCE
Scheme of Lesson

BLOCK I   INTRODUCTION

Unit - 1   Meaning nature and scope of Political Science and political science with other social sciences

Unit - 2   Methods and Significance of Political Science

Unit - 3   Political Science as a Science or an Art - Approaches to the study of Political Science

BLOCK II   THE STATE

Unit - 4   Origin, Meaning, Definition and Elements of the State.

Unit - 5   Theories of the state

Unit - 6   Functions and limitations of the state.

BLOCK III   SOVEREIGNTY

Unit - 7   Meaning, Definition, characteristics of sovereignty

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BLOCK V   CONSTITUTION

Unit - 14   Meaning and definition - Essentials of a Good Constitution

Unit - 15   Salient features of constitution

Unit - 16   Classification of Constitution

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BPSS – 11 – PRINCIPLES OF POLITICAL SCIENCE
Syllabus

TAMIL NADU OPEN UNIVERSITY

(A State Open University Established by Government of Tamil Nadu, Recognized by UGC & DEB,
Member in Asian Association of Open Universities & Association of Commonwealth Universities)

No.577, Anna Salai, Saidapet, Chennai - 600 015. Tamil Nadu.

Professor K.Parthasarathy
Vice Chancellor

18.10.2021

My Dear Beloved Learners!

Vanakkam,

The Tamil Nadu Open University (TNOU) that is marching towards the motto 'Education for Anyone at Anytime' is very much pleased to cordially invite you to join in it's noble educational journey.

It is impressive that every one of you can feel proud yourself for studying in the University which is duly recognised by the UGC-DEB, New Delhi for offering academic Programmes through open and distance mode. As you are aware, the Government of Tamil Nadu vide G.O (Ms) No.107 dated 18.08.2009 have assured that the degrees issued by the University under 10+2+3 pattern are duly eligible for government jobs.

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At this momentous juncture, I wish you all bright and future endeavours.

With warm regards,

(K. PARTHASARATHY)

Block I

Introduction

Unit – 1   Meaning nature and scope of Political Science and political science with other social sciences

Unit – 2   Methods and Significance of Political Science

Unit – 3   Political Science as a Science or an Art - Approaches to the study of Political Science

UNIT - 1

MEANING NATURE AND SCOPE OF POLITICAL SCIENCE AND ITS RELATIONS WITH OTHER SOCIAL SCIENCES

STRUCTURE

Overview

Learning Objectives

1.1   Introduction

1.2   Meaning of Political Science

1.3   Definitions of Political Science

1.4   Nature of Political Science

1.5   Scope of Political Science

1.6   Relation of Political Science with Other Sciences

    1.6.1   Investigation of Past, Present and Future Improvement of State

    1.6.2   State and Government

    1.6.3   Study of Political Theory

    1.6.4   Study of Political Dynamics

    1.6.5   Study of Political Institutions

    1.6.6   International Relations, Organizations and Law

    1.6.7   Study of Political Parties and Related Organizations

1.7   Relationship of Political Science with Other Social Sciences

Let Us Sum Up

Check Your Progress

Glossary

Answers To Check Your Progress

Model Questions

Suggested Readings

OVERVIEW

Political science is the systematic study of governance, by the application of empirical and scientific methods of analysis. As traditionally defined and studied, political science examines the state and its organs and institutions. The contemporary discipline, however, is considerably broader than this, encompassing studies of all the societal, cultural, and psychological factors that mutually influence the operation of government and the body politic. This unit helps us to understand the meaning and various definitions of political science, Relationship of political science with other sciences and the nature and scope of political science. Thus Political Science is multifaceted in nature and it is not a different independent subject. In this unit, we will study in detail about the foundations of political science and its relations with other sciences.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Learn the meaning and definitions of Political Science.
➢ Know the relationship of political science with other disciplines.
➢ Understand the need for learning Political Science.

1.1   INTRODUCTION

This chapter would help the students to understand the different definitions and meaning of Political Science. The human societal structure is an intricate structure. For the survival and conservation of human fraternity, individuals, we need to be conscious of society's basic components and its operating.

For conserving the spirit of a specific society, subjects of the society are also required to adhere to certain rules and regulations and surrender to an authority which can be most reliable. The discipline of Political Science makes a person understand how some of the necessary functions of the society are discharged and how people govern and are governed in this social structure.

Even though the subject has been debated by various scholars from pre historic times, the history of Political Science as an educational subject is not very ancient. Apart from this, Political Science is also associated with various other subjects. In this chapter we shall review the growth and development of Political Science and its relationships with other social sciences.

1.2 MEANING OF POLITICAL SCIENCE

Political Science is a social studies field, related with the analysis of the nation, state, authority, and schemes of government. The phrase 'Political Science' comprises of two expressions, i.e., politics and science. The word 'politics' is obtained from the Greek word 'Polis', means the city-state. Greeks was the first, who begun the research of state as separate from the church. The bedrock of political idea was laid by the eminent Greek scholars, Socrates, Plato and Aristotle. It was Plato who penned the book "The Republic". The father of Political Science, Aristotle, was the one who primarily used the term 'politics' and changed it into an educational unit. Aristotle published his book 'Politics' as a primary methodological analysis of politics.

Political science is the sub division of wisdom that deals with methodological analysis of the composition and actions of the state and political organisations by way of scientific investigation. Politics alludes to the topic of our investigation; science signifies the approach or the method of considering the course of Politics. The initial term looks to respond to the inquiry "what is considered" and the subsequent term alludes to "how could it be examined". In this manner, the political marvel which ought to be concentrated as per an unmistakable arrangement or framework is called political theory.

1.3 DEFINITIONS OF POLITICAL SCIENCE

It is hard to give an exact definition to political theory, due to its fluctuating extension in various circumstances. Allow us to look at a portion of those definitions.

Aristotle defined it as the study of the state. It deals extensively with the theory and practice of politics, and the analysis of political systems, political behaviour and political culture.

R.G. Gettle defined "Political Science as a study of state in the past, present and future and of Political institutions and Political theories". J.W.Garner States, "Political Science begins and ends with the state".

Harold J Laski stated in the same vein that the study of Politics concerns itself with the life of men and women in relation to organized state.

Paul Janet writes "Political Science is concerned with the foundations of the state and principles of government.

David Easton politics is an attempt at "authoritative allocation of values".

From the above definitions we might infer that the 'state' is the focal topic of Political Theory. It is the examination about the express, its starting point, its inclination, its construction, and its capacities, etc. Modern political scientists have also emphasised the element of power in the study of the subject. Abraham Kaplan, Harold. D. Lasswell defined politics as the "study of shaping and sharing of power". It proposes that battle for power is the topic of the investigation of Politics. Since this battle happens at all levels home grown, nearby, provincial, public and global governmental issues turns into an all-inclusive action. Thus, the investigation of political theory or legislative issues incorporate state and government as well as an enquiry into the battles for power that happens at all levels starting from the family to the world on the loose.

1.4   NATURE OF POLITICAL SCIENCE

Political science is sociology. Its temperament is not the same as actual sciences like physical science and science. It is as yet a developing and creating subject. Along these lines, there is no consistency among political scholars with respect to the idea of political theory, if it ought to be treated as a science.

Aristotle, the father of political science, considered it as the master science, since Legislative issues decides the climate inside which each individual will arrange his life. Political logicians like Bodin, Hobbes, Bluntschli, Bryce additionally held the view that political theory is a science. Yet, not many other political researchers reject the logical idea of political theory. It is said that in political theory there is no uniform standards on laws which are generally substantial. Human conduct is unusual. It, consequently, doesn't supply adequate materials for logical investigation. The pith of the logical strategy is that it won't acknowledge speculations except if they depend on realities which can be checked. Political researchers like Buckle and Comte keep the case from getting political theory as a science.

Actually, sociology is unique in relation to inherent science or an actual science. Science is the orderly investigation of the construction and conduct of the physical and regular world through perception, proof and examination. It is the group of genuine information gained through logical interaction. However, in sociology we can't expect such a lot of exactness and accuracy as we find in science subjects. 100% forecast is unimaginable in sociology since it manages the conduct of man and his political organizations. There is just far off opportunity for confirmation and expectation in these subjects. While in the investigation of political marvels we can apply logical strategy and apparatuses.

1.5   SCOPE OF POLITICAL SCIENCE

The extent of Political Theory implies the topic or content of Political Theory. Different Political scholars are not in arrangement about the specific extent of legislative issues. It is undeniably challenging to decide the exact and distinct limits of political theory nowadays. It is wide and exhaustive subject and there is no consistency among political researchers about its extension. It is the investigation of associations and exercises of the state, both at public and worldwide levels. It additionally manages the dissemination of overseeing power among a few offices by which the activities of the not set in stone, communicated, and practiced and with the issues of worldwide life. Yet some of the important subjects in the scope of political science are given below. A meeting of political scholars held in September 1948 at the UNESCO House chose the extent of Political Science.

1.6   RELATION OF POLITICAL SCIENCE WITH OTHER SCIENCES

The extent of Political science additionally incorporates an investigation of the idea of connection between the individual and the state. The course of men with the general public is a significant part of political science. The state ensures certain rights and freedoms to its residents and simultaneously forces certain sensible limitations on them. Indeed state exists for the government assistance of individuals. As a specialist of the state it is the capacity of the public authority to attempt to get government assistance for all who live inside the regional limit of the state.

Accordingly the investigation about the state and government is limited to be uncertain without the investigation of the idea of individuals who establish the state. It is in this connection Max Weber has stated that

I.   Political science is a descriptive and normative science.

II.   It is the study of human behaviour in the process of enquiry of justice.

1.6.1 INVESTIGATION OF PAST, PRESENT AND FUTURE IMPROVEMENT OF STATE

The extent of Political Theory incorporates the investigation of the past, present and fate of states and its exercises. As indicated by Gentle," In the historical angles, Political Theory manages the beginning of the state and the improvement of political theories in the past and in managing the present, it endeavours to depict and order existing political organizations and thoughts. Political Theory likewise plans ahead, to

working on political associations and exercises in the light of changing conditions and changing moral guidelines".

Along these lines, its extension isn't confined to the investigation of the past and the present alone, yet it coordinates future course of the improvement of the state. The examination is additionally useful in working on the political establishments and adjusting political exercises to meet the changing public and global requests.

1.6.2 STATE AND GOVERNMENT

In the political theory we learn about the hypothetical, primary and social parts of association and types of state and government. Bluntschli says "political science is a science which is concerned with the state, endeavours to understand and comprehend the state in its essential nature, various forms, manifestations and development."

According to Robson," the purpose of political science is to throw light on political ideas and political actions so that the government of man may be improved". The public authority is the organization of the state through which the reason for the state is figured it out. It is the most energetic and indispensable piece of the state. As indicated by Paul Janet "political theory is that piece of sociology which treats of the establishment of state and the standards of the Public authority".

1.6.3 STUDY OF POLITICAL THEORY

The speculations are the after-effects of the musings and examination of numerous researchers and examples of political theory. Political specialists from different political ideas and build up speculations. According to Gettle, "political science is concerned with the historical survey of origin, development of political theories and ideals, the analysis of the fundamental nature of the state, its organization, relation to the individuals that compose it and its relation to other states".

It is the investigation of the central inquiries of the state, government, legislative issues, freedom, equity, property, rights, law, the implementation of legitimate code by power and so forth It could be partitioned into political way of thinking, lawful political hypothesis, the idea of sway and legitimate controls for the activity of political force, logical political hypothesis, comprising of experimental perceptions of political occasions and so forth In this way, a student of political theory should begin his investigation of the subject with the speculations.

1.6.4 STUDY OF POLITICAL DYNAMICS

Political elements inspect the current powers which apply impact on the public authority and governmental issues. Alongside the difference in propensities additionally will undoubtedly happen of men, social framework likewise changes. This clarifies why the city conditions

of antiquated occasions are supplanted by the country states in the current century. The quest for the reason for this sort of changes in the personality of the state and government is the investigation of political elements. It covers a wide reach and incorporates the investigation of ideological groups, popular assessment pressure gatherings, halls, and so on the investigation of these political elements assists with clarifying the political conduct of people and various gatherings.

1.6.5 STUDY OF POLITICAL INSTITUTIONS

Political Theory is likewise worried about the investigation of political establishments and relationship through with the state acts. It covers the investigation of the constitutions, similar government, policy management and neighbourhood government and so forth It likewise manages the idea of various political establishments including government, their construction like assembly, chief and legal executive, its working, its benefits and bad marks and so forth Further it learns about some casual gatherings like social, financial, educational establishments in a general public.

1.6.6 INTERNATIONAL RELATIONS, ORGANIZATIONS AND LAW

Political science manages the issue identifying with the upkeep of global relations, the worldwide law and the association worried about the support of world harmony and security. The human culture is currently thinking as far as shaping a world government soon. Global law gives the system inside which the states ought to partake in their privileges and obligations. This has made it important to remember for the investigation of political theory. It is identified with the support of global relations and various associations associated with the systems for upkeeps of harmony and security among the conditions of the world. The topic incorporates worldwide law, worldwide and local associations like UNO, European Association, NAM, SAARC and League of Nations, diplomatic relations, treaties and agreements, arms control, human rights, pollution control and global warming and so on.

1.6.7 STUDY OF POLITICAL PARTIES AND RELATED ORGANIZATIONS

In a democratic state, political groups assume a significant part in line and working of government. They are viewed as an unavoidable and focal part for the effective working of democratic political framework. Its investigations are significant for understanding the nature and working of political organizations of a country. The investigation of political theory is additionally worried about the investigation of casual establishments through which the state acts Pressure groups, interests' groups and other related social, economic, educational institutions and so forth.

Contributing to the latter, the argue for further and deeper consideration of political parties, (1) parties illuminate organizational dynamics of in and exclusion; (2) internal struggles related to the constitution of identities, practices and procedures are accentuated in parties; (3) the study of parties allow for the isolation of processes of normative and affective commitment; (4) parties prioritize and intensify normative control mechanisms.

1.7 RELATIONSHIP OF POLITICAL SCIENCE WITH OTHER SOCIAL SCIENCES

Relation to Sociology:

Sociology is the study of society. It manages the beginning, improvement and construction of all types of human relationship in the general public. Political Theory, then again, for the most part manages one type of human affiliation, to be specific, the state. Accordingly, the extent of Political Theory is much smaller than that of Human science. Also, Political Theory is confined uniquely to the political part of man's life while social science manages the social man in every one of the different parts of his life, in particular, social, ethnic, monetary, political, strict, and so on Be that as it may, albeit the circles of the two sciences have been isolated, both Political Science and Sociological studies are complimentary to one another.

For example, the state which is the topic of Political Science is likewise managed by Human science, which is Sociology. It considers the advancement of the state from its actual birth and attempts to dissect the complicated social powers which are answerable for bringing the state association into reality. By introducing these realities, Social science helps Political Theory. Essentially, Political Theory likewise helps Sociology by introducing the insights concerning the state and the public authority.

Relation to History:

Political Theory is firmly identified with History. To completely comprehend the beginning and advancement of political establishments, we need to take the assistance of history. For instance, the idea of government in England and the working of the English Parliament can be valued distinctly in the light of an intensive investigation of the historical backdrop of England. The historical backdrop of England uncovers that the English public persistently challenged the oppressive government of their own rulers, bringing about the Wonderful Transformation of 1688. It prepared for the foundation of a restricted

government and acknowledgment of the privileges of the parliament in England.

Consequently, we track down that the political establishments that exist today in a specific structure have their underlying foundations before. Simultaneously, it should be referenced that Set of experiences isn't just a record of previous occasions and establishments. The investigation of History becomes productive just when the political meaning of different authentic occasions and developments is appropriately valued. Accordingly, both History and Political Theory are reciprocal and contributory.

The connection between History and Political Science has been very aptly described by Sir John Sealy as follows:"History without Political Science has no fruit Political Science without History has no root."

Relation to Economics:

The connection between Political Science and Economics is exceptionally personal. Indeed, Economics began its vocation as Political economy. The Greeks viewed Political economy as the specialty of giving income to the state. The name of the book by Adam Smith was "The Wealth of Nations". He brought up that, financial matters are a science to improve individuals and the state.

As per Karl Marx, it is the monetary factor alone which decides the governmental issues of a country. The structures and elements of an administration are extensively affected by monetary powers. The concepts of Individualism, Socialism and Communism are primarily based on economic principles.

On the other hand, the monetary exercises of a nation are to a great extent controlled by the current type of government and its strategies. The tax assessment strategy of the public authority, its fare and import strategy, its trade rates and the financial framework related approaches, and so forth, impact the economy of the country by and large. Financial solidiness represents political steadiness as well as the other way around. Current states are defied with various monetary issues, the arrangement of which can't be made besides through the political activity of the state. The cutting-edge state is viewed as a government assistance express whose fundamental capacities are financial.

Relation to Ethics:

There is a very close connection between Political Science and Ethics. Their respective goals are the same: doing well to the human race and promoting the common good. Law, order, and morality were the principal purposes of the state. It is important to enact laws that facilitate the strengthening of moral beliefs in the society. Governmental

actions in violation of moral principles are condemned. It's clear that ancient philosophers meant statehood to have a moral purpose. The state, according to Greek political philosopher Aristotle, exists to ensure a good life for citizens. The relationship between politics and ethics is also mentioned by contemporary writers. In his exemplary view of politics, Gandhi attempted to combine moral values with political principles, stressing the importance of both ends and means in every situation.

Relation to Anthropology:

Political Science is nearly linked to Anthropology. Anthropology offers a wealth of information about diverse social systems from customs to attitudes to values to patterns of behaviour to leadership. In order to make correlative analysis, political researchers rely on this type of data. Studies of human anthropology have revealed several facts that have contributed to our understanding of how societies operated in the prehistoric period.

In writing about the origin of the state, authors like Jenks and Morgan collected an enormous amount of information from Anthropology. Anthropology and Political Science have a very close relationship in terms of understanding how the state was created, as reflected in patriarchal and matriarchal theories. The bond of nationality still rests on racial unity. Anthropology has recorded past traditions, usages, and religious institutions that have greatly influenced the modern system of law.

LET US SUM UP

From this unit we have been able to track down the growth and development of Political Science as a unique academic category. We have already read about how the discipline inspired interest as political philosophy in the classical period and how in the subsequent period, the subject emerged as a methodological and scientific subject. Moreover, we have also learnt that Political Science is inherently related to other social sciences. The subject Political Science assists us to understand other social sciences in a much better way and vice versa.

CHECK YOUR PROGRESS

1. Who called Political Science as a 'master science?'
   a. Plato   c. Aristotle
   c. Laski   d. Sir John Seely
2. Who defined Political Science as the study of shaping and sharing of power?
3. Who was the author of the book "The Republic"?
4. Who considered that the economic factor alone determines the politics of a nation?
5. Who said "Political Science without History has no root"?

GLOSSARY

Normative Science : Science based on Values.

Sociology : Study of the sociology

Anthropology : The scientific study of humanity

ANSWER TO CHECK YOUR PROGRESS

1. Aristotle
2. Abraham Kaplan, Harold D. Lasswell
3. Plato
4. Karl Marx
5. John Seely

MODEL QUESTIONS

1. Mention the scope of Political Science and explain its relation and relationship with at least two other sciences.
2. What is the predominant theme of the political science? Why is it termed so?
3. Briefly describe the interrelation of political science with other sciences?
4. Who opposes the assertion of political science as a science? Why?
5. Explain the Political science is an analysis of former, current and future evolution of State.

SUGGESTED READINGS

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UNIT - 2

METHODS AND SIGNIFICANCE OF POLITICAL SCIENCE

STRUCTURE

Overview

Learning Objectives

2.1   Introduction

2.2   Methods of Political Science

2.3   The Deductive Method

2.3.1   Merits

2.3.2   Demerits

2.4   The Inductive Method

2.4.1   Merits

2.4.2   Demerits

2.5   Significance of Studying Political Science

Let us sum up

Check Your Progress

Glossary

Answers to check your Progress

Model Questions

Suggested readings

OVERVIEW

The investigation of Political Science has gone through many changes. It was because of the new methodologies and techniques applied to the investigation of political Science. In view of Dr J C Johari, „an approach is a way of looking at and then explaining a given phenomenon which includes everything related to the collection and selection of evidence necessary for investigation and analysis of hypotheses. Methods on the other hand are away of organising a theory for application to data. In this unit, we will deal with the significance and methods of political science.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Understand the Method of Political Theory.
➢ Know about the merits and demerits of deductive method.
➢ Discuss the advantages and disadvantages of inductive method.

2.1 INTRODUCTION

The extent of Political Theory is far reaching, and it has incredible importance. Lately, its significance has increased. Man is a political creature, and in all circles of his life he is, straightforwardly or by implication, affected by legislative issues. For a few reasons, the investigation of Political Theory has become irreplaceable to social government assistance and improvement. Political Theory is a set of an idea or observation that intends to explain the political, social, and economic conditions in the state. Man by nature has the capacity of thinking and analyzing the individual's political behavior as well as the state in the form of political theory. Therefore the political theory is the core area of political science. Without theory, no subject cannot be considered as an academic discipline.

Earlier those who engaged in this enterprise styled themselves as philosophers or scientist. From ancient Greece to the present, the history of political theory has dealt with fundamental and perennial ideas of political science. To better understand the changing pattern of political theory from ancient times to the present, we need to know the types of political theory. Because the types of political theory basically mean what it meant at different times.

2.2 METHODS OF POLITICAL SCIENCE

The term 'method' is gotten from the Greek 'methodos' (road to). Henceforth etymologically the term alludes to the method of accomplishing something, the arrangement of strategy to get or arrive at the end expected. A technique is a method of examination for showing up at a specific outcome. It has been very much said "what the magnifying instrument is to science, or the telescope to stargazing, a logical technique is to the sociologies". Various techniques have been proposed by researchers for the logical examination of political wonders.

Researchers like Auguste Comte, J. S. Plant, G. C. Lewis, Alexander Bain, Bluntschli and James Bryce have made significant commitments in the area of strategy of political theory.

2.3 THE DEDUCTIVE METHOD

- This technique is metaphysical, tentative and derivable.
- We continue from general suggestions to less broad or explicit recommendation. It begins with certain non-evident derivable presumptions which are acknowledged as widespread realities.
- This strategy includes theoretical and logical thinking.
- Political aspects are concentrated by taking some significant suspicions and deriving ends from such presumptions.
- Here the end makes express what is inferred by the overall reason or supposition. The allies of this strategy are Plato, Thomas.

2.3.1 MERITS

I. Deductive technique utilizes coherent force thinking.
II. The end determined turns out to be more reliable and exact.
III. Deductive technique is a decent substitute for experimentation which is troublesome in managing social and political realities.
IV. This technique is less tedious and more affordable.
V. The researcher isn't needed to lose all sense of direction in the realm of realities and trials.

2.3.2 DEMERITS

I. Deductive strategy is reprimanded as fanciful and imaginary.
II. The first premises or general presumptions are underestimated without testing their material truth.
III. If the presumptions aren't right, the ends become fundamentally incorrect.
IV. The technique is inadmissible for conduct sciences like political theory.
V. It tries to ignore the intricacies of human instinct and society. It has less touch with the real world.

2.4 THE INDUCTIVE METHOD

- In inductive strategy we continue from specific realities to an overall determination or from a less broad suggestion to more broad recommendation. It includes the method involved with going from specifics to the general.
- It is characterized as "the authentic determination of general laws from individual cases".
- Rehashed perception of a specific marvel or perception of comparative realities empowers the researcher to show up at inductive speculation.

- Inductive technique includes logical perception, assortment and grouping of realities or information which give the premise to general hypotheses.
- Investigation of realities ought to be liberated from predisposition so sensible ends can be shown up at. The allies of this technique are Aristotle, Herbert Spencer.

2.4.1 MERITS

I. Inductive technique is logical and experimental as it builds up broad truth or end by perception of specific, substantial realities.
II. It considers every one of the intricacies which have large amounts of social wonders. It considers every one of the elements and factors causing such intricacies.
III. This technique is dynamic in however much it empowers the specialist to consider every one of the changing variables and to alter his past decisions.
IV. This strategy has given the lattice to the conduct way to deal with political examination.

2.4.2 DEMERITS

I. Inductive technique includes a great deal of time and cash in noticing and requesting realities with the end goal of hypothesis building.
II. Gathering of realities with all their variety is a difficult errand.
III. The speculations determined by this technique may not have widespread.
IV. Any exemption for the realities gathered would unfavourably influence the overall end came to.
V. This technique brings about continuous variability of speculations.
VI. Another restriction of the strategy streams from the unusualness of individuals and the intricacy of social marvels.

2.5 SIGNIFICANCE OF STUDYING POLITICAL SCIENCE

The investigation of political theory has expected more noteworthy prevalence and importance in current occasions. Man is a political creature and in his activities is straightforwardly or by implication engaged with governmental issues. Legislative issues are an all-inclusive movement.

- Investigation of political Theory bestows information to the people as to the State, Government and host of other political foundations.

- Information on the state is of incredible importance to present day man. Politically edified individuals are equipped for having a valuable impact in friendly and political issues.

- Its examination makes them politically cognizant which is a fundamental condition for the fruitful working of majority rules system.

- To give data about global laws, worldwide enactment, associations and upkeep of world harmony and worldwide fraternity.

- It assists with deciding the limit of opportunity and the constraints of political control. Once more, it shows the examples of participation, lenience and quiet concurrence.

- It manages extraordinary political occasions like French Revolution, American war of Independence and freedom movements.

- It assists with contemplating political idea and thoughts of the incredible political Scholars and to comprehend the current political issues and discover arrangements.

The comprehension of legislative issues and investment in progressive governmental issues go far in achieving the genuinely necessary change in the public eye. Investigation of political theory makes a man alert with regards to his place in the public arena by making him mindful of his privileges and obligations.

LET US SUM UP

From this unit has we have taken in the technique for researching and dynamic. It has likewise empowered us to comprehend the different techniques and the benefits and disservices related with the strategy. Both have their benefits and negative marks; however, they have contributed essentially. This unit additionally clarifies the significance of considering political theory and the manner in which it assists a resident with advancing as a mindful man.

CHECK YOUR PROGRESS

1. The term 'method' is derived from the
   a. Latin   c. Arabic
   b. Greek   d. Egyptian
2. A method is a _____ for arriving at a particular result.
3. Like the microscope to biology, telescope to astronomy, _____ is to the social sciences.
4. Which method involves abstract and analytical reasoning?
5. The definition, "The legitimate derivation of universal laws from individual cases", is related to?

GLOSSARY

Inductive method   : Theory is formed with the facts of its history.

Hypothesis   : A tentative conclusion.

Technique   : A method of examination.

ANSWSERS TO CHECK YOUR PROGRESS

1. Greek

2. Examination

3. Logical tacking

4. Inductive method

5. Inductive method

MODEL QUESTION

1. Which method involves abstract and analytical reasoning? Mention its advantages.
2. Write a short note about the importance of studying political science.
3. Explain the merits and demerits of the method which involves the process of going from particulars to the general.
4. Why Deductive method has been criticised as imaginary?
5. Mention some scholars who have made valuable contributions in the field of methodology of political science.

SUGGESTED READINGS

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2. Ishiyama, J. T., &Breuning, M. (2012). Principles of political science series. *Comparative Politics Principles of Democracy and Democratization*.

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UNIT - 3

<div align="center">

POLITICAL SCIENCE AS A SCIENCE OR AN ART –

APPROACHES TO THE STUDY OF POLITICAL SCIENCE

</div>

STRUCTURE

Overview

Learning Objectives

3.1   Introduction

3.2   Political Science: A Science or an Art

    3.2.1   Political Science is a Science

    3.2.2   Political Science is an Art

3.3   Approaches of Political Science

    3.3.1   Normative Approach

    3.3.2   Historical Approach

    3.3.3   Philosophical Approach

    3.3.4   Institutional Approach

    3.3.5   Modern Method

    3.3.6   Behavioural Approach

    3.3.7   Post - Behaviouralism

    3.3.8   Structural - Functional Approach

    3.3.9   Systems Approach

    3.3.10   Communication Theory Approach

    3.3.11   Decision Making Approach

    3.3.12   Marxian Approach

    3.3.13   Liberals Theory

Let us sum up

Check Your Progress

Glossary

Answers to check your Progress

Model Questions

Suggested readings

OVERVIEW

Aristotle, who is traditionally referred to as the father of Political Science, considered Political Science as the master of all sciences or the supreme science. Similarly, Sidgwik and Bryce consider Political Science as a science. But certain other persons like Maitland deny that Political Science is not a science. This unit assists you with understanding whether political theory is a Science or a Workmanship and the contentions set somewhere near different authors and researchers in supporting this case. It additionally assists us with understanding the assortment of approaches which are supported and applied by the famous Political Specialists.

LEARNING OBJECTIVES

After studying this unit, you will be able

➢   Understand whether Political Science is a Science or an Art.
➢   Know the different kind of Approaches employed in political science.
➢   Learn the differences between behavioural and post behavioural approach.

3.1   INTRODUCTION

There is an extraordinary discussion on the logical idea of Political Theory. A few researchers think of it as a study of the State and the Public authority. While others are of the assessment that it is one of the most in reverse of the multitude of expressions. To close whether it is a science or a workmanship we need to hear the contentions set forward by numerous researchers. There is a great deal of controversy among scholars about whether Political Science is a Science or an Art. Aristotle considered it as the 'master science'. Other modern writers like Godwin, Hobbes, Vico, Hume, Frederick Pollock, John Seely, and Lord Bryce consider it a science. On the other hand, scholar like Mosca, Burke, Buckle, Comte, Maitland question its claim as a science since it has failed to act up to the standard of science.

3.2   POLITICAL SCIENCE: A SCIENCE OR AN ART

There is a lot of discussion among researchers concerning whether Political Theory is a Science or a Craftsmanship. Aristotle thought about it as the 'ace science'. Other current authors like Godwin, Hobbes, Vico, Hume, Frederick Pollock, John Seely, and Lord Bryce think of it as a science.

Then again, researcher like Mosca, Burke, Clasp, Comte, and Maitland questions its case as a science since it has neglected to misbehave to the norm of science.

Rather than posing this inquiry, it is smarter to inquire: how much Political Theory can profess to be a science? It will be valuable to recollect that no science, regardless of whether 'regular' or 'social', can be totally logical consistently and under all conditions.

Taking everything into account two recommendations can be expressed. One, it is pointless to trust that Political Theory can totally become logical. Second, it is significantly more logical today than it was before.

Not a Science:

The accompanying contentions are progressed against the case of Political Theory as a science.

1. Lack of Agreement on Nature of Political Theory.
2. No Sureness and All-inclusiveness in the Laws of Political Theory.
3. No Consistency.
4. Not Conceivable to Direct Trials in any Lab.
5. No Law of Circumstances and logical results.
6. No Impartiality and Objectivity.

3.2.1 POLITICAL SCIENCE IS A SCIENCE

These contentions obviously show that Political Theory can't be an accurate science like Physical science, Science and Math. Yet, it is a sociology like Humanism, Brain science and financial aspects. Science might be comprehensively characterized as 'a group of arranged information'. Political Theory can truly profess to be a science to the extent that it imparts to the innate sciences the utilization of the logical technique.

The fundamental components of this technique are;

a. It underestimates nothing;
b. It demands that all speculations made be founded on noticed realities;
c. It won't acknowledge any speculation as last and irreversible;
d. Other than a researcher, so exceptionally far as humanly conceivable, isn't influenced by his own inclinations or emotional predisposition in the plan of his discoveries. He ought to be unbiased.

Since the standards of Political Theory have been defined after orderly investigation of political wonders, it has the legitimate case of being known as a science. Obviously, it is for the most part conceded that the standards of sociologies including Political Theory are neither generally legitimate nor are consistently definite and exact. That is the reason Lord Bryce contrasted Political Theory with a somewhat immature and estimated innate science like meteorology. Sir Frederick Pollock kept up with that "there is a Political Theory in the very sense that there is a study of ethics."

Since the behavioural revolution in Political Theory, progressed apparatuses and methods of exploration, ideas and models acquired from different sciences have improved political investigations and have granted it more prominent logical person. Nonetheless, while the case of Political Theory to be treated as a science must be acknowledged, it must be finished with the booking that, similar to every single sociology, it is an inaccurate science.

3.2.2   POLITICAL SCIENCE IS AN ART

Political Theory is both a science and a workmanship. A workmanship is characterized as the reasonable utilization of information for the accomplishment of a specific end. Political Theory is an assortment of arranged information which can be applied in drafting a constitution, in everyday organization, in enactment, in international strategy or more all in achieving all round improvement of the state.

In this manner, the information on Political Theory is utilized by legislators, negotiators, managers, social reformers and activists to accomplish their targets. The information on Political Theory isn't only of hypothetical worth, however it has common sense utility.

It will do the trick to taking everything into account that Political Theory is essentially a craftsmanship. Its information is used to benefit all. Further, because of critical utilization of social technique which is logical in nature, political theory is turning into a science. Accordingly, Political Theory is a mix of both Craftsmanship and Science.

3.3   APPROACHES OF POLITICAL SCIENCE

As indicated by Van Dyke, the word " 'approach' means the measures utilized in choosing the inquiries to pose and the information to consider in political request". In the investigation of Political Theory, various types of approaches are applied by the Political Researchers, Famous and primary methodologies are as per the following. Alan Ball in his 'Modern Politics and Government ' has sorted the methodologies into Traditional

and Modern or new approaches. The accompanying methodologies go under the Customary Method

a. Normative
b. Historical
c. Philosophical, and
d. Institutional

The modern approach could be divided as Behavioural, Post – Behavioural, and Marxian Approach.

3.3.1 NORMATIVE APPROACH

The normative conception in political hypothesis is known by various names. Certain individuals like to call it philosophical hypothesis, while others allude to it as moral hypothesis. Political issues were examined insightfully. The technique was deductive and the methodology was regulating. In this period the moral premise and good reason for the political local area was dissected exhaustively by the political thinkers. The reason for this methodology is to explain the words and terms utilized by the political savants.

The compositions of Plato, Hobbes, Locke, Bentham and Hegel have the qualities of the traditional period. They were extremely specific in discovering the guidelines or upsides of life like equity, opportunity and bliss.

The significant elements of this methodology are as per the following

- Idealistic and Prescriptive
- Value Arranged methodology
- Optimistic and idealistic
- Dominated by Theory and History
- Institutional formal and Lawful methodology

3.3.2 HISTORICAL APPROACH

The term 'historical approach' to governmental issues might be utilized in two detects.

- Firstly, it might signify the most common way of showing up at the laws overseeing governmental issues through an investigation of authentic occasions that is occasions of the past, as exemplified by the speculations propounded by Hegel and Marx.
- In the subsequent spot, authentic methodology represents an effort to comprehend governmental issues through a verifiable record of political thought about the past, as exemplified by George H. Sabine's 'A History of Political Hypothesis'.

Historical methodology is one more customary methodology of considering political theory. History fills in as a most ideal sort of research facility for political theory. It is the storage facility of the past occurrences relating to human existence. The investigation of history gives us not just data concerning what occurred before yet in addition about the utility and worthlessness of different foundations of different occasions.

The methodology is reached with the understanding that political theory arose out of financial emergency and the effects they have on the personalities of the extraordinary scholars. For instance, states of old Greece made Plato and Aristotle, the 17th century England delivered Hobbes and Locke, the industrialist framework made Plant and Marx and so forth.

3.3.3 PHILOSOPHICAL APPROACH

It is perhaps the most established way to deal with the investigation of governmental issues and furthermore known as speculative or moral or magical methodology.

In any case, the philosophical methodology is worried about the explanation of ideas utilized in a specific discipline. Furthermore, the philosophical methodology targets developing "principles of good and bad" with the end goal of a basic assessment of the current organizations, laws and strategies. Philosophical way to deal with the investigation of political theory could be followed in the compositions of old scholars like Plato and Aristotle.

Leo Strauss who was one of the vigorous allies of this methodology accepted that "the philosophy is the quest for wisdom and political philosophy is the attempt truly to know about the nature of political things and the right or good political order". Its topics are for the most part worried about upright thinking which can't be exposed to logical test.

3.3.4 INSTITUTIONAL APPROACH

Institutional methodology is firmly identified with legitimate methodology, yet it is unique. Altogether, this methodology doesn't exclusively rely upon different disciplines theory, history or law for getting legislative issues. Among the customary methodologies it alone gives free personality to the efficient investigation of governmental issues. Institutional methodology lays weight on the investigation of political establishments and constructions like leader, governing body, legal executive, ideological groups, vested parties and so forth.

Among the old scholars Aristotle is a significant supporter of this methodology while the advanced masterminds incorporate James Bryce, Bentley, Walter Bagehot, Harold Laski, and so forth As needs be, the upholders of the institutional methodology continue to examine the association and working of government, its different organs, ideological groups and different organizations influencing legislative issues.

Characterization of governments, beginning from Aristotle (government, oppression, gentry, theocracy, commonwealth and majority rules system) to present day grouping (vote based system and tyranny, parliamentary and official, unitary and bureaucratic, and so on), ID of levels of government (administrative, state and nearby) just as parts of government (leader, authoritative, legal), structure and powers of every one of these and their interrelationships (generally in lawful terms), and so on are the main worries of this methodology.

It targets giving an intricate portrayal of realities. Henceforth it epitomizes a shift from regulating to exact methodology and from a chronicled to a contemporary worry inside the circle of customary methodologies. Be that as it may, it depends vigorously on portrayal instead of clarification. Henceforth, it neglects to qualify as a contemporary methodology.

3.3.5 MODERN METHOD

Behaviouralism and post – behaviouralism are the two contemporary ways to deal with the investigation of governmental issues. The improvement of the contemporary methodologies connotes a take-off from conventional methodologies in two perspectives:

i.   They endeavour to build up a different personality of political theory by zeroing in on the genuine person of governmental issues.
ii. They attempt to comprehend governmental issues in entirety, rising above its proper angles and searching for those parts of public activity which impact and are affected by it.

3.3.6 BEHAVIOURAL APPROACH

It is one of the main advancements in the investigation of political theory in the twentieth century. It is likewise viewed as a new or present-day way to deal with the investigation of political theory. Truly, the methodology began with a dissent development of American political specialists against the conventional investigation of political theory. They accepted that the conventional methodologies completely disregarded the political wonders. In this manner, they fostered another methodology for the cautious investigation of political wonders, i.e., conduct approach.

They started to take on the techniques for inherent sciences like perception, overview and estimation in political theory.

The supporters of this methodology were Harold D. Lasswell, George Catlin, Charles Merriam, David Easton etc. It is truly founded with the understanding that political establishments and nature of political occasions are to a great extent controlled by the nature and conduct of individuals.

According to Robert Dahl, behavioural approach " is an endeavour to work on our comprehension of focuses by trying to clarify the exact parts of political life through strategies, hypotheses and standards of verification that are acceptable according to canons and assumptions of modern political science".

Features of Behavioural Approach:

- Focus on Conduct
- Invention of Logical Hypothesis
- Inter- disciplinary
- Methodological Revolution
- Protest movement within political science
- Scientific outlook and objectivity

David Easton, one of the main examples and originators of the behaviouralist political way of thinking , has summarized eight attributes of this methodology. They are consistencies, check, procedures, evaluation, values, systematization, unadulterated science and combination. These are called ' Scholarly Establishment Stones' of Behaviouralism.

a) Normalities or Consistency in conduct which can be communicated in speculations or hypothesis.
b) Confirmations or the testing of the legitimacy of such generalizaations or hypotheses.
c) Methods for looking for and deciphering information.
d) Evaluation and estimation in the recording of information.
e) Qualities as recognized suggestions identifying with moral assessment and those identifying with experimental.
f) Systematization of Exploration.
g) Unadulterated Science or the looking for of comprehension and clarification of conduct, before use of the information for arrangement of cultural issues.
h) Mix of political examination with that of other sociologies.

Shortcomings of Behavioural Approach:

a) Behavioralism concerns more with strategies than result.
b) They stress the significance of social impact at the expense of institutional impact.
c) Legislative issues can never be without esteem as held by behavioralists.
d) They have been focusing their investigation essentially on the static subjects rather on the current issues.
e) It is hard to contemplate the always changing conduct of man on the grounds that the feelings, thoughts and thinking continue evolving consistently.

3.3.7   POST - BEHAVIOURALISM

Disappointment of behaviouralism to manages the useful issues of world, inability to changing over political theory into a critical thinking science, over-accentuation on research strategies and devices and dissatisfication with behaviouralism prompted the development of a new and solid development in political theory called Post-Behaviouralism.

David Easton was an enthusiastic backer of Post-Behaviouaral development. Easton is of the assessment that the behaviouralists are doing pointless exploration. He was disappointed with the kind of exploration and instructing done by the behaviouralists who were attempting to change over the investigation of governmental issues into an all the more thoroughly logical discipline dependent on the philosophy of the innate sciences.

The Cardinal Features of Post-Behaviouralism:

• Intellectual Movement
• Insightful outlook
• A Dissent Movement
• Opposition to valuefree social science

Attributes of post-behaviouralism as given by David Easton:

a. Substance went before procedure, which implied the squeezing issues of society became devices of examination.
b. Accentuation ought to be on friendly change and not friendly safeguarding:
c. Political theory ought not move away from animal real factors of politics.
d. Political theory ought not be without esteem science.
e. Political researchers should ensure human upsides of civilization.

f.   Post-Behaviouralists accentuation activity instead of insightful science.

g.   Pressing need to politicize the calling. These are called philosophy of significance.

3.3.8   STRUCTURAL - FUNCTIONAL APPROACH

This methodology regards the general public as a solitary between related framework where each piece of the framework has a positive and unmistakable task to carry out. The underlying useful methodology might be viewed as a branch of the framework investigation. These methodologies stress the constructions and capacities. Gabriel Almond is an ally of this methodology. He characterizes political frameworks as a unique arrangement of association that exists in all social orders playing out specific capacities. As indicated by him, the fundamental qualities of a political framework are thoroughness, between reliance and presence of limits.

Like Easton, Almond additionally accepts that all political frameworks perform info and yield capacities. The Info elements of political frameworks are political socialization and enrollment, interest-enunciation, interest-animosity and political correspondence. Once more, Almond makes three-crease orders of administrative yield capacities identifying with strategy making and execution. These yield capacities are-rule making, rule application and rule mediation. In this manner, Almond accepts that a steady and proficient political framework changes over inputs into yields.

3.3.9   SYSTEMS APPROACH

This methodology has a place with the classification of present day approach. This methodology makes an endeavor to clarify the relationship of political existence with different parts of public activity. The possibility of a framework was initially acquired from science by Talcott Parsons who previously promoted the idea of social framework. Later on David Easton further fostered the idea of a political framework. As per this methodology, a political framework works inside the social climate. Likewise, it is preposterous to expect to break down political occasions in disengagement from different parts of the general public. All in all, impacts from the general public, be it monetary, strict or something else, do shape the political cycle.

The political framework works inside a climate. The climate produces requests from various segments of the general public like interest for reservation in the question of work for specific gatherings, interest for

better working conditions or least wages, interest for better transportation offices, interest for better wellbeing offices, and so on Various requests have various degrees of help. Both 'requests' and 'supports' comprise what Easton calls 'inputs.'

The political framework gets theories inputs from the climate. In the wake of thinking about different variables, the public authority chooses to make a move on a portion of these requests while others are not followed up on. Through the change interaction, the information sources are changed over into 'yields' by the chiefs as arrangements, choices, rules, guidelines and laws. The 'yields' stream once again into the climate through a 'criticism' component, bringing about new 'requests.' Likewise, it is a recurrent cycle.

3.3.10 COMMUNICATION THEORY APPROACH

This methodology attempts to explore how one portion of a framework influences one more by sending messages or data. It was Robert Weiner who originally talked about this methodology. Later on Karl Deutsch created it and applied it in Political Theory. Deutsch accepts that the political framework is an organization of correspondence channels and it is self-regulative. He further accepts that the public authority is answerable for managing diverse correspondence channels.

This methodology regards the public authority as the dynamic framework. As per Deutsch, the four elements of investigation in correspondence hypothesis are lead, lag, gain and load.

3.3.11 DECISION MAKING APPROACH

This methodology attempts to discover the attributes of chiefs just as the sort of impact the people have on the leaders. Researchers like Richard Synder and Charles Lindblom have fostered this methodology. When a decision needs to be made, the responsibility naturally falls to the leader in charge. A sound decision can't be made in isolation. When a leader consults with organizational constituents, varying perspectives can frame an issue in a new and different way. A catastrophic decision may be the result, without information from a variety of stakeholders. The nuance is to determine who should be consulted and the timing associated with a decision-making meeting. A political choice which is taken by a couple of entertainers impacts a bigger society and such a choice is by and large formed by a particular circumstance. In this manner, it considers mental and social parts of leaders moreover.

Distinction between behavioural and post behavioural approaches

The Issue	Behavioural Approach	Post-Behavioural Approach
Character of inquiry	Quest for unadulterated information and hypothesis	Quest for applied information and practice
Motive of inquiry	Information for information purpose; not inspired by activity	Significance of information to fulfill social requirements and activity for critical thinking
Heart of study	Miniature level examination, center around little unitsProcess of decision making	Large scale level examination; center around job of enormous unitsContent of the decision
Disposition towards Qualities	Worth Nonpartisan	Intrigued by the selection of qualities
Attitude towards social change	Interested in status quo, not interested in social change	Interested in social change for solving social problems

3.3.12 MARXIAN APPROACH

Marxian approach in the investigation of political theory is essentially not the same as the conventional and current methodologies. Marxian approach gives us a hypothesis of social change and logical way of thinking which help to comprehend the laws of social turn of events. Its fundamental thoughts are found in the 'Communist Manifesto ' and 'Das Capital' the two stupendous work of Karl Marx.

To comprehend the Marxian way to deal with political theory we should to know the liberal perspectives on governmental issues first, since these two frameworks total opposites.

3.3.13 LIBERALS THEORY

As per the liberal scholars, the state is an instrument of public great, that the sway is refreshed in individuals or more all that vote based system is the best type of government. The nonconformists additionally accept that the authority of state depends on the overall will and that the point of the state is to guarantee the government assistance of individuals. Marx dismisses the formal or liberal methodology of traditional political examination and advances a more exhaustive sociological investigation of governmental issues.

As per Marx, the material conditions decide the philosophical super-design of society and legislative issues is really adapted by the financial framework. It holds that financial framework decides the classes structure and as there is an adjustment of the method for creation , conveyance framework and trade , so there is comparing change in the relations of experts and slaves, the primitive rulers and the serfs, the industrialists and the specialists, the predominant and the ruled classes.

Communism holds the view that all wonders that we experience are material, concrete and objective. Again it holds that all wonders are portrayed by inside inconsistencies. The course of improvement through inside logical inconsistencies is called Dialectical process. So to see any wonders one should get a handle on its temperament as evolving.

Human existence requires the utilization of specific articles. These articles are truly delivered by men. The way by which these articles are created is called method for creation. The relations of creation partitioned men into two fundamental classes. They are the

- Class controlling method for creation through possession or something else and
- Class which contribute its work power.

These classes are against one another on the grounds that their advantages are gone against together. This prompts class struggle or class battle. The communist represent class war, empowers class cognizance, and readies individuals for a transformation to change the current class overwhelmed industrialist framework. As per Karl Marx the main premise of the subject of governmental issues is power and that to a coordination of all forces political, financial and philosophical.

Marx had a very unique mentality towards the person. He felt that a man is initial a social animal and afterward just a political animal. His life ought to be seen through the crystal of society. The prevailing class in

the general public has created the state to hang on financial force and take advantage of different classes in the general public.

A man can't have separate presence from the general public and he should look for his salvation through the general public not exclusively. This condition of inconsistencies can end just in the foundation of a communist society.

LET US SUM UP

In this unit we have examined the conventional and present day ways to deal with the investigation of Political Theory. Subsequently, in the wake of going through this unit we have learnt thecharacteristics of conventional just as present day approaches just as the different sorts of customary and current methodologies. This unit has additionally helped us in learning the cutting edge approaches like behaviouralism, post-behaviouralism, underlying useful methodology, framework approach, correspondence approach and dynamic methodology and so forth It has additionally empowered us to recognize customary and present day draws near. Both conventional and present day approaches have their benefits and bad marks, however they have contributed an essentially to the investigation of Political Theory.

CHECK YOUR PROGRESS

1. Behaviouralism rose to be prominent during mid _____ as a dominant approach in the methodology of political science.
2. Prior to the 'behaviouralist revolution', political science being a science at all was disputed (True/False).
3. The structural functional approach was developed by Davis Easton (True/False).
4. Leo Strauss was one of the ardent supporters of _____ approach.

GLOSSARY

Contemporary   : Occurring in the present.

Traditional   : Based on customs and habits.

Extraordinary scholars   : Highly intellectual people.

ANSWER TO CHECK YOUR PROGRESS

1. 20th century
2. True
3. False
4. Philosophical

MODEL QUESTION

1. Discuss whether Political Science is a Science or an Art? Substantiate with arguments.
2. What is Traditional approach? Explain at least two kinds of traditional approaches.
3. Write a short note about the drawbacks of behavioural approach.
4. Distinguish between behavioural and post behavioural approaches. Brief how it is different from Marxian approach.
5. "The state is an instrument of public good" – Support the statement briefly.

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Block II

The State

Unit – 4	Origin, Meaning, Definition and Elements of the State
Unit – 5	Theories of the state
Unit – 6	Functions and limitations of the state

UNIT - 4

ORIGIN, MEANING, DEFINITION AND ELEMENTS OF THE STATE

STRUCTURE

OVERVIEW

Every State, their fore must have its population, a definite territory, a duly established government, and Sovereignty. The absence of any of these elements denies It the status of Statehood. Accordingly, the term "State" is generally used for the twenty five units of the Indian Republic. Any one of the fifty States, which make the United States Of America, is a misnomer.In 21st Century, State is every where. It is contacting, straightforwardly or by implication, all parts of human life. It has become supreme. This was not the case years and years age. In those days state played restricted part. It was principally worried about (I) the rule of law and (ii) income assortment. From this tiny job to the present whole swarming job, the job of state has been extending. In this unit, we will discuss about the origins, various elements and characteristics of state.

LEARNING OBJECTIVES

After studying this unit, you will be to

➢ Explain the meaning and definition of the State.
➢ Know the components of the State.
➢ Describe the elements of the State.

4.1 INTRODUCTION

In this Century, State is supreme. It influences all aspects of human life. It has become omnipotent. Back then state had limited role. It was primarily concerned with (i) law and order and (ii) revenue collection. from this very small role to today's all-pervading role, the role of state has been expanding. State establishment is a complex social process, not a unilinear development towards a "modern state" that is more efficient, more democratic, or more enlightened. In the new political organization of the sovereign State, legitimacy comes from the people. For the liberals, the state can already assume responsibility for all choices; for the revolutionaries, responsibility belongs to the minorities that are the intellectuals and the proletariat. The geographical dimension of the formation of States is reflected in the precise delimitation of borders, the exclusivity of territories, the location of the State apparatus and the development of population monitoring tools.

The welfare state appeared in Europe after 1890 and in the United States after the Great Depression. It aims at the provision of services in education, health, housing, etc. with a universalist geographical perspective. Although its forms vary, the welfare state is found only in the richest countries. The welfare state began to suffer in the 1970s with the upheavals in the global economy leading to a loss of sovereignty from the top, from the bottom and from the side. This model suffers from internal contradictions: its activities threaten the inputs that are essential for its survival; administrative processes become too complex. The welfare state is changing towards workfarism which is the fact that the individual becomes responsible for his well-being, benefits are subject to conditionalities.

4.2 ORIGIN OF THE STATE

"State" is one of the most generally utilized terms in Political Theory. As residents, we wind up to be in steady touch with the organization of the state. Truth be told, the state gets reflected in objects like the public banner, the public song of praise, the constitution , the lawmaking body, the police , the organization, public workplaces and such different parts of public life.

As a most fundamental thought of Political Theory, it is significant that we have a more clear comprehension of the state as a political association. The term 'State' possesses the most noteworthy spot and focal subject in the investigation of political theory. The cutting edge term "state" is gotten from "status" prior utilized by the German clan 'Teutons'. The Greeks utilized the word 'Polis' to signify the 'city-state' and Romans utilized the term 'Civitas' which means state.

It was the Italian researcher Machiavelli who utilized the term 'state' in political theory in the cutting edge sense. In political theory the term 'state' we mean a relationship of individuals who live inside a geological region under a coordinated government and subject to no external control.

4.3   MEANING OF STATE

State is an organization to guarantee the rule of law and keep up with concordance of social relations. It makes those conditions, which are fundamental for the advancement of individual character. It makes laws and rules to direct human conduct. It represent the government assistance of society as entire and ensure the rights and life of resident from inside and outer unsettling influences or war.

The customary individuals typically utilize the word state wrongly. It isn't right to liken the word state with government, country or society. At the point when they say 'state help to ventures' 'express transport's and so on, really they signify 'government help to enterprises' 'administration transport's and so on Further, the constituent units of an organization are classified "states", for instance, different states in India and the government states in the U.S.A. Yet, all things considered the term state is utilized in an alternate manners.

In the logical feeling of the expression "the state implies a gathering of people involving an unmistakable region, coordinated under an administration incomparable inside the nation and subject to no external control".

4.4   DEFINITION OF STATE

The term 'state' has been characterized diversely by different political masterminds. A portion of the famous definitions are given underneath:

To cite Macintosh Iver "a few essayists characterize the state as basically a class structure, others see it as a one association that rises above class and represents the entire local area. Some decipher it as a

force framework, others as government assistance framework. Some view completely as a lawful development either in the old Austinan sense which made it a relationship of the lead representatives and administered or as a local area coordinated for activity under lawful guidelines. To some it is a means to an end and to a not many, an abhorrent that will some time or another be superfluous".

According to Bodin, the state is " an association of families and their common possessions, governed by supreme power and by reason".

Dr. Garner: "A state is a local area of people pretty much various, forever involving a distinct part of an area free or almost so of outer control of having a coordinated government to which the incredible group of occupants render routine acquiescence"

Woodrow Wilson: "The state is a people organised for law within a definite territory".

H.J. Laski: "State is a territorial society divided into government and subject claiming with its allotted physical area, a supremacy over all other institutions".

Bluntschli: "The state is politically organised people of a definite territory".

Holland defines the state as " a numerous assemblage of human beings generally occupying a certain territory amongst whom the will of the majority or class made to prevail against any of their number who oppose it ".

Aristotle defined the state as " an association of families and towns having for its end an ideal and self getting the job done life by which we mean a glad and respectable life".

According to Marxist opinion the state emerged because of division of society into antagonistic classes to control the took advantage of greater part. The state is the political organisation of administering classes which utilizes it to stifle the obstruction of its class enemies. It is an association for the support of the standard of one class over different classes.

To accomplish this the state has such instrument of force as a military, the courts, a policeforce, and so on". The current origination of the state, Perspectives on Gabriel Almond and Robert Dhal: Almond utilized the term " political framework" rather than the state.

As indicated by him" political framework is the arrangement of collaborations to be found in all free social orders which play out the

elements of reconciliation and variation (both inside and versus different social orders) through business, or danger of work, of pretty much real actual impulse". " The Political Framework" he clarifies, " is the authentic, request keeping up with or changing framework in the general public".

4.5 ELEMENTS OF THE STATE

The above definitions given by different scholars show that there are four components of a state to be specific Populace, Region, Government and Sovereignty of these four components, the initial two are physical, the third is political and the fourth profound.

The 4 fundamental components are examined underneath.

4.5.1 POPULATION

Since state is a human foundation and most elevated of all human relationship there can be nostate without individuals. state can exist in a uninhabited land. There is no restriction for the numberof residents in a state. As per Plato, an ideal state should comprise of 5040, while Aristotle fixed the number of inhabitants in state at 10.000. Notwithstanding, in the advanced occasions the researchers have not ventured to fix any upper or lower cutoff points of populace. Their number ought to either be too little tobe independent nor too huge to possibly be all around represented. The advanced state offers inclination to the huge size populace in light of the fact that, the greater the populace, the more noteworthy will be its labor. They can battle for a more drawn out timeframe during the conflict time frame.

This is the motivation behind why Nazi Germany, Fundamentalist Italy, and socialist Russia urged moms to have more issues. Such moms were classified "Champion moms". While the issue of these nations is one of decay of populace, the issue of state like India is one of exceptional expansion in her populace. The satisfactory standard, as Dr. Collect says that, populace must be sufficient to give an administering body and number of people to be represented and of course sufficient to help a state association.

4.5.2 TERRITORY

A cutting edge state can't exist without an area. Traveling clans and vagabonds meandering from one spot to another couldn't frame a state. Be that as it may, no restriction can be a set down on area as in population. The biggest state in size is the previous U.S.S.R, whose region covered around one by 6th of the world, though Vatican in Rome has a space of about 4square miles.

The benefit of little state is that they stay minimized and all around represented. And yet, they are in a tough spot as in the issues of contrast and regular assets. However, size is no list of significance.At any rate the advanced age is certainly of enormous regional state in light of the fact that a huge state can activate every one of its assets for the financial and social government assistance and guard.

4.5.3 GOVERNMENT

The reason for which individuals live respectively can't be acknowledged except if they are appropriately coordinated and acknowledge certain standards of direct. The office made to implement rules of lead and guarantee acquiescence is called government. Government is additionally the focal point of the normal reason for individuals possessing the unequivocal domain. It is thereby that normal not really settled, normal undertakings directed and normal interests advanced. Without an administration individuals will need attachment and method for aggregate activity. There would be gatherings, parties and fighting affiliations and states of wars and disarray.

Thus, there is a requirement for normal position and request where individuals reside. This is the pre-essential of human existence. The state can't and doesn't exist without an administration, regardless structure an administration might expect. The public authority is an unquestionable requirement, however it might take any structure. It might have a government like Bhutan or republic as in India. It might have a parliamentary type of government like India and Extraordinary England or an official type of government as in the United States of America.

4.5.4 SOVEREIGNTY

A group occupying an unmistakable part of an area and having an administration don't establish a state insofar as they don't have sovereignty. India before 15 August 1947 had the wide range of various components of the state yet it needed power and in this manner it was anything but a State. sovereignty is the incomparable force by which the state orders and applies political acquiescence from its kin. A state should be inside preeminent and liberated from outside control. Along these lines, power has two angles, inward and outer. Interior power is the state's syndication of power inside its limits. This authority can't be imparted to some other state. The state is free and its will is unaffected by the desire of some other outside power.

LET US SUM UP

Accordingly, every state should have a populace, an unequivocal domain, an appropriately settled government and power. The shortfall of any of these components denies it the situation with statehood. In this way, the term commonly utilized for the 28 areas of Indian Republic now and again makes disarray and similar to the instance of '50 States' in the US of America. This unit clarifies the beginning of the express, its importance, definition and components in a way which everybody could see without any problem.

CHECK YOUR PROGRESS

1. Which scholar used the term 'state' in political science in the modern sense.
2. The term "state" is derived from the word "status",which was earlier used by the _____ tribe
3. Which political thinker defined "The state is a people organised for law within a definite territory?"
4. Of these four elements of the State, which two are physical?
5. _____used the term " political system" instead of the state.

GLOSSARY

City- State   : A people group arranged little state with the administration of little populace revolved around a city.

Authority   : Ability of a person or an institution to use its power and influence with legal sanction. It can also be called as legitimate use of power.

Sovereignty   : Supreme power.

ANSWER TO CHECK YOUR PROGRESS

1.   Machiavelli

2.   German

3.   Woodrow wilson

4.   Population and territory

5.   David easton

MODEL QUESTION

1.   What do you understand by the term state?
2.   Describe in brief, the four constituent elements of the state.
3.   Explain in your own words the importance of territory as an essential element of the state?
4.   Who were called "Heroine mothers", Why?
5.   What is Sovereignty? How it is considered as an element of the state.

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UNIT - 5

THEORIES OF THE STATE

STRUCTURE

OVERVIEW

Most political theories of the state can approximately be grouped into two categories. The first, which includes liberal or conservative theories, treats capitalism as a given, and concentrates on the function of states in a capitalist society. Theories of this variety view the state as a neutral entity distinct from both society and the economy.Comprehensively talking the hypotheses of the beginning of the state fall into two classifications: theoretical (innovative) and observational. While hypotheses like divine origin and social contract are theoretical, those of like kinship theories and evolutionary theories depend on observational and certain discoveries. In this unit, we will discuss in detail about the various theories of state.

LEARNING OBJECTIVES

After studying this unit, you will be able to

- ➢ Understand the different theories of the state.
- ➢ Learn the evolution of all theories.
- ➢ Explain the criticisms of each theory.

5.1 INTRODUCTION

State is the focal subject of investigation of political theory. So political specialists have shownkeen interest in understanding the beginning and improvement of state. Numerous hypotheses have come up on the beginning of the state. In any case, there is no exact response to the inquiry how and when the state appeared. State theories are the most popular among historians. Training is considered independent of the economy according to internal factors. Political change is seen as precedent to economic change and the institutionalization of the state is the product of internal factors such as the preparation and conduct of war. For example, Samuel Huntington talks about "cultural differences" while Paul Kennedy talks about "unequal economic growth".

Geopolitical theories are theories that consider that the formation of states is independent of the economy, but this time the factors that drive the formation of states come from outside. State formation is a response to the international system. James Rosenau identifies four types of response: consenting, intransigent, promotional, conservative. These responses have different implications for state dimensions.

The theories of the mode of production emphasize the mechanisms of feudalism, mercantilism or capitalism within a Marxist perspective. For example, Perry Anderson studies the relations between aristocrats, peasantry and cities. The impetus for state formation comes from outside.

The theory of the world system postulates that sovereignty must be built through an interstate system of mutual recognition. Immanuel Wallerstein is interested in the extension of the division between capital and labour on a global scale within the framework of centre periphery relations.

There is also different theories with regard to the origin of the state; so also are different theories with regard to its nature and functions. To understand the concept of state in its totality is to know it from all perspectives.

5.2 THEORIES OF THE STATE

The speculations progressed so far by the political masterminds on the beginning of the state are

- The theories of divine origin.
- The theory of force.
- The theory of social contract.
- The patriarchal theory.
- The matriarchal theory and
- The Evolutionary theory or Historical theory.

Of these with the exception of the Evolutionary hypothesis different speculations are not acknowledged as right hypotheses on the beginning of the state.

5.3 DIVINE ORIGIN THEORY

It demands that Heavenly Will is the ground of political commitment. Practically all strict sacred texts have propounded this hypothesis. The state and Lord is viewed by them as a heavenly power. Lord is the agent of God designated to administer over the subjects. Consequently to defy an order of the lord implies insubordination to the desire of God and it is sin. Divine Right of Rulers and Heavenly Will is the fundamental ground of political commitment. This ground of political commitment was the most famous in the period of monarchical state.

Criticism of the Theory:

The hypothesis is perilous in light of the fact that it pinpoints the limitless and subjective force of the rulers. However, in the cutting edge age this hypothesis is dismissed as it isn't just unhistorical, informal yet in addition undemocratic. The partition of the congregation from the state was likewise incompletely liable for the decay of the hypothesis.

5.4 FORCE THEORY

As per this hypothesis, the state began because of power applied by the solid over the feeble. The thought contained in the assertion is that 'war conceived the ruler'. A similar view is communicated by Hume, Oppenheim, Jenks-Bernhardy and Trietschke are the types of power hypothesis. Various rulers likewise had confidence in this hypothesis. Power is fundamental not just for keeping law and control, harmony inside the region of the state yet in addition outside security. It is on the grounds that the state has the actual force that people submit to the state.

Criticism of the Theory:

The amazing vanquished the feeble state is the result of the course of forceful abuse of the more fragile by the more grounded. Might without right is bad guy to individual freedom. The hypothesis of power unduly accentuation the standard of natural selection. It is perilous to utilize such a standard in the interior presence of the state. This hypothesis legitimizes tyranny. It is against the possibility of opportunity.

5.5   THE SOCIAL CONTRACT THEORY

The main theoretical hypothesis identifying with the beginning of the state is the Social Contract hypothesis. It was the most well known and compelling hypothesis identifying with the beginning of the state and the idea of political authority during the seventeenth and eighteenth hundreds of years.

Statement of the Theory:

- The types of the hypothesis hold that the state is the aftereffect of an intentional and willful agreement(contract) went into by antiquated men who initially had no administrative association.
- They partitioned history into two periods: the period before the state was framed, called "the condition of nature"and the period after the state was established.
- Contract or deliberate understanding, which is instrumental in the arrangement of the state, separates these two times of history.
- In the condition of nature, men were dependent upon no law or administrative guideline. Men were subject just to such guidelines as nature should endorse (regular law). They partook in certain rights known as natural rights.
- The condition of nature was either excessively terrible or excessively badly arranged for crude men to endure it ortoo charming to keep going long.
- So, people chose to leave the condition of nature and set up a political society through agreement or covenant. Because of the agreement, each man lost his regular freedom mostly or completely, and concurred to obey the laws recommended by the public authority.
- There is contrast of view among the types of the hypothesis identifying with the states of the state of nature, the personality of the laws of nature, nature of the agreement, the elements of the political society and other subtleties. However, they concur on its crucial thought, in particular, that the state is a human creation, the aftereffect of a deliberate understanding among crude individuals.

History of the Theory:

- The thought of agreement is exceptionally old and dates back to the compositions of Plato and Skeptics of old Greece and Kautilya's "Arthasastra".
- While critics depicted the state to be result of agreement among men, Plato and Aristotle managed with the hypothesis just to dismiss it.
- Two types of the hypothesis, viz., the administrative agreement and the common agreement, are found in such conversations. The main proposes an implicit arrangement between the public authority and individuals; and the second, the organization of a political society (State) by wreck of a contact among people.

Thomas Hobbes, John Locke and Jean Jacques Rousseau were the three recognized supporters of this hypothesis.

Thomas Hobbes in his works said that the condition of nature without the presence of a state would be that of turmoil and insurgency. To get away from a particularly horrible presence individuals entered in a common agreement by which they gave up their privileges to a solitary outright and all inclusive power. He said the state isn't involved with the agreement however result of it, and thus residents owed the ruler compliance. Since individuals themselves had agreed to and entered the agreement. The state would be an extremist (all – incredible) one wherein the ruler could request the obedience of the individuals.

John Locke likewise accepted that an agreement was marked and a sovereign authority was made. In any case, As per him the ruler has restricted sacred position and that individuals should comply with him as long as he released his obligations viably. On the off chance that the ruler neglected to serve the majority, individuals reserve the privilege to oust him and acquire another ruler.

Jean Jacques Rousseau said that state was the consequence of an agreement by individuals. He vested political expert in the Overall Will for example mix of the best will of individuals. Subsequently as per Rousseau the state was made by an agreement under which all individuals consented to be tied and committed to political power. It the ruler acted discretionarily and abused his power, Rousseau gave the right of revolution to individuals.

Criticism of the Theory:

The hypothesis of common agreement has been described as terrible history, awful law and awful way of thinking. In otherwords, it has been assaulted from three unique points – the recorded, the legitimate, and the philosophical or levelheaded.

5.6   THE PATRIARCHAL THEORY

The chief example of this hypothesis is Sir Henry Maine. As indicated by him, the city is a mixture of a few families which created under the influence and authority of the oldest male individual from the family.The head or father of the man centric family employed extraordinary force and impact upon different individuals from the family. His writ was completed in the family. This man centric family was the most antiquated coordinated social organization in the crude society.

Through the course of marriage, the families started to extend and they brought forth gen which represents a family. A few gens made one family. A gathering of groups established a clan. A confederation of different clans dependent on blood relations to shield themselves against the aggressors shaped one republic which is known as the state.

Criticism of the Theory:

Present day speculations show that the male centric family was not all inclusive, the man centric hypothesis was exposed to serious assaults. The hypothesis is inaccurate, on the grounds that according to a few pundits the essential social unit was a matriarchal family as opposed to a man centric family. Male centric is basically sociological as opposed to political speculations.

5.7   THE MATRIARCHAL THEORY

Mclennan, Morgan and Jenks are the main examples of matriarchal hypothesis. The matriarchal framework was before the male centric framework and clan. There was no long-lasting organization of marriage. A lady had more than one spouse and due to the vulnerability of male parentage family relationship was figured through lady that is from mother to little girls.In the spot of a family comprising of a man his significant other and youngsters there was an enormous and approximately associated bunch called a swarm or pack coordinated for wedding purposes.

The matriarchal family created as demonstrated beneath.

1.   First there was a clan and it was the most seasoned and essential gathering of people.

2.   In process of things working out, a clan breaks into groups.

3.   Groups in their turn offer spot to families..

4.   Finally comes the comtemporary family.

Criticism of the Theory:

The matriarchal hypothesis is more sociological than political. It tries to clarify the beginning of family and not that of the state. There is no satisfactory verification on the side of the matriarchal framework as the all inclusive and fundamental start of society.

5.8   THE EVOLUTIONARY THEORY (OR) HISTORICAL THEORY

This is the most logical hypothesis on the beginning of the state. The hypothesis expects that a state isa recorded development. The state is neither the consequence of a fake creation nor it started at aperiod of time. To cite Leacock "the state is a development, an advancement , the consequence of a continuous cycle going through all the known history of man and adding something extra to remote and obscure part".John Morley, Gettel, Accumulate, Burgess and Leacock are the allies of this hypothesis.

5.9   THE ELEMENTS OF THE ORIGIN OF THE STATE

As indicated by the promoters of the Developmental hypothesis, Family relationship, Religion, Power, War and Struggle, Financial exercises and political cognizance were a portion of the different components which added to the beginning of the state. The part played by every one of them might be expressed as follows.

Kinship: In the crude social orders individuals were joined based on Kinship. It has been a huge factor in the advancement of the state. It has had a significant impact in early urban turn of events. R.N. Gilchrist says that "blood relationship is an unavoidable bond in the public eye". The nearest obligation of connection is the family made out of father, mother and kids. With the expansionof the family emerged new families and by the augmentation of the groups of a similar stock, clans or factions were shaped. These clans or tribes have a vital influence in the association of thestate by their unification.

Henry Mane says " Kinship made a typical cognizance, normal interest and common reason". As indicated by Macintosh Iver it is the Kinship which make the general public and society at length make the state. Accordingly, we comprehend that connection assumed a significant part in the growth and improvement of the state.

Religion: Impact of religion over crude society was extremely incredible. Public wonder likefloods and rainstorms were accepted to be the desire of God in antiquated occasions. They, consequently, looked for solutions for them in the love of god alone. Since everybody didn't have the foggiest idea about the proceduresof love, they approved a minister to adore god for their sake. The cleric in course of timeturned into a ruler, and subsequently, the state appeared.

As advantageous to the religion the impact of sorcery may likewise be referenced here. Performers applied some effect on the personalities of individuals, who were oblivious and superstitious. We have authentic confirmations in help our view. The Jehovah love was the most grounded power, which joined the clans of Israel. Prophet Mohamed joined the dissipated and agitated races and clans of Arabia. Therefore, individuals of Arabia arose into an amazing country. Along these lines, religion aided the arrangement and the advancement of the state by fortifying the solidarity of thetribe and authority of the boss.

Force: Force assumed a predominant part in the development of the state. The equation for the most part acknowledged inthe crude networks were "might is right". Huntsmen and herders had a rough sort of association. In any case, they were amazing and enslaved the laborers who were constrained to paytribute to their victor.

Large gatherings called clans, having some normal components, coordinated a jointforce. The clan having a superior association began assaulting and overcoming its gathering. This brought about the control of the solid over the powerless. As per Macintosh Iver triumph and control prepared for the development of the state.

Economic Activities: Monetary factors, for example, ownership of abundance and property contributed a lot to the originof the state. The crude individuals had three progressive monetary stages that achieved relating changes in the social association. They were Huntsman stage, the Herdsman stageand the Husbandman or Agricultural stage.

Huntsman stage: In this period, individuals were meandering individuals and had no private property there was no differentiation between the rich and poor people. Hunting was just the wellspring of vocation.

Herdsman stage: In this period, there was some collection of property in the possession of certain individuals, so certain laws became fundamental. In this stage, private property arose in the rudimentary structure.

Husbandman stage: In this period just, the state procured regional person. With the development and advancement of horticulture, individuals had to settle down in a specific region. Laws became important to secure property and to resolve questions with respect to property. Gettle says " Contrasts in occupation and abundance made social classes or standings and the control of one class by one more with the end goal of financial abuse was a significant factor in the ascent of Government"

Political Consciousness: Political awareness of individuals is the last contributing component for the improvement of current state. Political cognizance implies a mindfulness among individuals of normal purposesand end to be acknowledged through political association, which including the security of life andproperty, to shield from outside attack,social, monetary, moral and scholarly improvement andthe like. With the quick expansion in populace and the abundance, a political association like the state was required for the keeping law and control and for resolving the debates. This load of prompted the development of political force and the cognizant adaption of political foundations contributed a lot to the beginning of state.

We can close by saying that the Authentic or Transformative hypothesis gives off an impression of being more reasonable hypothesis than some other hypothesis with respect to the beginning of the state. Mac Iver says,"we can't say when and where the state starts. It is understood in the widespread inclination to administration and subjection, however it possibly arises when authority becomes government and custom is executed into law".

5.10   MARXIAN THEORY OF STATE

Marxian Hypothesis of State arose as a dissent against the Liberal Hypothesis of State. The exponents of this hypothesis are Karl Marx and Frederick Engels. Communism has faith in 'Argumentative Realism' and the materialistic understanding of history. He was absolutely against the Leftists perspective on state as a characteristic foundation or a fake body made by the unrestrained choice of the people and exists to advance the prosperity of the multitude of individuals. He accepted that the state began at a specific phase of financial turn of events. The general public broke into classes, and the state which emerged, was constrained by the prevailing class. This made a wide hole between those who are well off the poor and prompted class battle. In this manner, the state turns into a class establishment and it is utilized to advance the interests of the decision and taking advantage of classes.

Frederick Engels illuminates this point by expressing that " The state has not existed from all time everlasting. There have been social orders that managed without it, that had no origination of the State and the State power. At a specific phase of financial turn of events, which was essentially bound up with the cleavage of society into classes, the state turns into a need attributable to cleavage". Lenin, the founder of Communist Party in Russia, further explained this point by saying that, "State is an organ of the abuse of one class by another and it make request which legitimizes and perpetuates this mistreatment by directing the crash between the classes".

Marxian holds the view that all wonders that we experience are material, concrete and objective. Once more, it holds that all marvels are described by inward logical inconsistencies. The course of advancement through interior inconsistencies is called Dialectical process. Thus, to understand any marvels one should get a handle on its tendency as evolving. Human existence requires the consumption of specific articles. These articles are truly delivered by men. The way by which these articles are delivered is called method for creation.

The relations of creation separated men into two essential classes. They are the class controlling method for creation through proprietorship or something else, and the class which contributes its work power. These classes are against one another in light of the fact that their advantages are gone against together. This prompts class struggle or class battle.

In the Marxian hypothesis, the state is above all else considered as superstructure thus the idea of the state relies upon the idea of method of creation. Once more, Marxian hypothesis holds that the state is an arrangement of savagery and intimidation, generally made in the class social orders to keep up with and ensure the method of creation. The state guarantees the strength and exploitative power of the class that claims the method for creation.

In this way, state turns into a class organization. It is used to advance the interests of the decision and exploiting classes. Accordingly, state emerges in class social orders and it is an instrument of abuse.

Marx and Lenin deciphered the elements of the state fundamentally as far as the utilization of legalized violence and powers of the express; The Neo communist scholars like Antonio Gramsci have caused to notice the control of thoughts and assessments of controlled and took advantage of class. Their motivation is to legitimise the force of the state as far as moral philosophical grounds. In this manner, the communist view of the state advances the mastery of the class or classes that own the method

for creation by a blend of techniques i.e., The utilization of direct power and through the domineering production of agreement and assent.

According to the Marxian view, state exists just in class social orders since it is an instrument of class mastery. When classes vanish, the state will naturally vanish. Marx had faith in the boorish and stateless society. He said that after the socialist revolution, dictatorship of the Low Class will be set up, the industrialist or bourgeoisie class will be liquidated and the state will shrink away, and a raunchy and stateless society will arise.

LET US SUM UP

From this unit, we have found out with regards to the various speculations of the state and the viewpoint of different creators. While examining the different hypotheses of the state we have found out with regards to the perspectives on the defenders of the thoeries about the state. Plus, we have likewise found out with regards to the alternate points of view of express that have arisen throughout its chronicled development, beginning from the medieval state to the advanced country states.

CHECK YOUR PROGRESS

1. During The_____stage there was no distinction between the rich and the poor.
2. The exponent of Patriarchal theory is _____
3. Who is the founder of Communist Party in Russia?
4. Morgan is the supporter of _____.
5. Which is the most scientific theory on the origin of the state.

GLOSSARY

Kinship   : Sharing of characteristics or origins.

Marxism   : It is a social, political, and economic philosophy named after Karl Marx.

Consciousness   : State of being aware of the surroundings.

ANSWER TO CHECK YOUR PROGRESS

1. Huntsman stage

2. Sir henry maine

3. Leuin

4. Matriarchal Theory

5. Evolutinary Theory

MODEL QUESTION

1. Analyse the Social contract Theory and its critics.
2. Explain the Elements of the origin of the state.
3. What is the role of Religion in origin of the state.
4. Marxism believes in Dialectical Materialism and the the materaialistic interpretation of history comment.
5. What are the three successive economic stages that brought about corresponding changes in the social organisation?

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UNIT - 6

FUNCTIONS AND LIMITATIONS OF THE STATE

STRUCTURE

OVERVIEW

There is relentless discussion regarding what the state will do. Political scholars have every now and then progressed numerous speculations to characterize the circle of state action. From one perspective, there are masterminds like revolutionaries, socialists, syndicalists who question the actual presence of the state and backer a stateless society. Then again, there are the outright scholars like

visionaries who respect the state transcendent and endow to it each activity relating to human existence. In the middle of these two outrageous kinds of deduction there are the individualists who hold that Administration is the best which oversees the least. Hence, there is no unanimity among the political scholars concerning what the state ought to do. This unit deals with the functions and limitations of the state.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Explain the functions of the state.
➢ Understand the limitations of the state.
➢ Know about the military and economic functions of the state.

6.1   INTRODUCTION

The time on earth, modern state should really focus on its residents. The essential requirements like food, clean drinking water, giving schooling, medical care, and government managed retirement for the populace are the obligations of the advanced state. You can track down the quantity of plans and tasks of Legislature of India and the different state governments to be toward this path.

6.2   FUNCTIONS OF THE STATE

As with all social institutions, the state is organized around a set of social functions. It is an important agency of social control which performs this function through laws. The main functions are maintaining law, order and stability, resolving various kinds of disputes through the legal system, providing common defence, and looking out for the welfare of the population in ways that are beyond the means of the individual, such as implementing public health measures, providing mass education and underwriting expensive medical research. From a conflict perspective, the state operates in the interests of various dominant groups, such as economic classes and racial and ethnic groups. The following are the functions of the state.

6.2.1   MAINTENANCE OF ORDER

Taking the principal sort of capacities, i.e., which the state alone can play out, the essential capacity is the upkeep of request in the public eye. The state is equipped with particular ascribes which empower it to play out this capacity, it "has the force of life and demise over all affiliations no not exactly over people on account of its unabated right to reconcile".

It "guarantees the option to resolve political debates forcibly. In this manner it hoists political interests to finish incomparability over any remaining interests." It single-handedly can make rules of general application. "It alone can build up rights and commitments which concede to no special case. It single-handedly can characterize the regions and cutoff points of subordinate forces. It alone can co-ordinate inside one incredible social structure the different associations of a general public. The state, to put it plainly, is the underwriter and the watchman of the public request".

Yet, request isn't for the good of its own, yet "for insurance and of preservation and advancement." It is advocated uniquely to the degree to which it serves the necessities of the local area in congruity with and restricted by the beliefs of the local area, especially by the goals of equity and freedom.

For the support of request, its essential undertaking, the state plays out various auxiliary capacities like that of managing and planning crafted by different affiliations, characterizing the rights and commitments of citizenship, building up and controlling method for correspondence and transportation, setting up units and guidelines of calculation, estimation esteem and so forth, figuring explicit rights and commitments of people inside the family, inside the monetary request and inside other social connections, keeping up with armed forces and police and accommodating equity.

6.2.2   CONSERVATION AND DEVELOPMENT

Considering the second kind of capacities i.e., capacities for which the state is very much adjusted, MacIver remembers for this class "the preservation and improvement of human limits just as of financial assets." The state is all around adjusted to control the double-dealing of normal assets in light of a legitimate concern for present and of people in the future of the whole local area.

On the off chance that the abuse of regular assets is left in the possession of private people, then, at that point they will look for their own benefit at the expense of shared increase. The state can more readily maintain the interest of the entire and the interest of things to come as against the serious interests. Along these lines, preservation of woods, fisheries, and abuse of mineral assets are capacities which the state ought to attempt.

The protection and improvement of human limits are no less significant than that of the regular assets. The state ought to accommodate schooling, recreational areas, exhibition halls, jungle gyms, and add to the improvement of science, and to the consolation of craftsmanship. However different organizations can play out these undertakings yet none so effectively and on so incredible a scale and with so much authority as can the state.

It is hence evident that the state has extended its exercises in different ways. The proportion of the quantity of Government representatives to the all out populace has consistently kept on expanding. Regardless of whether the new development of legislative exercises is worthwhile or not relies on how one feels about the worth of the expanded capacities and administrations and the expense of these capacities and administrations.

6.2.3 MILITARY FUNCTIONS

The States thinks about the significance of safety from numerous points of view. Terms like Human Security have arisen to put residents first. Roused by the rationalist Immanuel Kant's concept of unending harmony, the Conditions of the world met up as 'class of countries' and later as the 'Joined Countries Association and have been discussing the terms security and safeguard as far as advancing harmony.

6.2.4 ECONOMIC FUNCTIONS

The State should mediate in the monetary elements of the political framework. The State needs to help individuals, cause them to understand their potential for their advancement. Have a go at getting what Martha Nusbaum clarify about 'capacities' and what does Nobel Laureate Amartya Sen's thoughts on 'ability approach'. Ensuring shoppers, more vulnerable segments, putting resources into regions where there is no benefit are those remembered for the financial elements of the cutting edge state.Grouping of monetary force is one more insidious to be adjusted by the State. Along these lines, the State mediates through control of restraining infrastructures and prohibitive exchange practices to check grouping of financial force.

In fine, the state can play three kinds of roles.

- As a producer of goods and services.
- As a supplier of public goods and social goods.
- As a controller of the framework.

6.2.5 ADMINISTRATION OF JUSTICE

For the smooth running of society foundation of equity is fundamental. The state outlines the laws for the security of the life and property of individuals. The crooks are attempted and rebuffed by the Legal executive and due security is given to residents of the state.It ought to give satisfactory legal design to deliver equity to all classes of residents. Something else, the tenet of "Might is right" will win and everyone's life and property will be in risk.

6.2.6 SOCIAL WELFARE

The point of the state isn't bound to the support of law or request alone however it lies in advancing the social and financial government assistance of individuals too. It is the obligation of the state to make arrangements for schooling, government managed retirement, social protection, wellbeing and sterilization for the improvement of individuals in the country. Nowadays the state targets wiping out practically every one of the shades of malice of society, to deliver productive members of society, the state presents better instructive framework and needs its people to come out as better organs of society.

Practically every one of the states are gaining ground in this regard. For instance, numerous laws were outlined by the public authority to wipe out such shades of malice of society as youngster relationships, share framework and unapproachability, and so forth Measures are being taken on to take out ignorance. Hence, it is very certain that it is likewise the point of the state to advance the normal government assistance of individuals in financial field.

6.2.7 INTERNATIONAL RELATIONS

No nation can live confined from the remainder of the world. The state is accountable for building up the approaches, systems and political techniques to set up sound and prosperous relations with other sovereign states. Between two nations, construct trust and equivalent advantage arrangements. Connections of this kind advance worldwide harmony and the financial, social and innovative improvement of the countries in question. With this equivalent reason, worldwide associations were made, where a few nations with explicit interests regulated collusions to more readily oversee assets and strategic approaches.

6.3 LIMITATIONS OF THE STATE

In genuine life, then, at that point, the power of the State is dependent upon restriction. The force it can apply, either straightforwardly, or through its instruments, is never at any second outright. Likewise, the actual idea of the State sets a constraint on the elements of the state. The state has cutoff points to what it can do. The state, as expressed above, however widespread yet it is a restricted organization. It is restricted by the means available to its. It is restricted by the traditions of the local area.It is restricted by the dread of obstruction. Furthermore, it is restricted by the presence of different relationship in the public eye whose capacities can't be performed or attempted.

MacIver says, "It is unnecessary and worthless to move in one office every one of the exercises of life. Certain tasks the instrument can perform, but badly and clumsily. We do not sharpen our pencils with an axe. Different undertakings it can't perform at all and when it is coordinated upon them it just demolishes the material."

6.3.1 FREEDOM OF EXPRESSION

Taking up the capacities which the State ought not attempt, MacIver says, "The State ought not try to control popular assessment, regardless the assessment might be," if there is "no prompting to overstep its laws or resist its position".

"To ask law breaking is to assault the central request, the foundation of which is the main business of the state, and for the conservation of which it is enriched with coercive influence".

6.3.2 ENFORCEMENT OF MORALITY

Also, the state ought not uphold ethical quality. 'The circle of ethical quality is particular from the circle of political law. "Ethical quality is consistently individual and consistently according to the entire introduced circumstance, of which the political truth is never more that a viewpoint." There is nothing of the sort as 'state ethical quality'. There is no profound quality save individual ethical quality. Law can't endorse ethical quality it can recommend just outer conditions. It can't cover every one of the grounds of profound quality. "To transform all upright into lawful commitments is annihilate ethical quality".

6.3.3 NON-INTERFERENCE IN CUSTOM AND FASHION

The state ought not meddle with custom and design straightforwardly. "The state has little ability to make custom, and maybe less to obliterate it, albeit in a round about way it impacts customs by changing the conditions out of which they spring." MacIver states in strong words: "Custom, when assaulted, assaults law thusly, assaults the specific law which goes against it, yet what is more fundamental, the soul of law constancy, the solidarity of the overall will".

The state has even considerably less command over that minor and changeful type of uniquely called design. MacIver states, "A group will follow excitedly the directs of style announced by some obscure clique in Paris or London or New York, Yet were simply the state to declare changes so inconsequential, it would be viewed as tremendous oppression; it may even prompt unrest."

6.3.4 CREATION OF CULTURE

Finally, the state can't make culture since culture is the declaration of the soul of a group or of an age. "It is crafted by local area, supported by internal powers definitely more strong than political law." Craftsmanship, writing and music don't come straightforwardly inside the domain of the state. "In this load of exercises a group or a progress heads out in a different direction, receptive to the impacts and conditions generally un-understood and uncontrolled by the state".

It may be emphasized here that in recent times there has been a tendency towards the growth of state functions. Today there is no citizen and almost no organization which operates outside its orbit of power. The barriers between the field of economics and government are rapidly being lowered. The welfare state is now a popular ideal. There is now hardly a phase of life in which the state does not participate either as a Tenderer of services, as an arbiter, or as a controller. The two world wars have further broadened the functions of the state. The trend towards expansion of governmental functions is likely to continue. This trend is the result of the growth and diffusion of the idea that the state is responsible for the economic and psychological, as well as the physical security of its citizens. The conclusion to which MacIver is driven on the whole question of state action is that, in general terms the state should control those external conditions of social living which are of universal concern in view of the acknowledged objects of human desire. It should not meddle with concerns which are not its own. "If it attempts those things which it ought not to attempt it will fail in the things which properly fall within its charge."

LET US SUM UP

The circle of state activity is without a doubt huge, still it isn't Omni equipped. It should cease from the pointless or malevolent work to do those things which it is inadequate to do and brace itself all the more undauntedly, more outstandingly to the satisfaction of those capacities which it is capable to do.

CHECK YOUR PROGRESS

1. Amartya Sen won nobel prize in the _____ category
2. For the smooth running of society establishment of _____ is essential.
3. Minor and changeful form of custom called _____
4. The statement "the conservation and development of human capacities as well as of economic resources" was given by _____
5. In Economic functions _____ is another evil to be corrected by the State.

GLOSSARY

Ideology   : A set of ideas which form the basis for a political or economic system.

Communism   : System where state owns and controls all and aims to treat everyone equally.

Conservatism   : The disapproval of new ideas and change.

ANSWER TO CHECK YOUR PROGRESS

1. Ability approach

2. Public Order maintenanace

3. Role of state in Custom

4. Relations with the outside world

5. Ethical quality

MODEL QUESTION

1. Elucidate the functions of the state.
2. Analyse the limitation of the states and recommend some justiciable way forwards to overcome.
3. What is Social Welfare? Explain with relation to the state.

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Block III

Sovereignty

UNIT - 7

MEANING, DEFINITION, CHARACTERISTICS OF SOVEREIGNTY

STRUCTURE

OVERVIEW

The idea of sovereignty is the premise of current political theory. It underlies the legitimacy, all things considered, and decides every global connection. Public and global governmental issues today is overwhelmed by the idea of Sovereignty and challenges over it.

Sovereignty, as indicated by its respondents, both in principle and practice, targets building up request and clearness in what they portray as a violent and incongruous world.This unit manages perhaps the main concept utilized in Political Theory, specifically, sovereignty.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Understand the idea of sovereignty and know its Significance.
➢ Know the various components of sovereignty.
➢ Learn the characteritics of sovereignty.

7.1 INTRODUCTION

Sovereignty is a fundamental component of the state. State can't exist without Sovereignty. State is respected better than different affiliations simply because of Sovereignty. Indeed present day hypothesis of state got its legitimate shape and flawlessness just when the idea of power was presented in it. At the point when we attempt to look for the beginning of this idea we track down that the term Sovereignty is the result of current political reasoning however the thought returns to the hour of Aristotle who alluded to it as the 'incomparable force' of the state.

7.2 MEANING OF SOVEREIGNTY

The expression " Sovereignty " has been gotten from the Latin word "Superanus" which implies preeminent or principal. Albeit the expression " Sovereignty " is current yet the possibility of " Sovereignty" dates back to Aristotle who discussed the"supreme force of the state".The expressions "Sovereign" and "Sway" were first utilized by the French legal advisers in the fifteenth century and later they discovered their direction into English, Italian and German political writing. The utilization of the expression " Sovereignty" in Political Theory traces all the way back to the distribution of French scholar Jean Bodin's "The Republic" in 1576 A.D.

Sovereignty is the main trademark which recognizes the state from any remaining associations. The state is incomparable and it is over all people too affiliations. In single word we can say Sovereignty means the matchless quality of the state inside and remotely. Subsequently the idea of Sovereignty is one of the most key ideas in the investigation of political theory. The sovereign state framework in Europe arose as a reaction to explicit chronicled conditions.

By the sixteenth century, the Congregation in Europe was starting to let completely go over the state and cultural constructions since these were moving a common way for an assortment of reasons.

The fundamental parts of the new social and political milieu of which the possibility of Sovereignty is an item are referenced as under:

- Expanding roads of exchange.
- New forms of manufacturing industries.
- New improvements in craftsmanship, culture, theory, and obviously,
- Systematic development of logical and mechanical base joined by a test of dogmatic religion.

7.3   DEFINITIONS OF SOVEREIGNTY

J. W. Garner says "Sovereignty is that characteristic of the state in virtue of which it cannot be legally bound besides by its own will or restricted by some other force than itself."

Jean Bodin "Sovereignty is the outright and unending force of ordering in a state and a supreme power over citizens and subjects unrestrained by law."

Hugo Grotius "Sovereignty means freedom from foreign control."

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

J.W.Burgess writes, 'I understand by it, the original, absolute, unlimited, universal power over the individual subject and all associations of subjects."

W.F.Willoughby styles sovereignty as, "the supreme will of the state".

R.G. Soltau "sovereignty is the exercise of final legal coercive power of the state."

Duguit Sovereignty is the " commanding power of the state; it is the will of the nation organised in the state, it is the right to give unconditional orders, to all individuals in the territory of the state"

Woodrow Wilson says, "Sovereignty is the daily operative power of framing and giving efficacy to the laws"

Blackstone Sovereignty is "the supreme, irresistible, absolute, uncontrolled authority in which the 'jurist summi imperi' reside"

7.4   COMPONENT OF SOVEREIGNTY

The concept of sovereignty, once relatively uncontested, has recently become a major bone of contention within international law and international relations theory. Rather than presupposing that the concept of sovereignty has a timeless or universal meaning, more recent scholarship has focused on the changing meanings of this concept across a variety of historical and political contexts. Sovereignty is a fundamental component of the state. There are two parts of Sovereignty and that is Internal sovereignty and External sovereignty.

7.4.1   INTERNAL SOVEREIGNTY

It alludes to the preeminent authority practiced by the state over individuals and territory that it controls. It is outright in power over all people or relationship inside the state. It issues requests to all men and all relationship inside that space and it gets orders from none.

The desire of the state is outright and it is dependent upon no legitimate restrictions. In the expressions of Laski, "Sovereignty is lawfully over an individual or gathering, he has Preeminent Coercive Force".

7.4.2   EXTERNAL SOVEREIGNTY

By external sovereignty we imply that the state is free of any impulses or obstruction from the piece of different states. Every autonomous state saves the position to disavow exchange settlements and to go into military arrangements. Along these lines by external sovereignty we imply that each state is free of different states. All in all, external sovereignty implies public opportunity.

Each autonomous State is at freedom to decide its international strategy and to join any alliance of force it prefers. Some other state doesn't maintain any authority to meddle with the outside matter of an autonomous state.

Professor Laski has effectively seen in such manner, "The modern state is a sovereign state. It is, hence, free not withstanding different communities. It might inject its will towards them with a substance which need not be influenced by the desire of any outer force". This assertion of Professor Laski makes unmistakably the State has both external and internal sovereignty.

7.5 CHARACTERISTICS OF SOVEREIGNTY

In view of the above discussion of sovereignty, we find some characteristics of sovereignty.

- Sovereign authority is the ultimate. There is no upper limit to this authority over citizens and subjects.
- Sovereign power is eternal and unlimited powers. Sovereignty cannot be limited at certain grounds.
- 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.
- Sovereignty is a fundamental power, not a given power. God or the Pope did not hand this power over to the state. The power of the people is the only source of this fundamental power.
- The sovereignty of the state is unalterable. This infinite power cannot be separated from the state. State authority cannot transfer this extreme power permanently or temporarily to a person or organization within its geographical boundaries.

7.5.1 ABSOLUTENESS

Totality of sovereignty implies that there is no lawful force inside the state or outside the state better than it. The authority of the sovereign isn't dependent upon any interior or outside restrictions. He is outright and limitless the sovereign is qualified for do whatever he prefers. Sovereignty is characterized as outright, preeminent and limitless force. There could be no other force higher than the express that can give orders to it. The sovereign is the wellspring, everything being equal, and rights. It is above law. Austin was the best boss of this hypothesis.

It is brought up that this element of Sovereignty is exceptionally imperative. Since, in such a case that a state submits to the authority of some other sovereign, it stops to be a state. Sovereignty of the state should be outright and the sovereign force ought not stream any impedance interior or outside.

7.5.2 INDIVISIBILITY OF SOVEREIGNTY

The indissoluble nature of Sovereignty is a coherent induction from its authority. Indissoluble nature is the life-blood of Sovereignty and can't be separated into parts. In case Sovereignty is isolated, the state as a solitary political unit is obliterated. The preeminent force of the state can be divided between various organs however power stays the quality of the state in general.

As per Calhoun, "Sovereignty is an entire thing; to divide it is to destroy it. It is the preeminent force in a state and we might just well speak of half square or half a triangle as half a sovereignty".

Gettel, has additionally suitably commented in such manner, "In case Sovereignty isn't outright, no state exists. In case Sovereignty is separated, more than one state exists".

7.5.3 EXCLUSIVENESS

The sovereign force is select privilege of the state and isn't shared by it with some other position or gathering. In the state there can be just a single sovereign who can legitimately constrain compliance from all people and relationship inside its purview. By this we imply that there can be no two sovereigns in a single autonomous state. On the off chance that two sovereigns exist in an express the solidarity of that state will be annihilated. There can't exist one more sovereign's state inside the current sovereign state.

7.5.4 ALL COMPREHENSIVENESS

The State is all far reaching and the sovereign force is generally pertinent. Each person and each relationship of individual is dependent upon the Sovereign of the state. No affiliation or gathering of people, notwithstanding, rich or incredible it very well might be, can oppose or resist the sovereign position.

Sovereign makes no special case and awards no exception to anybody. It awards exclusions just on account of unfamiliar consulates and strategic agents of far off nations on the proportional premise. This doesn't in any capacity confine the Sovereignty of the state in the lawful sense. The state can abrogate and pull out the discretionary advantages allowed to outsiders.

7.5.5 PERMANENCE

Lastingness is the central attributes of Sovereignty. It is an indistinguishable component of the state. Sovereignty endures up to an autonomous state exists. The passing of a Ruler or the defeat or the difference in a specific arrangement of the public authority doesn't prompt the annihilation of Sovereignty. Sovereign force movements to the new people who control the legislative mechanical assembly Equity Sutherland of U.S.A. said " Rules travel every which way; governments end and types of government change; yet Sovereignty is never held in tension". This is the motivation behind why individuals in Britain used to say "King is dead, long live the King".

7.5.6 INALIENABILITY

Inalienability is one more quality of power. Sovereignty is inalienable. By inherent nature we imply that the State can't leave behind its Sovereignty. All in all, we can say that the sovereign doesn't stay the sovereign or the sovereign state, in the event that he or the state moves his or its power to some other individual or some other state.

Sovereignty is the life and soul of the state and it can't be distanced without obliterating the actual state. Lieber has suitably commented in this association: " Sovereignty can no more be distanced than a tree can estrange its entitlement to grow or a man can move his life or character to one more without implosion".

No state can distance or leave behind its fundamental component of Sovereignty but stay a state.

7.5.7 UNITY

Unity is the actual soul of Sovereignty. The sovereign state is united similarly as we are united.

7.5.8 IMPRESCRIPTIBILITY

By Imprescriptibility we mean, Sovereign force of the state isn't lost by neglect. It is the essential nature of the state which stays with it in so far as the state keeps on existing. It doesn't stop to exist by non-exercise of the force.

LET US SUM UP

In this unit, we have investigated the idea of Sovereignty which basically implies that the state plays out the entirety of its capacities with the assistance of some position or force. Its fundamental provisions involve supremacy which implies no inner or outside restrictions; comprehensiveness meaning its control over each individual in the state, perpetual quality importance its congruity as long as the state exists and inseparability inferring that there is just a single Sovereignty.

CHECK YOUR PROGRESS

1. Sovereignty" has been derived from the Latin word_____.
2. _____ is the very spirit of Sovereignty.
3. The first user of the term "Sovereignty" in Political Science_____.

GLOSSARY

Assortment : a miscellaneous collection of things or people.

Efficacy : The ability to produce desired result.

Inalienability : Unable to be taken away or to be given to another

Imprescriptibility : The state of being incapable of prescription.

ANSWER TO CHECK YOUR PROGRESS

1. Supersaurus

2. Limitless force

3. Aristotle

MODEL QUESTION

1. Discuss the various Definitions of Sovereignty.
2. Analyze the difference between Internal Sovereignty and External Sovereignty.
3. Briefly explain the Characteristics of Sovereignty.

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UNIT - 8

CLASSIFICATION OF SOVEREIGNTY

STRUCTURE

OVERVIEW

In order to be treated as state several elements are required and sovereignty is perhaps the most important element. The interesting fact is that large number of scholars and political scientists disapprove sovereignty of state as it curtails the liberty of individuals and they are called pluralists.Their belief is that instead of arguing for concentration of power at a single centre it is better to decentralise it. Sovereignty means centralisation of power and it runs counter to the progress of civilisation and progress. To see how the idea of Sovereignty is utilized, have a reasonable thought of the various kinds of Sovereignty. In the wake of concentrating on this unit, you will actually want to comprehend the arrangements of Sovereignty. This unit clarifies the classification, i.e., Legal, Political, Titular, Actual and analyses it.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Understand the legal and political classification of sovereignty.
➢ Know the titular and actual sovereignty.
➢ Discuss about the defender sovereignty.

8.1 INTRODUCTION

The previous unit of the book contains about the foundations of Sovereignty with characteristics. In order to be treated as state several elements are required and sovereignty is perhaps the most important element. But it is one of the most controversial topics. The liberals, conservatives, socialists and all types of thinkers view it in their own respective ways and this finally has resulted in different concepts about it. The interesting fact is that large number of scholars and political scientists disapprove sovereignty of state as it curtails the liberty of individuals and they are called pluralists.

Their belief is that instead of arguing for concentration of power at a single centre it is better to decentralise it. Sovereignty means centralisation of power and it runs counter to the progress of civilisation and progress. In this spirit Laski once said it would be of lasting benefit to political science if the whole concept of sovereignty were surrendered.

But the same author in the same book has offered us another view which says that the theory of sovereignty is the theory of political organisation. Now, if we decide to surrender sovereignty the only alternative left to us is to dismantle political organisation which is an impractical proposition. We are of opinion that since we are not in a position to dismantle state we must not surrender sovereignty. Dissolution of state means to go back to the state of nature. Human progress and civilisation always advance. To analyse these concepts, this unit covers the classification of sovrignty as follows.

8.2 CLASSIFICATION OF SOVEREIGNTY

There are four elements or ingredients or characteristics of state i.e. population, territory, government and sovereignty. Hence the state cannot be imagined without Sovereignty. It is Sovereignty that not only distinguishes the state from other associations, but also gives it superiority over them. The precise and definite location of Sovereignty is, however, not an easy matter. This problem of location of Sovereignty has, therefore, given rise to a distinction between legal and political

Sovereignty, Titular and Actual Sovereignty and de jure and de facto Sovereignty. Following are the important types of Sovereignty.

8.2.1 LEGAL SOVEREIGNTY

It is the origination of sovereignty as far as law. It is the preeminent law-production power in any general public which isn't limited by any law however appreciates ongoing compliance from individuals. Infringement of the orders of the lawful sovereign is chatted with discipline. Courts perceive just the laws made by a lawful sovereign. Law is only the order of the legitimate sovereign. It is the wellspring of every single lawful right. Lawful sovereignty is that authority of the state which has the lawful ability to give last orders. It is the authority of the state to whose bearings the law of the State ascribes last legitimate sovereignty. In each free and requested state there are a few laws which should be complied by individuals and there should be an ability to issue and authorize these laws. The force which has the lawful position to issue and implement these laws' is legal sovereignty.

8.2.2 POLITICAL SOVEREIGNTY

Political sovereignty rests in that class of individuals under whose impact the mass individuals is or individuals are. Political sovereignty rests in the electorate, in the popular assessment and in any remaining impacts in the state which form and shape the general assessment. Dicey believes that "behind the sovereign which the attorney perceives, there is one more sovereign to whom the legitimate sovereign should bow. Such sovereign to whom the legitimate sovereign should bow is called political sovereign. In each Arranged express the lawful sovereign needs to give due consideration to the political sovereign.

According to Professor Gilchrist, "The political sovereign means the aggregate of impacts in a State which lie behind the law. In present day delegate government we may characterize it generally as the force of individuals". The connection amongthe legal and political sovereignty is very close, both being two aspects of state sovereignty.

Legal sovereign is a law-production expert in lawful terms, though political sway is behind the legitimate sovereign in a solid political framework. Lawful sovereign gives due regard and thought to political sovereign which goes about as a rampart against abuse of force. In the event of contention between the two, the lawful sovereign will supersede briefly yet over the long haul the political sovereign (the desire of individuals) will champion itself through an upset, if fundamental. The lawful sovereign ought to reflect and do the desire of individuals in light

of a legitimate concern for great government. The idea of legitimate sovereign is clear while the idea of political sovereign is ambiguous. Lawful sovereign is chosen by the political sovereign while political sovereign is the electorate or individuals.

Difference between Legal and Political Sovereignty

LEGAL SOVEREIGN	POLITICAL SOVEREIGN
Law making authority in legal terms	It is behind legal sovereign. It cannot issue commands in the form of laws.
Legal Sovereign is vested in one person or a group	Political Sovereign is vested in the electorate or people.
Legal sovereign is definite, organised, precise and known to law.	Political sovereign is indefinite, unorganized, vague and known to law.
Recognised by lawyers and courts.	Not recognised by lawyers and courts.
Cannot go against the will of Political sovereign	Actually, the legal sovereign has to bow down before the political sovereign.
Legal sovereign is elected by Political sovereign	It is identified with the community & with the mass or Public Opinion.

8.2.3 POPULAR SOVEREIGNTY

It implies that individuals have incomparable force and extreme position rests with them. Famous Sovereignty generally implies the force of the majority as appeared differently in relation to the Force of the singular leader of the class. It suggests manhood, suffrage, with every individual having just one vote and the control of the assembly by the agents of individuals. In well known sway public is viewed as incomparable. In the antiquated occasions numerous authors on Political Theory utilized famous sway as a weapon to discredit absolutism of the rulers. As per Dr. Garner, "Sovereignty of the people, therefore, can mean nothing more than the power of the majority of the electorate, in a country where a system of approximate universal suffrage prevails, acting through legally established channels to express their will and make it prevail".

8.2.4 NATIONAL SOVEREIGNTY

It implies that Sovereignty dwells basically in the country, imagined as an aggregate body of the multitude of individuals appreciating autonomy from outside control. It is a confirmation of the rule that Sovereignty is a force of the country exemplified and a disavowal of standard of individual Sovereignty. The idea is a deliberation since public Sovereignty can be practiced by or showed through people and foundations.

8.2.5   TITULAR SOVEREIGNTY

The term is utilized regarding a ruler who at one time was actual sovereign, yet has stopped to be such. As the established or stylized top of the state he is known as a nominal sovereign. The ruler of Britain is formally alluded to as the "sovereign" despite the fact that his forces are just ostensible. Practically speaking the huge range of forces are practiced by an alternate assemblage of men, in particular, the bureau which follows up for the nominal sovereign.

8.2.6   DE JURE SOVEREIGNTY

It has its establishment in law, not in actual force alone. It is the Sovereignty which as indicated by legitimate right is qualified for the submission of individuals. The by law sovereign is able to give the most elevated order of the state. Truly, it may not be the real sovereign, for it very well might be removed or toppled yet it is legitimately qualified for issue orders and careful compliance.

8.2.7   DEFECTOR SOVEREIGNTY

It is the real sovereign which activities authority over individuals and partakes in their genuine acquiescence to its orders. It is the " Sovereignty which is really ready to make it will win, however it very well might be without lawful premise".

As Bryce notices, "the individual or group of people who can cause his or their will to win whether with the law or illegal: he, or they, is the accepted ruler, the individual to whom acquiescence is actually paid". De facto sovereignty rests on force, physical or spiritual. This sovereign might be a usurping Lord, a despot, a minister, a prophet or even an appealing pioneer.

History is loaded with instances of de facto sovereignty. Oliver Cromwell became de facto sovereign in England in 1649 after he excused the long Parliament. Communists in China under Mao Tse Tung expected true control in 1949 by dislodging the by right sovereign Chiang Kai-Shek. Numerous military dictators have assumed de facto control in underdeveloped nations subsequent to ousting the appropriately chose by right sovereigns through upsets. Subsequently political-disturbances or common conflicts; in a nation normally brings about the dislodging of the by right sovereign by the accepted sovereign.

A de facto sovereign over the long haul accomplishes authenticity and turns into a by law sovereign. It is agreed global acknowledgment by unfamiliar states in process of things working out. Gather notices: "by

virtue of the show benefits which stream from the activity of force laying on severe legitimate right as opposed to upon simple actual power, the new sovereign some of the time has his true case changed over into a lawful right by political race or sanction".

The insightful school of legal advisers' item to the differentiation between de jure and de facto sovereignty in however much sway is basically a lawful idea and a true power, not founded on law, can't be called sovereign all things considered. A by right sovereign is the legitimate sovereign though a de factor sovereign is a sovereign which is really complied. Yet, the differentiation becomes pertinent just in instances of transformation, common conflict, overthrows and so on, in a state on the grounds that during such emergencies two contending specialists have a special interest in sovereignty.

LET US SUM UP

In the wake of concentrating on this unit, we came to comprehend that sovereignty rose to a great extent inferable from the contention between the rising public states. At the point when the state was perceived as preeminent over the entirety of its residents, the idea of sovereignty was set up as outright and limitless. In any case, the idea of sovereignty was deciphered in an alternate casing work. Legal sovereignty was perceived as an incomparable law-production power, not limited by any laws. Its laws were to be complied by all and included disciplines on defiance. Austin was the central type of this idea. Then again, political sovereignty was progressive force of individuals which could annihilate any legal sovereign. In this way, in a delegate majority rule government, legal sovereignty needed to work in closeness with political sovereignty. Otherwise, there was a dread of obliteration of the legal sovereign by revolutionary political sovereignty.

CHECK YOUR PROGRESS

1. As the constitutional or ceremonial head of the state he is called _____.
2. Legal Sovereign cannot go against the will of _____.
3. Lawful sovereign is chesen by the political sovereign while the political sovereign is the_____.

GLOSSARY

De facto   : Existing or holding a specified position in fact but not necessarily by legal right

De Jure   : The legal right to do so

Infringement   :The action of limiting or undermining something.

ANSWER TO CHECK YOUR PROGRESS

1. Nominal head

2. Political sovereign

3. Electorate

MODEL QUESTION

1. Write a short note on the meaning of sovereignty.
2. Distinguish between legal sovereignty and political sovereignty.
3. Distinguish between de-facto Sovereignty and de-jure sovereignty.
4. State the meaning of popular sovereignty?
5. State the definition of sovereignty provided by W.F. Willoughby.

SUGGESTED READINGS

1. Natajan, V.D. (2008), *Political Theory*, S. Chand & Company ltd, New Delhi.

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UNIT - 9

AUSTIN'S THEORY OF SOVEREIGNTY

STRUCTURE

OVERVIEW

The idea of sovereignty has been talked about predominantly according to two hypothetical viewpoints. One such viewpoint is given by John Austin through the Monistic hypothesis. This theory is also known as Austin's theory of sovereignty. The hypothesis is the Pluralistic theory. The explanations of sovereignty by these two speculations are against each other. Austin's theory is based on that every law is on species of command, positive laws are command of sovereign directly or indirectly, law describes course of conduct and every law has physical force of state for its sanction. In this we will fundamentally talk about the Austin's theory of sovereignty.

LEARNING OBJECTIVES

After going through this unit, you will be able to

➢   Understand the Austin's theory of sovereignty.
➢   Discuss the evaluation of Austin's hypothesis of sovereignty.
➢   Learn about the law emanates from sovereign.

9.1   INTRODUCTION

John Austin, Born in 1790 John Austin served as an army officer for five years until 1812, when he was called to the bar by the Inner temple in 1818. But ill health and inability to work efficiently and promptly prevented him from succeeding at the bar. He was elevated to the chair of jurisprudence in the University of London in 1826.

Thereafter he went to Germany to study Roman law in Heidelberg and Born universities. He was much inspired by the scientific treatment of Roman law and drew inspiration to introduce the same method to the legal exposition of law in England. He, however, avoided metaphysical approach to law which was a peculiar character of law in Germany. His lectures delivered in London University were published under the title of "The province of Jurisprudence determined".

In his lectures he deals with the nature of law and its proper bonds. He wrote another book "A Plea for the Constitution", it was rather an answer to an essay by Gray "on Parliamentary Government". But his main contribution to jurisprudence is his first book and on it rests his personality. J.S. Mill, who heard his lectures, writes that his lectures left "an indelible impression on those who heard them. The method which Austin applied is called analytical method and he confined his field of study only to the positive law.

Therefore the school founded by him is called by various names Analytical; positivism, analytical positivism. Some have objected to all the three terms. They say that the word 'positivism' was started by Augste Comte to indicate a particular method of study. Though this positivism, later on, prepared the way for the 19th century, legal though, it does not convey exactly the same sense at both the places. Therefore, the word positivism alone will not give a complete idea of Austin's school. In the same way 'analysis' also did not remain confined only to the school, therefore, it alone cannot give a separate identity to the school. Analytical positivism too may create confusion.

The Vienna School in its 'pure theory of law' also applies analytical positive although in many respects they vitally differ from Austin's school. To avoid confusion and to give clarity which is the aim of classification, Professor Allen thinks it proper to call the Austin's school as 'imperative school'. This name he gave on the basis of Austin's conception of law 'law is command'.

Now and again, different scholars have been attempting to characterize the idea as far as its inclination driving towards the development of various hypotheses. The two speculations of Sovereignty are as per the following, Austin's Theory of Sovereignty and Pluralistic Theory of Sovereignty. In this unit, we will discuss elaborately about the Austin's contribution to political theory.

9.2 AUSTIN'S THEORY OF SOVEREIGNTY

In the advanced occasions, the improvement of Sovereignty as a hypothesis agreed generally with the development of the state as far as force, capacities and renown. In the nineteenth century, the hypothesis of Sovereignty as a lawful idea (i.e., Sovereignty communicated as far as law) was consummated by John Austin, an English law specialist. He is viewed as the best supporter of the Monistic hypothesis of Sovereignty.

This hypothesis depends on the lessons of English scholars Thomas Hobbes and Jeremy Bentham. It is called the Monistic theory of sovereignty since it conceives a solitary sovereign in the state. The sovereign might be an individual or a group of people. Moreover, as sovereignty is considered to be a legal concept, the hypothesis is known as the Legal-Monistic theory of sovereignty.

As the monistic clarification of sovereignty was appropriately made by John Austin, so this hypothesis is otherwise called Austin's hypothesis of sovereignty. John Austin, in his well known book, Province of Jurisprudence Determined (1832), expressed his perspectives on sovereignty in the accompanying words:

"If a determinate human superior not in the habit of obedience to a like superior receives habitual obedience from the bulk of a given society, that determinate superior is sovereign in that society and that society (including the superior) is a society political and independent".

On an analysis of the above definition, we could find the following implications:

- **Firstly**, sovereignty should dwell in a "determinate person" or in a "determinate body" which goes about as a definitive wellspring of force in the state.
- **Secondly**, the power of the determinate superior limitless and outright. The sovereign authority can correct compliance from others however the sovereign authority never delivers acquiescence to some other power.

- **Thirdly**, the acquiescence delivered by a group to an authority incidentally won't transform the authority into sovereign force.
- **Fourthly**, acquiescence delivered to the sovereign authority should be willful and as such undisturbed and continuous. Austin also points out that it isn't required that every one of the occupants should deliver acquiescence to the predominant. It is sufficient if the "mass", i.e., most of a general public renders ongoing dutifulness to the determinate unrivaled.
- **Fifthly**, the sovereign is the preeminent law maker. Laws are the orders of the sovereign which are restricting upon all inside the regional ward of the state. Break or infringement of these orders prompts discipline from the sovereign..
- **Sixthly**, sovereignty is one inseparable entire and as such unequipped for division between at least two gatherings. There can be just a single sovereign expert in a state.

From the examination of Austin's theory of sovereignty, one might say that this theory holds sovereignty as the incomparable force in a state which is determinate, outright, unavoidable and all complete.

9.3   AUSTIN'S CONCEPTION OF LAW

Austin's most important contribution to the legal theory was the substitution of the command of the sovereign i.e., the state, for any ideal of justice in the definition of law. Law in the common use means and includes things which can't be properly called 'law'. Austin defined law as a rule laid down for the guidance of an intelligent being by an intelligent being having power over him.

The substitution of the command of the sovereign by Austin led him to write at a time when England was actually in dire need of vast legislative reforms. There was no school of jurisprudence which could share in the handiwork, whereas full confidence was reposed in the power and wisdom of parliament as a legislative assembly. In these circumstances, it was not strange that he should have adopted sovereignty as his principle to build on this a science of jurisprudence sufficient to sub serve the requirements of the people. Law is thus, strictly divorced from justice and instead of being based on the ideas of good and bad, is based on the power of a superior. This inevitably associates Austin with Hobbes and other theorists of sovereignty, but it was left to Austin to follow up this conception into the ramifications of a modern legal system.

9.4 LAW EMANATES FROM SOVEREIGN

Austin's most important contribution to legal theory according to Friedmann was his substitution of the command of sovereign for any ideal justice in the definition of law. The first jurist to make jurisprudence as a 'science' was John Austin who is often described as Father of jurisprudence. Sovereign defined and analyzed:-

While defining a sovereign Austin said, "if a determinate human superior, not in a habit of obedience to alike superior, receives habitual obedience from the bulk of a given society, that determinate superior is sovereign in that society and the society (including the superior) is a society political and independent. According to Austin, the superior may be either an individual or a body or aggregate of individuals. Thus, English sovereign for him is merely the 'person' who has the last word in a particular connection. His conception of sovereignty asserts that in every human society where there is law, there is to be found latent beneath the variety of political forms, in a democracy as well as in an absolute monarchy, a relationship between subjects rendering habitual obedience and a sovereign who renders habitual obedience to none.

The expression obedience often suggests deference to authority and not merely compliance with orders backed by threats. The idea of obedience in-fact fails in two different though related ways, to account for the continuity to be observed in every normal legal system when one legislator succeeds another. An illustration of this kind is the change in law of incest made in Rome by the then emperor Claudius for his own private purposes. Desiring to marry Agrippina, the daughter of his brother, he procured a change in the law which permitted a marriage between a niece and her parental uncle, leaving the law unaltered as to other marriages between uncles and nieces or aunts and nephews, so that these remained incestuous.

Secondly, habitual obedience to the old law giver cannot by itself render probable, or find any presumption, that the new legislator's orders will be obeyed. If there is to be this right and this presumption at the movement of succession during the reign of the earlier legislators, there must have been the acceptance of the rule under which the new legislator is entitled to succeed. The dictum, therefore, that English sovereign is merely the person who has the last word is not in the least true to any federation, where the legislatures are bound by the constitution and in most cases a court has the power to decide whether a particular statute is constitutional or not.

9.5 CRITICAL EVALUATION OF AUSTIN'S THEORY OF SOVEREIGNTY

The hypothesis of Austin has been firmly scrutinized by numerous scholars like Sidgwick (English philosopher), Sir Henry Maine (British jurist and historian) and others.

➤ The central matter of analysis against Austin's hypothesis is that the hypothesis is conflicting with the advanced thought of popular sovereignty. In his interest for the legal aspect of sovereignty, Austin totally neglects to focus on popular sovereignty as indicated by which a definitive wellspring of all authority is individuals.

➤ Another point of analysis is that Austin's theory of sovereignty might prompt the development of an almighty ruler. The individual or the gathering of people who practices sovereign force turns out to be extremely amazing and stays mindful to none. This hypothesis might bring about an irresponsible government. The public authority can do anything that it wishes to do. It doesn't need to reply to anyone with respect to its working. This way it might take rulings against the interest of individuals.

➤ It is additionally called attention to that sovereignty may not generally be determinate. It is undeniably challenging to find the sovereign in a government state. For example, in the federal state of USA, sovereignty resides neither with the President nor with the legislature, namely, the Congress. It dwells with individuals as communicated in the constitution. The equivalent is the situation in India.

➤ Furthermore, Austin has been reprimanded for characterizing law as the order of the sovereign. Be that as it may, in numerous nations, customary laws are supreme and they are not given as orders. In any case, such laws impact the lead of even tyrants generally. Sir Henry Maine cites the example of Ranjit Singh of Punjab who fits the Austinian concept of human superior. In any case, even an oppressive ruler like Ranjit Singh tried not to change the customary laws which regulated the conduct of his people.

➤ Austin's hypothesis of sovereignty has likewise been censured in light of its over the top accentuation on power. As per Austin individuals keep law because of the dread of discipline. But this is only partially correct. Individuals observe law since it serves their necessities. Once more, it can likewise be said that hypothesis is additionally undemocratic as it gives no spot to popular assessment in the state. Individuals reserve no privilege to speak

loudly against the working of the public authority and need to follow what the public authority specialists choose.

➢ According to the promoters of the Pluralist theory of sovereignty, the state is an association like various other associations. The Pluralists have said that sway ought not be vested in the possession of the state alone, rather various gatherings and affiliations ought to have equivalent sovereign force alongside the state.

LET US SUM UP

Notwithstanding, inspite of the reactions evened out against the monistic view of sovereignty as propounded by John Austin, it should be referenced that Austin is a type of outright and limitless sway absolutely from the lawful or formal perspective. Generally, he doesn't endorse for an untrustworthy sovereign, yet keeps up with that the sovereign can't be officially made dependable to any authority like himself: His position is lawfully better than all people and gatherings inside his locale. Austin has done an unmistakable help by plainly recognizing the lawful sovereign from the political sovereign.

CHECK YOUR PROGRESS

1. John Austin, is regarded as the greatest supporter of the Monistic theory of sovereignty. (True/False) _____

2. As per the Austin's theory of sovereignty, sovereignty is divisible. (True/False) _____

3. Name the book in which Austin expressed his angle on sovereignty. _____

4. As indicated by Austin, the obedience delivered by a people to an authority must be occasional if the authority has to be turned into sovereign power. (True/False) _____

GLOSSARY

Class Conflict : Socio-economic competition among the social classes

Authority : Having political or administrative power and control

Monarchy : A form of government with a monarch at the head.

ANSWER TO CHECK YOUR PROGRESS

1. True

2. False

3. Province of juristrudenceble termined

4. True

MODEL QUESTION

1. Write an essay on Austin's theory of Sovereignty.

2. Point out two criticisms of the Austin's theory of sovereignty.

3. Discuss the law emanates from sovereign.

SUGGESTED READINGS

1. Sharma, R.K (2011), *Modern Political Science*, DPS Publications, New Delhi.

2. Kapur, A. C. (1997). *Principles of political science*. S. Chand Publishing. New Delhi.

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Block IV

Concepts

UNIT - 10

LAW

STRUCTURE

Overview

Learning Objectives

10.1   Introduction

10.2   Meaning of Law

10.3   Definitions of Law

10.4   Source of Law

      10.4.1   Customs

      10.4.2   Religion

      10.4.3   Judicial Decisions or Adjudications

      10.4.4   Equity

      10.4.5   Legislation

      10.4.6   Scientific Commentaries

      10.4.7   Roman law

10.5   Dimensions of Law

10.6   Theories of the Origin and Nature of Law

      10.6.1   Natural Theory

      10.6.2   Imperative Theory

      10.6.3   Historical Theory

      10.6.4   Marxian Theory

Let Us Sum Up

Check Your Progress

Glossary

Answers to check your Progress

Model Questions

Suggested readings

OVERVIEW

    A study of the essential construct of orientation ought to begin with discussion of the thought of law within the sense that the state may

be a legal association. The nation is distinguished from society, nation and alternative institution by virtue of its powerful power - an influence that problems in the kind of law.The study of law and politics is a varied and multidisciplinary enterprise. From its starting point in political science of studying constitutional and administrative law, the field soon added courts, lawyers, and related legal actors to its purview. And the substantive scope of the field is broader now than it has ever been. In this unit, we will elaborately study about the rogins of law and theories of law in political science study.

LEARNING OBJECTIVES

After going through this unit, you will be able to

➢ Know the concept of law.
➢ Discuss the various hypothesis and Origins of Law.
➢ Explain the different kinds of Law.

10.1 INTRODUCTION

In the most generally understood sense, the term 'law' refers to a set of rules implemented by the courts. These positive laws controls the people to try to bound things and to not do certain things. If this is often violated, it'll be punishable. within the words of Mac Iver, 'the state is each the kid and therefore the parent of law'.

10.2 MEANING OF LAW

The state works through the public authority and the public authority deciphers the desire of the state through law. Law is the vehicle of sway. The capacity of the state isn't simply restricted to the execution of law, it is additionally to uphold law in way. In Political Science we utilize the term law to mean a collection of rules to direct human activity. The word 'law' comes from the old Teutonic root 'slack' which intends to lay, to put, to set or to fix something in an even way. Law is hence, something positive or 'forced'. From a more profound perspective the word 'law' starts from the Latin word 'jus' signifies a tight spot or tie.

In this manner, law implies an arrangement of rules hold to be restricting or required which pointed toward acknowledging equity. Woodrow Wilson defines "law is that portion of the established thought and habit which has gained distinct and formal recognition in the shape of uniform rules backed by the authority and power of the government".

To summarize, law has the following features,

1. Law is an declaration of the will of the state and expressed by the only constituted authority;
2. Law is implemented by the state;
3. Law is bothered only with the external aspect of human actions;
4. Law is definite and is universally applicable;
5. Law is required for maintaining peace and order in the country.
6. The infringement of law may lead to punishment;
7. The objective of law is individual and general welfare;

10.3 DEFINITIONS OF LAW

Some of the definitions of law are as follows,

John Austin, " law as a command of a sovereign who receives habitual obedience from the people living within his jurisdiction".

Holland," A law is a general rule of external human action enforced by a sovereign political authority ".

Salmond," Law is a collection of the rules which the state recognises and applies in the administration of justice".

T.H.Green, " The law is a system of rights and obligations which the state enforces".

Pound, " The law constitutes body of principles recognised or enforced by public and regular tribunals in the administration of justice".

Krabbe, "Law is the expression of the judgements of value which we human beings make by virtue of our disposition and nature".

10.4 SOURCE OF LAW

10.4.1 CUSTOMS

Locally the most punctual type of law is recognizable to the grounded practices of individuals. These practices once began, bit by bit however subtly created as a result of the utility that inhered in them. At the appropriate time, a training turned into a use, which after adequate standing was turned into a custom and afterward a law. Indeed, even presently customs appear to have a significant impact where the existence of individuals is very basic. The law of today depends on the traditions of individuals, an interpretation of a deep rooted set up training into explicit composed terms by the state.Gettell said that the state "arose not as the creator of law but as the interpreter and enforcer of custom".

10.4.2 RELIGION

The custom discovers its approval in the strict books of individuals. Since days of yore individuals have either confidence in God or some otherworldly powers and they attempted to set down rules for the guidelines of their conduct. In process of everything working out the greater part of the standards of strict law have been deciphered by the state as far as explicit principles.

The advanced law specialists needed to join the strict standards in the assortment of law. In India we can got the Hindu Law dependent on the Code of Manu; the Mohammedan Law dependent on Quran and the Christian Law dependent on the Holy book. In antiquated India, it was the obligation of the Lord to maintain Dharma and the wellspring of the Dharma was the Vedas.

10.4.3 JUDICIAL DECISIONS OR ADJUDICATIONS

As the course of social association turned out to be increasingly mind boggling, the power of customs declined. Debates among individuals dependent on their traditions were alluded to the appointed authorities – the smartest men of the local area – who conveyed decisions to settle the focuses being referred to. Later their choices came to have an extraordinary holiness and as these were given recorded as a hard copy, they came to be known as case-law.

Judicial decisions assume a significant part in the outlining of laws. The capacity of the Adjudicator is to decipher and proclaim law. Through its understandings, the Adjudicator makes new laws and later on, perceived by the state. In this manner legal choices are one more wellspring of law.

10.4.4 EQUITY

One more wellspring of law is Equity. It implies decency or equity. Judges in each nation have contributed a great deal towards the course of law making. They make new laws throughout their legal choices. At some point a case regarding which existing laws are quiet might come up under the watchful eye of an adjudicator. In such case, he will give his judgment by counseling his own feeling of equity and reasonable play.

In the expressions of Gilchrist," Equity is an informal method of making new law or altering oldlaw, depending on intrinsic fairness or equality of treatment".

10.4.5 LEGISLATION

The significant origin of law is legislation. It implies setting of a particular standard on the resolution book of the land, which mirrors the desire of the state. Governing body continually cancelations and changes the old laws which are obsolete. It makes new laws to meet the prerequisites of time. It is retaining different wellsprings of laws.

Hence in the words of Woodrow Wilson " All means of formulating laws tend to be swallowed up in one great,deep and broadening sense, legislation". Gilchrist says " it is the chief source of law and is tending to supplant the other sources. Customs and equity are both largely replaced by legislative acts. The codification of law tends to narrow down the field of judicial decisions as a source of law and scientific commentaries are used merely for discussions".

10.4.6 SCIENTIFIC COMMENTARIES

Scientific conversation and discourses are one more source of law. The editorials or works of extraordinary legal advisers at some point become the significant wellspring of law. They are important for the attorney and judge. It is alluded during the conversations of a specific case in an official courtroom. "It gives the premise to new law, not simply the new law" First and foremost the critique shows up for the persuade of contention, however later on which the authority is perceived and it becomes law. For instance, the discourses of Blackstone and Coke incredibly impact to English general set of laws.

10.4.7 ROMAN LAW

Roman law is the overall set of laws of old Rome, and the legitimate advancements which happened before the seventh century Promotion. This Roman law requested by Sovereign Justinian I known as the Justinian Code was powerful in the Eastern Roman (Byzantine) Empire (331–1453) and furthermore filled in as a reason for lawful practice in mainland Europe, just as in most previous states of European countries, including Latin America. Today the arrangements of Roman law were fitted into a more sound framework and communicated in the National language.

They were classified into

- Jus civile (citizen law) i.e. law for citizens,
- Jus gentium (law of peoples) i.e. foreigner's law and
- Jus naturale i.e. natural law.

10.5 DIMENSIONS OF LAW

Law has been categorized into numerous forms in line with the idea taken by a legal thinker on his subject. it's going to get on the basis of the relations, that it seeks to regulate between the folks and their societies.

Natural Law: Nature law or law of nature is being authorized by nature and not the creation of man. The dictates of natural law are understandable by the rationality of man and it is not written in form.

Positive Law: The law of state or positive law is concrete in the sense that it is created by man. It is written in form and has its place into the statute book. While positive law has its sanction in respect for or fear of some supernatural power, the sovereign authority enforces the latter. For this reason, too it is called determinate or positive. It is called positive law, for its terms are quite specific and binding.

National or Municipal Law: A law planned by the sovereign power and relevant to individuals living under its regional ward is called national law. It decides the private and public connection of individuals living in a state. National law has the power of sovereign position and consequently enforceable in nature.

International Law: This law controls the behaviour of states in their association with each other. These laws are not outlined by any sovereign law-making authority nor is there any sovereign authority to enforce these laws. International law infers its assent on the fair of the cultivated countries of the world. They have the power just to the degree to which they are perceived and acknowledged by the various conditions of the world. For instance, it is a generally acknowledged worldwide law that the plane of no unfamiliar nation can fly over the domain of any country without looking for its authorization. This global law is generally acknowledged by every one of the nations of the world.

Constitutional Law: Constitutional laws are important for the constitution, which are authorized by the courts. Established laws are the essential laws as indicated by which the public authority in a state acts. So, the laws that characterize, decipher and control the elements of the public authority are known as Constitutional laws. Constitutional laws has higher status than the normal law. The constitutional law may be written or unwritten by virtue of being as grounded rehearses. If it is written in structure a Constitutional Assembly creates it. Election of the President, powers and functions of Supreme Court, appointment of Governors, etc. are instances for constitutional laws.

Ordinary Law: The laws that are not identified with the structures and elements of the public authority and to the key rights however are identified with the social and financial issues of all residents are known as ordinary laws. Ordinary laws are the manifestations of assembly or of some authority having delegate powers. Annulment of kid marriage, property laws, and so forth is instances of normal laws. These laws are otherwise called statute laws.

Civil and Criminal Law: Civil law deals with the common wrongs submitted by an individual going to hurt the interest of one more like non-installment of levy or the infringement of the conditions of an agreement. The last identifies with criminal demonstration of an individual like burglary, theft, and murder. For each situation the technique is unique.

Private Law: Private law decides the connection of residents to each other. They manage the relations among people. In private law says Holland, "The gatherings concerned are private people above and between whom stands the state as an unbiased authority".

Public Law: Public law deals with the setting up of the state, the ceilings of state functions and the relationship between state and people. Holland says: "In public law, the state is also present as an arbitrator, although at the same time one of the parties is involved".

Ordinances: Ordinances are the orders given by the executive branch of the government within the powers recommended to them by the law of the state. In simple words, President gives the orders, without administrative meeting to confront the emergency. As a rule, ordinances are not permanent. They are being proclaimed for the special purpose of facing emergency. The issued ordinances have to pass from the legislature within six months

10.6 THEORIES OF THE ORIGIN AND NATURE OF LAW

Legal theorists who present or understand their theories as "positivist", or as instances of "legal positivism", take their theories to be opposed to, or at least clearly distinct from, natural law theory. Natural law theorists, on the other hand, did not conceive their theories in opposition to, or even as distinct from, legal positivism. A natural law theory of law seeks both to give an account of the facticity of law and to answer questions that remain central to understanding law. There are various theories about the source and nature of law which are discussed below.

10.6.1 NATURAL THEORY

Natural law hypothesis is the most punctual of all speculations. It was created in Greece by thinkers like Heraclitus, Socrates, Plato, and Aristotle. It was then trailed by different logicians like Gairus, Cicero, Aquinas, Gratius, Hobbes, Lock, Rousseau, Kant and Hume. Normal hypothesis considers law as everlasting, all inclusive, consistent, objective and changeless. Nature is the creator of this law as such it depends on right explanation. Be that as it may, regular law is undeniably challenging to execute.

10.6.2 IMPERATIVE THEORY

Positive law hypothesis is likewise called, objective or experts law hypothesis. As per this hypothesis, rules made by the sovereign are laws independent of some other contemplations. These laws, subsequently, fluctuate from one spot to another and occasionally. It dismisses the normal hypothesis and says that regular law is legitimate until it is perceived by the state authority. Along these lines, it is otherwise called legitimate positivism. It lays an excess of weight on state authority. Supporters are Hobbes, Austin, Bentham, Bodin.

10.6.3 HISTORICAL THEORY

As indicated by historical theory, law is neither composed naturally nor made by state yet it is the consequence of social turn of events. Sociological hypothesis is additionally identified with this. Supporters Hugo, Savingy, Lord Bryce, Sir Henry Main.

10.6.4 MARXIAN THEORY

Marxists trusts that personal property is that the basis for the approaching into existence of law and state. They supply that property was the reason for creation of categories within the society during which those that have the suggests that of production will exploit those who don't have these means by creating laws to safeguard the individual's property. per Marx, legal relationships are footed upon the fabric conditions of life, laws simply categorical the desire of the ruling class. Marx says, "Law is an expression of society's general interests and desires as they emerge from a given material means of productivity".

LET US SUM UP

Political science is a rigorous discipline that can benefit both legal scholars and lawyers. Public Law as the subfield of political science that studies law and courts has much to offer in understanding how judges make decisions and how larger political and institutional contexts affect the legal system.Law controls life and while not law there's chaos and confusion. Thus, the central plan in law is that of control. during a democratic community it's a method with a purpose, it is the add of the social impacts often recognized and applied by the state within the administration of justice.

CHECK YOUR PROGRESS

1. _____ theory says that natural law is valid until it is recognized by the state authority.
2. _____laws are the basic laws according to which the government in a state conducts itself.
3. Ordinances are the orders issued by the _____ branch of the government.
4. Hindu Law based on the Code of ____.

GLOSSARY

Imperative   : Giving an authoritative command.

Customs   : Habitual course of conduct observed uniformly and voluntarily by the people

Aristocracy   : State with the governing power by nobles.

ANSWER TO CHECK YOUR PROGRESS

1. Natural theory.

2. Constitutional.

3. Executive.

4. Manu.

MODEL QUESTION

1. Briefly explain the charecteristics of "Law".
2. Write the meaning of law and explain the various definitions of Law.
3. Briefly explain the various sources of law.
4. Analyze the various types of law.
5. What are Theories of The Origin and Nature Of Law?

SUGGESTED READINGS

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3. Mahajan, V.D. (2006), *Political Theory,* S.Chand & Company Ltd. New Delhi.

UNIT - 11

LIBERTY AND EQUALITY

STRUCTURE

Overview

Learning Objectives

11.1   Introduction

11.2   Liberty

11.3   Definition of Liberty

11.4   Nature of Liberty

11.5   Dimensions of Liberty

    11.5.1   Natural Liberty

    11.5.2   Civil Liberty

    11.5.3   Political Liberty

    11.5.4   Economic Liberty

    11.5.5   Moral Liberty

    11.5.6   National Liberty

    11.5.7   International Liberty

11.6   Safeguards of Liberty

11.7   Relationship between Law and Liberty

11.8   Equality

11.9   Definitions of Equality

11.10   Dimensions of Equality

    11.10.1   Social Equality

    11.10.2   Political Equality

    11.10.3   Economic Equality

    11.10.4   Legal Equality

11.11   Conditions Necessary for Realising Equality

Let Us Sum Up

Check Your Progress

Glossary

Answers to check your Progress

Model Questions

Suggested readings

OVERVIEW

The theme of liberty is essentially associated with the topic of rights. It is the arrangement of rights with their due implementation by the express that guarantees opportunity to a resident and in this manner empowers him to look for the most ideal improvement of his character. Balance, similar to freedom, is a significant mainstay of vote based system. In like manner speech the term balance is utilized for personality of treatment and character of remunerations. In any case, this is anything but a right utilization of the term since outright equity is absurd. In this unit we will study in detail about the meaning, characteristics and classfications of Liberty and Equality. This also covers the concept of safeguards of Liberty and Conditions Necessary for Realising Equality and the raltions between liberty and equality.

LEARNING OBJECTIVES

After going through this unit, you will be able to

➢ Understand the definition of Liberty and Equality.
➢ Discuss the characteristics and various kinds of Liberty.
➢ Learn about the dimensions of Equality.

11.1 INTRODUCTION

The connection between liberty and has involved debate that has different sides; the negative view is that freedom and equity are contrary terms. Lord Action and F. A. Hayek contend that achieving a state of correspondence has practically speaking prompted disparity and oppression. The positive view accepts freedom and fairness as viable terms. Truth be told both are fundamentally associated with the incomparable worth and nobility of human character and the unconstrained advancement of its abilities.

11.2 LIBERTY

The term liberty has been taken from the Latin word 'liber' which means free. It has been defined in various ways the centre theme of liberty is the shortfall, all things considered, and opportunity to do what everone likes. However, it is beyond the realm of imagination to expect to have such a freedom while living in the public arena. Man is a social creature and he is living in the public eye. He must,therefore, change his freedom with due in regards to the freedom of others. Guideline of human direct and conduct is basic in public activity. The principal adage of freedom is that law is the state of freedom.

Prof. Barker has called attention to that similarly as not mean presence of magnificence, so the shortfall of all limits doesn't mean the presents of freedom. Freedom is an extremely valuable condition without which neither the state nor the people can gain any headway. Social life is directed by a bunch of standards or standards that make man's life humanized. These limitations set out the line of differentiation among great and awful, set in stone, moral and shameless, lawful and unlawful. In fine, the genuine significance of freedom ought to be perceived with this point in see that the freedom of an individual is comparative with that of others.

11.3   DEFINITION OF LIBERTY

1. **G.D.H Cole** defines liberty "as the freedom of every individual to express without externalhindrance in his personality."
2. **John Seeley** defines liberty "as the absence of restraints or the opposite of over government."
3. **Herbert Spencer** says "Liberty is the freedom to do whatever one likes provided it does not injure the feelings of others."
4. **Gandhi** conveys "Liberty does not mean the absence restraint but it lies in development of Liberty."
5. **According to Burns,** 'Liberty'means to grow to one's natural height, to develop one's abilities".
6. **Harold Laski** maintains that without rights there cannot be liberty because, without rights, men are the subjects of law unrelated the needs ofpersonality".

11.4   NATURE OF LIBERTY

In recent years, we witness the emergence of another word which is a variation of liberty, it is called liberation. Today the words 'liberation movement' are very often used. When a nation is under foreign domination it cannot be called a free nation so also the citizens (it is used in general sense) are not free. There is large number of definitions of liberty or freedom which are discussed in the previous topic. The nature of liberty has two aspects, i.e., Negative Concepts of Liberty and Positive Concepts of Liberty that is elaborately studied as follows.

11.4.1 NEGATIVE CONCEPTS OF LIBERTY

Berlin defines negative Liberty as the absence of interference from others; means the absence of unreasonable restrictions; negative freedom simply means the lack of coercion by individuals or institutions for intrusion into an individual's privacy; ensures the dichotomy between two areas of activity, the area of the public sector and the area of private

life. How broad or narrow the two areas are is controversial and is determined by social and economic circumstances.

Freedom is broader and activity is broader when interference from others is minimal. Only freedom can enable a person to develop his personality; the state only has to guarantee the non-interference of one in the other; as to the choice of the individual, he must be his own teacher. Supporter of the negative concept of freedom. The major exponents of negative concept of liberty are J.S.Mill, Herbert Spencer , Bentham,Smith etc.

11.4.2 POSITIVE CONCEPTS OF LIBERTY

Positive conception of liberty means the state makes positive circumstances for an honest life. It requires circumstances which are essential for self-development of the people. Each individual should fancy the good thing about social life. within the words of Laski," liberty means the eager maintenance of that character during which men will have the chance to be their best selves".

so positive conception of liberty means the taking away of hindrances from the means of fine life and also the creation of equal opportunities for all. All the fashionable democratic states have a lot of or less accepted this positive concept of liberty. Positive concept of liberty was supported by Laski, T.H. Green, Kant, Hegel.

11.5 DIMENSIONS OF LIBERTY

Simply stated, liberty suggests a situation of freedom specially against political subjection, imprisonment or slavery. In a much wider sense, it's miles a more than one idea having those essential varieties.

11.5.1 NATURAL LIBERTY

Natural liberty is mostly known with endless and unrestricted freedom. Natural liberty in step with Hobbes, is that the absolute right of man within the state of nature to all or any things together with the proper to kill alternative man. within the social life no man enjoys natural liberty since he's subject to laws and rules named by the govt. and ethical pressures of society. The supporters of natural liberty hold that man is independent naturally which it's civilization, that is chargeable for his bondage. Rousseau was the chief supporter of the thought of natural liberty, and natural liberty existed in this state of nature. He says men lost his natural liberty with emerges of the state or civil society.

11.5.2 CIVIL LIBERTY

Civil freedom means freedom enjoyed by people in civil society. Civil freedom is created by the civil rights guaranteed by the state. Civil rights, the more civil freedom. As per Gettle, "Civil freedom consists of rights and privileges. That the state creates and protects for its subjects." It is reflected in concrete terms in terms of rights such as the right of freedom, the right of life, freedom of expression, expression, ownership, association, education, etc. manifested.

11.5.3 POLITICAL LIBERTY

Political freedoms rely on the political rights of a person and is the freedom to engage in political life and state affairs. Political freedom is essentially related with democracy and makes a state democratic. Without political freedom nor the state. It can be democratic or the individual can enjoy full bourgeois freedoms. The two essential circumstances necessary for the existence of political freedoms are education and press freedom. It consists of the right of resistance, the right to defend the elections, the right to celebrate the public office, and the right to criticize the government.

11.5.4 ECONOMIC LIBERTY

Economic liberty suggests that the essential necessities of life ought to be guaranteed to everyone. It implies nonappearance of financial differences, abuse, in security, joblessness and starvation. Financial freedom is supposed to be the mother of any remaining freedoms. Common and political freedoms become pointless without Economic liberty. In his book 'Grammar of Politics', Prof: Laski defines economic liberty thus:" By economic liberty, I mean security and the opportunities to find reasonable significance in the earning of one's daily bread".

11.5.5 MORAL LIBERTY

Moral liberty implies the right of an individual to act according to his conscience. It means the freedom of an individual to act as rational being. It is given an opportunity to express and develop his personality. It is possible in a democratic state and not in a totalitarian state. In totalitarian state people are expected to act according to the orders of the government and not according to their inner conscience.

11.5.6 NATIONAL LIBERTY

National liberty means the freedom of the state or the nation. It exists wherever the country or the community is freelance and sovereign. It suggests that that, a country that is totally free from foreign control. each nation encompasses a birth right to manage its national life because it likes. If a country is underneath the dominance of others, no cultural, social, economic and political developments are attainable.

11.5.7 INTERNATIONAL LIBERTY

The ideal of liberty covers the universe as a whole. therefore, within the international sphere, it implies that abandonment of war, axing the arms production and abandonment of use of force and pacific settlement of global disputes. It conjointly needs adequate restraint on the strength of military group in order that it should not crush the freedoms of the native folks or people of a special country.

11.6 SAFEGUARDS OF LIBERTY

Every Nation assures liberty in its own way. Liberty can be protected in the following ways.

Establishment of Democracy: Liberty can survive solely in an exceedingly democratic nature of government. in an exceedingly democratic government run by the elected representatives of the folks, government is responsible to and removable by the people. during this system, political power very resides within the hands of the people.

Fundamental Rights: Another requirement of liberty is that there ought to be a superior law of the country, namely, the constitution. it's the sole constitution that compass the power of the state. Constitution of democratic countries like US and India, that should be incorporate bound elementary rights to the individuals, these rights defend the private liberties of voters from the state interference. therefore, constitution protects the freedom of the citizen and it is a defender of these liberties.

Independence of Judiciary: The judges are the decipherers of the constitution and therefore the judicial systems are the custodians of the freedom of the folks. Therefore, liberty may be enjoyed if there's associate freelance judiciary. it's fully free from the impact of general assembly and executive. solely an impartial and independent judiciary will protect the rights and liberties of the citizen.

Eternal vigilance: Lord Bryce has competently remarked, "Eternal vigilance is that the value of liberty". folks should be alert to their rights and duties and that they should be forever able to protect them. They must always alert and prepared to resist any slaphappy interference or encroachment on liberty from the state.

Separation of powers: Another condition of freedom is the distribution of powers. The separation of powers is an effective protection of individual freedom. In the interests of individual freedom, the legislative, executive and judicial branches should have separate and distinct organs, each of which is independent of the other.

Rule of Law: Rule of law is an important necessity of liberty. It means equality before law and equal protection of law. no one is higher than law, law applies to everybody equally and violation of law are going to be tortured equally. It additionally implies that not a soul may be bereft of his life, liberty and property except in accordance with law. within the rule of law, the govt work should be worn out in line with the course of action prescribed by law. so, the rule of law is a good instrument of individual liberty.

11.7   RELATIONSHIP BETWEEN LAW AND LIBERTY

Liberty exists only in a ordered state. The state frames laws and the sovereign state operates through these laws. Now it is universally accepted that laws are the protectors of liberty and liberty ceases to existence independence of law.Law is actually the condition of liberty. First of all law provides compatible circumstance for the smooth running civil life in community. Law punishes the criminal and defend the rights of the individuals. Secondly law assures the benefit of individual rights and duties and protect them from hinders. Thirdly constitution is the custodian of liberty. Only the constitution that confines the powers of the state and guarantees the fundamental rights of the citizen.

11.7.1 DECENTRALISATION OF POWERS

Decentralisation of powers assures an outsized participation of individuals within the democratic method of the nation reduces work load and enhances the potency of the govt. and averts the increase of dictatorship. Laski observes that the additional widespread issuance of power in the state, the more suburbanised its character hus at each level of administration there ought to be illustration of the people which is important for protecting the freedom of the people.

11.7.2 ABSENCE OF SPECIAL OF PRIVILEGE

Another requirement of liberty is that none in society ought to fancy any privileges supported caste, sex, colour, religion, language, region or the other ground. If during a state once bound persons are given special benefits, the rights of the soul can't be protected. The existence of special privileges for a few spoils the spirit of liberty which creates chaos and confusion within the society. Thus, absence of special privileges is an important protection of the freedom.

11.7.3 FREE AND INDEPENDENT PRESS

This is one more prerequisite of liberty. A free and freelance press makes sure liberty of persons. It makes on the market objective and unbiased news, censures government policies and allows the individuals from correct attitudes towards numerous issues of the day. This info helps the people to settle on their representatives in elections.

11.7.4 HEALTHY PARTY SYSTEM

This is essential during a democratic set-up because it gives option to the folks in elections. it's conjointly a crucial instrument for up the political awareness among the people. it's the most effective safeguard of people' liberty as it permits them to resist unjust and cruel laws.

11. 8 EQUALITY

Equality, similar as liberty is one among the elemental pillars of democracy. The yank Declaration of Independence in 1776 demonstrates that "We hold these truths to be self -evident that each one men are created equal". The French Declaration of Rights of Man (1789) conjointly emphasises "Men are born, and continuously continue, free and equal regarding their rights".

The Charter of UN also acknowledges equality in global sphere once it says: "The organization is predicated on the principles of sovereign equality of all its members".

Equality means all men are equal and may be entitled equal, chance and approach. It absolutely was the expansion of individualism that's to blame for the contemporary interest within the issue of equality. within the beginning, the main focus of attention was equality by birth i.e., natural equality and equality before law i.e., legal equality. Within the eighteenth-century liberalism that ends up in socio- legal equality and in the 19thcentury economic and political equality, gained power.

11.9　DEFINITIONS OF EQUALITY

LASKI - "Equality does not mean the identity of treatment or the sameness of reward. If a brick - layer gets the same reward as a mathematician or a scientist, the purpose of society will be defeated. Equality, therefore, means first of all absence of social privileges. In the second place it means that adequate opportunities are laid open to all.

BARKER - "Equality is derived from the supreme value of the development of in each like and equally , but each along its own different time and its own separate motion".

11.10　DIMENSIONS OF EQUALITY

The conception of equality is dynamic one and has unbroken on ever changing per times. Consequently completely different students have steered different dimensions or varieties of equality.

11.10.1　SOCIAL EQUALITY

Social equality means that all citizens are entitled to enjoy equal status in society and no one is entitled to special privileges. There may be rational distinction in the society with regard to occupation and professions, but the feeling of inferiority and superiority should not be attached to these. It stands for all should be treated equally in the eyes of law, no discrimination on grounds of colour, caste, creed, sex, religion etc., removal of social stigmas like untouchablity. On the 10th December, 1948, UNO, declared the charter of Human Rights which laid stress on social equality.

11.10.2　POLITICAL EQUALITY

Political Equality implies that everyone has equal access to the avenues of power. All citizens whatever may be their differences in status, education and wealth should have an equal voice in the management of public affairs and in holding public offices. Universal adult franchise is the expression of political equality. All democratic countries are based the principle of "one man, one vote, one value" is faithfully adopted. Equality of opportunity in getting elected and in holding public offices, freedom of expression and association and rights to seek redressal of public grievances are the important pillars of political equality.

11.10.3　ECONOMIC EQUALITY

Economic equality involves a certain level of income and removal of gross inequalities of wealth. Economic equality is the prerequisite for the existence and enjoyment of political, social and legal equality. It does not

mean equal distribution of wealth, which is not practical, but prevent the concentration of wealth in a few hands. Economic condition of an individual essentially influences his political condition.

11.10.4 LEGAL EQUALITY

Legal equality or equality before law is basic to legal justice. Legal equality implies that all are alike in the eye of law and that are entitled to its equal protection. The rich and poor, the high and low should all be treated alike. No distinction should be made between man and man on the ground of social status, religious faith or political opinion. In short, Legal equality or equality before law implies absence of discrimination. The Rule of Law is practiced in the Great Britain and many other countries of the world.

11.11 CONDITIONS NECESSARY FOR REALISING EQUALITY

1. Equality is attained when accidental advantages of birth and wealth are eliminated and success or failure is made upon ability and character of individuals.
2. It is realised when the law removes all discrimination based on caste, class, community, religion, race or sex.
3. Equality is achieved when equal claims for adequate opportunities are recognised and no one person, or class or community is sacrificed for the sake of another.
4. Lastly, equality is attained when the claims all to a minimum standard of education, housing, food are recognised and there is guarantee against economic insecurity.

LET US SUM UP

The relationship between liberty and equality has been a matter of controversy that has two sides; the negative view is that liberty and equality are incompatible terms. Lord Action and F. A. Hayek argue that bringing about a condition of equality has in practice led to inequality and tyranny. The concepts of liberty and equality conflict or complement each other depending on how they are defined. The most common reason for the conflict is scarcity of resources and the nature of its distribution.

CHECK YOUR PROGRESS

1. Liberty exists only in a _____ state.
2. UNO declared the charter of Human Rights in _____.
3. The French Declaration of Rights of Mandeclared in _____.
4. Rule of law is an essential prerequisite of _____.

GLOSSARY

Liberty	: The freedom to go where you want, do what you want, etc.
Vigilance	: It is the state of being watchful or alert for danger or some other kind of trouble.
Incompatible	: Incapable of association or harmonious coexistence.

ANSWER TO CHECK YOUR PROGRESS

1. Ordered.

2. 1948.

3. 1789.

4. Liberty.

MODEL QUESTION

1. Briefly Explain the Meaning of Equality.
2. Analyze the various Dimensions of Equality.
3. what are the conditions are necessary for realising equality?
4. Write the difference and coherence between two Concepts of Liberty?

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UNIT - 12

JUSTICE

STRUCTURE

OVERVIEW

Justice is the most important and most discussed objective of the State, and Society. It is the basis of orderly human living. Justice stands for harmony between individual interests and the interests of society.Justice is of central importance to political theory. In defending or opposing laws, policies, decisions and actions of government, appeals are made in the name of justice. All civil rights movements are essentially movements for justice.The concept of justice involves an unmistakable situation in political hypothesis. Various individuals appended various implications to the term equity at various environments. In this unit, we will study in detail about the meaning, kinds and theories of Justice.

LEARNING OBJECTIVES

After going through this unit, you will be able to

➢ Understand the concept of Justice.
➢ Know the various kinds of Justice.
➢ Learn the different theories of Justice.

12.1 INTRODUCTION

Justice is actually a regularizing idea, cutting across the spaces of religion, ethics and law, although its ramifications cowl social, political and economic domains. Political thinkers and jurists had given take various meanings and definitions. the explanation for this is often that the contents and implications of justice varies from country to country and conjointly periodically. it's been analysed and outlined by various philosophers in several ways. the search for justice began with the start of human thinking.

12.2 JUSTICE

The term ' justice' is gotten from the Latin word "justicia" which means joining or fitting or of bound or tie. The concept of justice has been dissected and characterized distinctively by savants, political masterminds, business analysts, sociologists and strict pioneers. It has been changing occasionally, contingent on the conditions and conditions winning in each age. It needs to organize and draw an amicable harmony among rights and obligations of individuals living in the general public. It is associated with the ethical, social, financial, political, and legitimate relations of a person with others.

According to John Rawls," Our justice of the social scheme relies ultimately upon how fundamental rights and duties are doled out and the monetary chances and social conditions in the different areas of society". Thus, the theory of justice has two meaning, broader meaning and a narrower meaning.

In the broader sense, there are two views

a) justice is an eternal or absolute concept and
b) relative concept - differs from society to society.

In the narrow meaning of justice is related with an overall set of laws and legitimate interaction in a general public. In this sense, it is identified with the settlement of debates through legal bodies.

12.3 DEFINITIONS OF JUSTICE

Charls Marriam: Justice consists of a system of understanding and procedures through which each in accorded what is agreed upon as fair".

Barker: "Justice is the reconciler and the synthesis of political values; it is their union in an adjusted and integrated whole"

Saint Simon: " Justice from each according to his capacity , to each according to his need".

John Rawls: " All social primary goods - liberty and opportunities income and wealth and the basis of self respect - are to be distributed equally unless an un equal distribution of any or all of these goods is to be advantage of least favoured".

12.4 DIMENSIONS OF JUSTICE

The concept of justice has four-fold aspects legal, political, social and economic. It will be attractive to manage these elements of Justice in certain subtleties.

12.4.1 LEGAL JUSTICE

This is the narrow concept of justice and is related with the overall set of laws and the legitimate system existing in the general public. The official courtroom deciphers the law and applies the law subsequent to hearing the gatherings associated with a question. Here, equity is the thing that is administrated by the courtroom and the translation of the Adjudicator is considered as an encapsulation of equity. Equity in the lawful sense requires the accompanying conditions.

a. Just and reasonable non- discriminatory laws.

b. The administration of justice by free and independent courts.

c. Inexpensive judicial process.

d. Court procedure should be simplified and avoid delay in justice.

e. There should be a Rule of Law in the country.

12.4.2 POLITICAL JUSTICE

Political Justice represents a free and reasonable investment of individuals in the political circle. Universal adult franchise is the declaration of Political Justice. All liberal democratic countries are based the principle of "one man, one vote, one value" is faithfully adopted. Political institutions should be representative in character. Balance of chance in getting chosen and in holding public workplaces, opportunity

of articulation and affiliation and rights to look for redressal of public complaints are the significant mainstays of political equity.

12.4.3 SOCIAL JUSTICE

The idea of Social Equity depends on the conviction that all person are equivalent and that no separation ought to be made on the ground of race, religion, station, sex, or spot of birth. It has three ramifications.

(a) Equal social opportunities.

(b) special attention to weaker sections.

(c) Removal of social evils

12.4.4 ECONOMIC JUSTICE

Economic justice suggests non-separation among man and man based on financial reasonability. It represents by guaranteeing satisfactory method for vocation to all, by making arrangements for sufficient working conditions, for equivalent compensation for equivalent work, reasonable circulation of assets, equivalent financial freedoms to all individuals and so forth The idea of monetary equity was underlined by the communist masterminds.

12.5   THEORIES OF JUSTICE

John Rawls's the top political scientist, has viewed justice in the background of society and for this reason he says that the main concern of the subject matter of justice is social structure which is the core of the society. That is justice deals with the basic social structure. The social institutions are very important in the sense that they take the responsibility of distributing the fundamental rights and duties efficiently.

It is also the important task of the social institutions to allocate judiciously the privileges and advantages for the people of society. Constitution, social, political and economic arrangements are included into these social institutions. Thus justice may conveniently be regarded as a social principle which determines the ways and procedure of distributing the rights and duties for the members of society. He further calls justice a social scheme on the basis of which rights, duties, opportunities and condition are allotted. Thus justice is both a principle and a scheme.

12.5.1 RAWLS' THEORY OF JUSTICE

Rawls' theory of justice consists of "certain distributive principles for the basic structure of society".

Justice as Fairness:

The main theme of Rawls' theory of justice is it is interpreted as fairness. The dictionary meaning of fairness is appropriateness or just: In Rawls' conception that arrangement can be called just or appropriate which does not create any scope of partiality or inappropriate. The principles for the distribution of rights, duties and advantages will be applied in such manner as will give no controversy.

The constitutional or institutional obligations induce a man to perform some duties which ensure the realisation of justice. The performance of institutional duties enables an individual to manage a democratic society and furtherance of general welfare. We, therefore, conclude that the obligations with a strong emphasis on its nature, institutional arrangement and to actively cooperate with the duties made by the institution or any other official declaration are included into the fairness principle.

Contract Theory and Justice:

We have just now elaborated Rawls' view of justice as fairness. We now turn our attention to the origin of justice as fairness. After good deal of labour Rawls concludes that justice as fairness can aptly be traced to the social contract theory explained by Locke, Rousseau and Kant. He states that the contract theory has several facets such as formation of civil society set up a government. But Rawls is not concerned with all these facets. His chief aim is how the original agreement helped the establishment of justice in society.

The basic condition of the contract is that the persons who made the contract agreed to cooperate with each other and Rawls believes that this is a very important condition for furthering justice. Through the instrumentality of cooperation all the contracting individuals will fix up the principles that will determine the division of social benefits and allot fundamental rights and duties to which they are all entitled. Not only this the terms of the agreement will regulate the claims of persons. This indicates that none will be allowed to claim anything which he cannot do. So far as this interpretation is concerned it is quite correct to say that contract theory builds up the foundation of justice as fairness.

Veil of Ignorance:

One of the very strong pillars of Rawls' theory of justice is veil of ignorance which is an imaginary or hypothetical situation. When the members of the state of nature built up a civil society all of them were the prisoners of veil of ignorance. This veil of ignorance is a very

important element of justice as fairness. Rawls has explained the concept elaborately in his book.

Rawls in this way has analysed the different aspects of the veil of ignorance. We treat this concept as an important part of his theory of justice. But all these aspects of ignorance did not stand on the way of achieving justice. Rawls says, "As far as possible the only particular facts which the parties know is that their society in subject to the circumstances of justice and whatever this implies." Rawls further says that the veil of ignorance was not a peculiar characteristic feature of the people of original position but was absolutely natural for them. The great German philosopher Kant had an idea about this veil of ignorance and he referred it in his famous doctrine of categorical imperatives.

Reflective Equilibrium:

Reflective equilibrium occupies an important place in Rawls' methodology. How Rawls explains it? "I assume that eventually we find a description of the initial situation that both expresses reasonable conditions and yields principles which match our considered judgments duly pruned and adjusted. This state of affairs I refer to as reflective equilibrium. It is an equilibrium because at last our principles and judgments coincide; and it is reflective, since we know to what principles our judgments conform and the premises of their derivation".

In order to arrive at certain conclusions in regard to justice individuals prepare judgments of the distribution of right, duties and privileges. We at the same time decide the principle. Rawls says that there shall be an equilibrium between principles on the one hand and judgments on the other. We check the conclusions in the background of morality or ethics. Until an equilibrium situation is reached adjustment and readjustment process continues.

Rawls further observes that this equilibrium position cannot be stable because when new situation emerges the old equilibrium position changes or is disturbed. Since society is in a fluctuating condition an equilibrium can never be stable. Individuals always check the condition in the light of new situation or circumstances.

Intuitionism:

While explaining justice as fairness Rawls has briefly discussed intuitionism to support the theory. Dictionary defines intuitionism as the theory that primary truth and principles are known by intuition. The intuition means an ability to understand without the need for conscious

reasoning. We want to see how Rawls has applied these ideas to his analysis of justice as fairness.

When the individuals are confronted with the task of taking a decision about justice they start to analyse various matters which they think relevant. First of all their duty is to weigh various principles which conform to the concept of justice.

This the individuals do by weighing different principles against one another and this they do by applying intuition and not conscious reasoning. Intuition and not reason is the technique they apply. The aim of the individuals is to arrive at what is just and what is unjust. If we scan Rawls' analysis in regard to the importance of intuitionism in the determination of justice we shall find it has a great role in finalising the concept of justice and its principles.

Intuitionism or intuitionist theory is based on two ideas. One is there are number of first principles "which may conflict to give contrary directives". In the second place in intuitionism there is no specific method. Individuals try to reach a balance through the mechanism of intuitionism. Rawls' view point is for deciding what is justice as fairness men apply intuitionism and no empirical methods.

Two Principles of Justice:

We have now reached the most crucial section of Rawls' theory of justice. The main structure of his theory is based on two principles and these he has stated in his book. The first principle is: "each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others."

The second principles runs as follows: "Social and economic inequalities are to be arranged so that they are both

(a) Reasonably expected to be to everyone's advantage and

(b) Attached to positions are offices open to all."

These two principles are so much important that concept of justice cannot be analysed without them. Not only this the theory of justice revolves around these two basic principles. The principles relate to the fundamental structure of society. Again how the rights, duties and privileges are to be distributed among the individuals is decided by these principles.

12.5.2 PURE PROCEDURAL JUSTICE

According to Norman Barry Rawlsian theory of justice is blessed with certain advantages and this is chiefly due to the reason that his theory of justice is based on a system of pure procedural justice. We are to go through his ideas about procedural justice. Explaining procedural justice as pure form Rawls says that the activities of a person depend on what the rules empower him to do. Without the authority of rules/laws man cannot do anything.

Of course, if he does anything without the authorisation of law that will be illegal. Simply stated, procedural justice envisages that individuals at first claim some rights and privileges, the principles determine the process/procedure by which these calims are to be satisfied and this in turn is legitimised by the basic structure.

What is pure procedural justice? The "pure procedural justice obtains when there is not independent criterion for the right result; instead there is a correct or fair procedure such that the outcome is likewise correct or fair provided that the procedure has been properly followed".

This is, in brief, the pure procedural justice. Rawls claims that in order to understand the pure procedural justice it is necessary to compare it with perfect and imperfect procedural justice.

What do we mean by perfect procedural justice? The fairness of justice and other things such as division of wealth etc. is decided by an independent criterion. Again before the commencement of procedure the criterion must exist.

The Persons concerned with the attainment of the procedural justice are sure that they would be able to reach the goal. If we look at the real situation we shall find that such type of perfect procedural justice is rare.

In order to explain the imperfect procedural justice Rawls cites an example. He says that such form of justice in generally found in criminal trial cases. The lawyers adopt various procedures and arrangements to find out the culprit. The arrangements are selected to fit the situation and they are not previously selected. The important feature of imperfect procedural justice is there is no flexible procedure to arrive at conclusion.

In the light of the above analysis we can reasonably point out certain features of pure procedural justice.

These are briefly stated below:

(1) In procedural justice no separate or independent criterion is used.

(2) For pure procedural justice a fair or correct procedure is followed so that a fair justice can be built up.

(3) Determination of the fair procedure is not enough. Such a procedure must be scrupulously observed.

(4) There is another aspect of pure procedural justice and summarily stated it is an impartial institution is to be set up or their small be a number of impartial institutions.

(5) Mere setting up of impartial institutions is not sufficient; they must have opportunity to function impartially and efficiently.

(6) All the institutions or branches of the political system must cooperate with each other. This cooperation is indispensable and without it there shall arise chaos.

LET US SUM UP

In the first place, the idea is identified with dealings among people. Second, it infers unprejudiced nature in the treatment of different people and necessitates that no segregation ought to be mama e among the different individuals from religion, standing, sex, spot of birth, family, and so forth Third, equity doesn't basically mean getting rid of a wide range of separation. It allows a type of separation on sensible grounds. Fourth, it underlines the significance of individual respect and that load of activities, which confine the rights, and opportunity of the people as critical or treacherous. Notwithstanding, this doesn't block burden of limitations on the opportunity of the person in bigger interest of the citizenry. Fifth, the idea of equity is personally associated with the idea of correspondence. Nonattendance of balance is considered as an infringement of the standard of equity. At last, Justice infers due thought of the normal constraints. So, equity attempts to accommodate the singular rights with the social great.

ANSWER TO CHECK YOUR PROGRESS

1. According to Marxists, justice prevails in a _____ society.
2. The term ' justice' is derived from_____.
3. All liberal democratic countries are based the principle of _____.
4. The concept of justice has _____ dimensions.

GLOSSARY

Intuition	: Ability to understand something instinctively
Rule of law	: The restriction of the arbitrary exercise of power
Reconciler	: To settle or resolve.
Procedural	: Official way of doing something

ANSWER TO CHECK YOUR PROGRESS

1. Classless.

2. Latin word justicia.

3. Justice.

4. Four-fold .

MODEL QUESTION

1. Explain the meaning and definition of justice.
2. Analyze the various Dimensions of Justice.
3. Critically examine the Rawls theory of Justice.

SUGGESTED READINGS

1. Sharma, R.K. (2011) *Modern Political Science*, DPS Publications, New Delhi.

2. Wolf, Jonathan. (2008) *'Social Justice'*, in McKinnon Issues in Political, Catriona. (ed.).

3. Agarwal, R.C. (2006), *Political Theory*, S.Chand & Company ltd, New Delhi.

UNIT - 13

RIGHTS AND DUTIES

STRUCTURE

Overview

Learning Objectives

13.1   Introduction

13.2   Rights

13.3   Meaning of Duties

Let Us Sum Up

Check Your Progress

Glossary

Answers to check your Progress

Model Questions

Suggested readings

OVERVIEW

Rights, liberty and equality are three inter-associated subjects; ownership and satisfaction in rights with no differentiation makes liberty and equality inane. Comparably, as a citizen or the express a man should act in a manner which is useful for all and which is useful in advancing the government assistance of society. Society calls upon the people to follow certain standards. There is a close relationship between the rights and duties. If we have the right to speech, writing, wandering, running institutions and any religion we like, it is our duty, at the same time that we should not spread evils in society by our writing work or by our lectures. In this unit, we will study about the rights and duties and their Importance to study political science as a subject.

LEARNING OBJECTIVES

After going through this unit, you will be able to,

➢ Understand the concept and characteristics of rights.
➢ Discuss the various aspects of Duties.
➢ Learn the fundamental duties in our Indian constitution.

13.1 INTRODUCTION

Rights and duties are firmly connected and can't be isolated from one another. Rights is enjoyed solely within the world of duties. for each right there's corresponding duty. once the individuals fail to execute their duties properly, the rights all become senseless. so, a subject has each Rights and Duties. He enjoys rights and performs his duties. Rights and Duties are the two sides of a similar coin.

13.2 RIGHTS

The rights are fundamental for the satisfactory improvement of human character and forhuman bliss. Rights are the vital conditions for the individual, social, economic,political, mental and moral improvement of people. Rights are the social prerequisite of a social individual for the improvement of his character and society on the loose.

13.2.1 DEFINITION OF RIGHTS

1. **Laski** defined rights as " those conditions of social life without which he cannot seek, in general, to be himself at his best and every state is known by the right if maintains ".
2. **Dr. Beniprasad** "Rights are nothing more an nothing less than those social condition which are necessary or favourable to the development of personality".
3. **T.H. Green:** "Right is a power claimed and recognised as contributory to common good".
4. **Pro. Laski:** Rights are those condition of social life without which no man can be his best self".
5. **Prof. Barker:** Rights as " the external conditions necessary for the greatest possible development of thecapacities of the personality"
6. **Hobbes:** "One's natural rights are one's natural power".
7. **Isaiah Berlin** defines rights in terms of positive liberties and negative freedoms. A positive right is an entitlement to; A right to free expression, for instance, entitles one to voice opinions publicly. A negative right is a freedom from; Freedom of person is a right to be free of bodily interference.

13.2.2 CHARACTERISTICS OF RIGHTS

Rights are social in their application: Exclusively by living in a general public a man can fulfill his needsand acknowledged what is best in him. The topic of rights thusly emerges just in the public eye. A forlorn man in a desolate island has no rights on the grounds that there is nobody to assault him or to infringe his independence.

Rights are related to human needs: They are those condition or openings without which we can't foster our force or inactive freedoms.

Rights are not absolute: On the off chance that conditions request certain limitation can be put on the satisfaction in rights so as to get the bigger interest of society.

Rights are not permanent: The substance of rights is changing as indicated by the changing requirements and desires of s society. For instance, before the development of print machine opportunity of articulation was not viewed as important.

Rights are general in character: Rights are general in sense that chances for self advancements ought to be similarly accessible to all. There can't be any separation to the extent the utilization of rights.

Rights implies duties: Each right has a comparing obligation. On the off chance that I have a right, the happiness regarding my privileges infers an obligation on piece of others. Rights are truly just to degree to which they have been excepted by others as a commitment.

Rights are relative with functions: The quantity of rights moved by an individual should relate to the commitment makes to society. The leader of a nation appreciates a bigger number of rights than his peon since his commitment is most certainly more prominent than the peon.

13.2.3 DIMENSIONS OF RIGHTS

Rights are of various types. A watertight grouping of rights is beyond the realm of imagination on account of its interrelated nature. Laski places rights into two classes as general and specific. Be that as it may, Barker isolates them into three primary heads identifying with society, fairness and freedom. For accommodation we can characterize them as follows.

Natural Rights: By natural rights we mean those rights which are appreciated by individuals even before the beginning of state. According to writers like Hobbes and Locke, natural rights were those rights which are appreciated by the People in the condition of nature. As per Rousseau natural rights were those ideal rights which are enjoyed by the

individuals before the origin of the state. The old view with regard to nature rights is not accepted today. The main sense where the hypothesis of regular rights acknowledged is that these rights are viewed as normal and fundamental for the singular if they are really perceived.

Legal Rights: Legal rights are those rights which are secured by the state and guaranteed through its laws.Legal rights may be defined as the claims recognised by the state. These rights are enforced by thestate through its police and courts. Legal rights are embodied in the constitution. Legal rights arefurther divided into three categories, namely civil rights, political rights and economic rights.

Civil rights: They are those rights without which no civilised life is possible. Civilised life is impossibleunder the fear of being hurt, attacked, killed or our property confiscated. Civil rights are consideredto be primary and more vital than the other two. The important civil rights are protection of lifeand property, right to education, right to family, right to freedom of speech and expression.

Political rights: They are those rights which empower individuals to have an offer in the organization of the country. By practicing the political rights, the individual takes part in the undertakings identifying with the organization of the country. The significant political rights given to the residents are on the right track to cast a ballot, the option to remain as possibility for the races, the option to hold government office and the option to censure the public authority.

Economic Rights: Political and civil liberties are futile except if some financial rights are guaranteed. Economic rights are the option to work, the right to sufficient wages and right to sensible long stretches of work. These monetary conditions are extremely fundamental for the financial and political advancement of man.

Moral Rights: Moral rights depend on our ethical quality., equity, or soul and they are not ensured by any legitimate position. Moral rights are generally founded on strict conviction and the ethical originations of individuals in any general public. Accordingly, they vary from one society to another. They emerge out of man's ethical sense. Ritchie defines moral rights as" the claim of an individual on others recognised by the society irrespective of its recognition by the state".

Human Rights: Human rights are rights innate to all individuals with no separation on ground of identity, locale, language, beginning, and so on These rights are regularly communicated and ensured by law, which is as arrangements, standard global law and such other general standards.

The Universal Declaration of Human Rights (UDHR- December 10, 1948) constitutes forthe most significant effort in the direction of protection, preservation and promotion of human rights in the international sphere.The UHRD has been termed "as an historic event of the profound significance and one of the greatest achievements of the United Nations".

Fundamental Rights: By fundamental rights we mean those rights which structure the fundamental states of good life and which comprise the basics of human advancement. Without these rights the development and improvement of human character is unimaginable.

To make them sacred they are revered in the constitutions of democratic countries. Individuals are guaranteed fundamental rights through constitutions in India, Japan, USA, France, Switzerland, etc. If any of the fundamental rights is infringed, the affected person can reach out to the court to uphold their rights.

13.2.4 THEORIES OF RIGHTS

Now and again, different translations in regards to the beginning and nature of rights were conceived which prompted the rise of various hypotheses. The Natural Theory of rights contends that nature is the creator of specific rights that have a general person. Old logicians and Thomas Hobbes consent to this view point. John Locke treats right life, freedom and property as normal rights. The UDHR conjures the soul of this hypothesis when it pronounces, "all human starts are conceived free and equivalent in nobility and rights".

When we come to the Legal Theory of rights, it holds that right is a formation of law. In case there is no law there is no right. Hobbes, Bentham and Austin are the backers of this hypothesis. In any case, critics say that individuals have such countless rights in view of the power of custom behind them.

The Historical Theory of right takes the factor of time in the creation of rights. Each right depends on the power of long recognition. The fundamental authorization behind a right is consequently, is a practice or a custom. Sociologists like MacIver and Edmund Burke are the promoters of this hypothesis. Accordingly, lawful hypothesis and recorded hypothesis are contradicting one another.

In Idealistic point of view rights are profoundly moral in nature. Rights are established in the personalities of man. In this way, they accept human cognizance hypothesizes rights and freedom. The goal of this

hypothesis is the 'most ideal improvement of human character'. A vigorous backer of this hypothesis is T. H. Green.

The Marxian Theory of rights joins up the instance of rights with that of the predominant financial framework in a society. The predominant class makes the rights for the wellbeing of they. Along these lines, rights will be shielded uniquely in a socialist framework.

13.2.5 PROTECTION OF RIGHTS

Following are the steps for protection of the rights.

1. Rights should be listed out in the constitution.
2. Rule of Law must prevail
3. Free and fair press.
4. Decentralization of powers.
5. Independent and unbiased judiciary
6. Associations and organizations
7. Endless vigilance.

13.3 MEANING OF DUTIES

Duty is a commitment. As a citizen , the individual needs to notice these commitments of society. A man is said to have a duty in any matter when he is under a commitment to do or not accomplish something. My right of living includes any obligation to permit others asimilar state of life. What is a right concerning one's self is a duty with respect to other people.

The terms duty and obligation are utilized in a circumstance where an individual must choose the option to complete or to avoid doing an activity. In these cases, we say that an individual has the obligation of following through on the cost specified in the agreement or the obligation to help an individual harmed. There is a reasonable contrast between individuals who completes an activity in danger. Albeit the idea of obligation can be found in relationship among people and different circles, for example, of families, church, and so on in this section obligation might be examined from a moral and political viewpoint.

13.3.1 TYPES OF DUTIES

Moral Duties: Moral duties are those commitments that we ought to notice however we aren't de jure sure to observe them. it's our ethical duty that we must always serve our parents, teachers, brothers and sisters and therefore the relatives. it's our moral duty of each one that one should lend an aid to the poor and downtrodden. it's our moral duty that we should serve our village, our province, nation and the world to

any or all attainable extents. the explanation why we've got moral duties has been one in every of the central deliberations of western philosophy for ages. Two great political customs have arisen from this discussion.

The first of them contends that moral duty is a fundamental quality of human condition since people are moral agents. In consequence, duties ought to be satisfied just due to their reality, whether or not or not they serve the accomplishment of a specific end. The second of these practices, paradoxically, clarifies the presence of duties to the extent that they are essential for the satisfaction of a specific prevalent end.

Legal Duties: There is stamped contrast between legal duties and moral duties. It relies altogether upon the heart of the person to perform moral duties or not to perform themIn any case, an individual lawfully will undoubtedly perform legal duties. On the off chance that he doesn't perform them, he will be punished by the state. It is the legal duty of of each resident toshow acquiescence to the constitution, commands of law and pay taxes regularly and honestly. It is our legal duty to stay faithful to our country. Traitors are tried by the judiciary and are punished by the state.

Positive and Negative Duties: Duties are arranged into positive and negative as indicated by their satisfaction. On the off chance that a duty requires an action, then it is appositive duty and if a duty requires an omission then it is a negative duty. What's more, duties can be general or uncommon. General duties are those whose satisfaction can help anyone, as the duty not to kill. Special duties are those duties that advantage individuals who have a substantial relationship with the individual who is committed by the duty. Positive duties are typically exceptional duties, whereas negative duties are normally broad duties. While negative duties are easy to fulfil, in light of the fact that they are exclusions, positive duties request a work that can be pretty much tough, however they can't have a boundless person.

13.3.2 FUNDAMENTAL DUTIES UNDER INDIAN CONSTITUTION

Rights and duties were deciphered that they go together in constitutions. In India the 42nd constitutional amendment act of 1976 presented a rundown of fundamental duties of Indian citizen. All duties of Indian citizen are enumerated in part IV-A, Article 51 –A.

It shall be the duty of every citizen of India,

a)   To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;

b)   To cherish and follow the noble ideals which inspired our national struggle for freedom;

c)   To uphold and protect the sovereignty, unity and integrity of India;

d)   To defend the country and render national service when called upon to do so;

e)   To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;

f)   To value and preserve the rich heritage of our composite culture;

g)   To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

h)   To develop the scientific temper, humanism and the spirit of inquiry and reform;

i)   To safeguard public property and to abjure violence;

j)   To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

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. (Introduced by 86th Amendment Act 2002).

LET US SUM UP

Rights and duties are the different sides of an equivalent coin. On the off chance that one glances at them from one's own outlook, they are rights; one gander at them from the angle of others, they are duties. They are similar conditions seen from various points. Without duties, rights become irrelevant and duties are unproductive without rights.

CHECK YOUR PROGRESS

1.   Fundamental duties of Indian Constitution introduced in _____

2.   The 42nd constitutional amendment act enacted in_____

3.   The 86th Amendment Act 2002 related to _____

GLOSSARY

Amendment : The procedure of changing or amending a regulation through constitutional process.

Ideals : An origination of something in its outright flawlessness.

Enforcement : Compliance with a law, rule, or obligation.

Declaration : A formal or explicit statement.

ANSWER TO CHECK YOUR PROGRESS

1. 42%

2. 1976

3. Education to children

MODEL QUESTION

1. Evaluate the various Kinds of Rights.
2. Explain the Meaning and Types of duties.
3. Describe the Characteristics of Rights.
4. List out the Fundamental Duties under Indian Constitution.

SUGGESTED READINGS

1. Kapur, A.C. (2006) *Principles of Political science*, S.Chand & Company, New Delhi.

2. Maharajan, V.D. (2008) *Political Theory*, S. Chand & Company, New Delhi.

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Block V

Constitution

UNIT - 14

MEANING, DEFINITION AND ESSENTIALS OF A GOOD CONSTITUTION

STRUCTURE

Overview

Learning Objectives

14.1   Introduction

14.2   Meaning of Constitution

14.3   Definitions of Constitution

14.4   Essentials of a Good Constitution

    14.4.1   Clarity or Definiteness

    14.4.2   Brevity

    14.4.3   Comprehensiveness

    14.4.4   Flexibility

    14.4.5   Declaration of rights

    14.4.6   Independence of Judiciary

    14.4.7   Directive Principles of State Policy

Let Us Sum Up

Check Your Progress

Glossary

Answers to check your Progress

Model Questions

Suggested readings

OVERVIEW

Each state should have a constitution. Without a constitution, it is hard to oversee a state. History tells that since the beginning of the state there had been a few sorts of rules and guidelines in some structure to keep everything under control and congruity in the state. In each state be it a majority rule or tyrannical it is fundamental that such standards should be acknowledged which would choose the job and association of political foundations to save the general public from insurgency. In this unit, we will discuss about the constitution, need for constitution and essentials for good constitution.

LEARNING OBJECTIVES

After studying this unit, you will be able to

- ➢ Learn the meaning of constitution and its need.
- ➢ Understand the various definitions of a constitution.
- ➢ Describe the essentials of a Good Constitution.

14.1 INTRODUCTION

Even though there are variations in outlook regarding what qualities ought to be utilised in creating a constitution, a couple of factors should be gift together with strict however versatile rules, clearly outlined laws and rights of the ruled people. this is often thus as a result of the constitution of a rustic is capable of accelerating or reducing the efficacy and observe of true democracy therein country.

14.2 MEANING OF CONSTITUTION

The word Constitution is taken from Latin 'Constitute' which implies 'to establish'. The constitution is that the fundamental document of a country. It is the basic law of a state that regulates the distribution of powers within different wings of government.

In normal terms, the constitution of a state is also outlined as a body of rules and regulations, written and unwritten, by virtue of what government is setup and it operations. It is an additional matter that in order to fulfill the necessities of a democratic order, a constitution incorporates some more principles specifying relationship between the people and their state within the variety of a particular charter of their fundamental rights and obligations.

Hence, a constitution "may be aforementioned to be a set of principles in step with which the powers of the government, the rights of the governed, and the connection between the two are adjusted." In alternative words, it is going to be delineated as a frame of political society setup through and by law, in which law has established permanent institutions with recognised functions and definite rights."

By all means, it is a legal document known by different names like,

- Regulation of the state,
- Tool of government
- Basic law of the territory
- Basic statute of the polity
- Foundation of the nation-state

14.3 DEFINITIONS OF CONSTITUTION

Aristotle: "Constitution is the way in which, citizens who are the component parts of the state are arranged in relation to one another".

Woolsey depicts a constitution as "the collection of principals according to which he powers of the government rights of the government and relations between the two are adjusted."

George Cornewell Lewis defines the constitution as "the arrangement and distribution of sovereign power in the community or the form of the government"

Austin defines constitution as, "that it fixes the structure of supreme government."

C.F Strong: " It is said to be a collection of principles according to which the powers of the government , the rights of the government and relation between the two are adjusted".Strong's definition is more or less a defect less one.

Lord Bruce: "Constitution is the aggregate of laws and customs under which the life of the state goes on ".

KC Wheare: "the whole system of government of a country, the collection of rules which establish and regulate or govern the government."

Based on above definitions, we can say that a constitution is: The fundamental law of the land

- May be written or unwritten.
- Handles with the structure and authority of the government.
- Handles with the rights of people.
- Handles with the connection between the government and governed.
- It is superior law of the land and it should be trailed by its parts

14.4 ESSENTIALS OF A GOOD CONSTITUTION

Regardless of whether a constitution is appropriate or inappropriate for a specific nation depends up on the circumstance, which prevail there. It is conceivable that a specific sort of constitution might demonstrate valuable for a specific nation, yet for another country it may not demonstrate helpful. For instance, a federal constitution is fit for India, but it is not apt. for Nepal, Myanmar and PakistanIt relies upon the social and financial set up of the country. Each state has a privilege

to choose and outline its own constitution. A good constitution should have the accompanying characteristics.

14.4.1 CLARITY OR DEFINITENESS

By readability and definiteness, we suggest that each clause of the constitution need to be written this type of easy language, as need to specific its that means clearly.

14.4.2 BREVITY

The constitution ought to now no longer be lengthy. It ought to incorporate handiest vital matters and unimportant matters ought to be left out.

14.4.3 COMPREHENSIVENESS

It implies that the constitution ought to be material to the entire nation or other than the central government, tthere ought to be notice of the construction and powers of state or provincial governments. Mention must additionally be made approximately the crucial topics regarding the rights and obligations of the authorities and the citizens.

14.4.4 FLEXIBILITY

One of the foremost vital characteristics of an honest constitution is its ability to adjust to the ever-changing society. A honest constitution should be versatile to some extent. It should always adapt to the social, political, economic, technological and alternative changes that are inevitable within the lifetime of a rustic for its growth and process. It ought to be flexible and furthermore be generously deciphered to meet the always evolving social, financial and political necessities of the country. Where the constitution isn't adaptable, it will be hard for it to address the issues of the residents in the midst of crisis.

This doesn't likewise imply that the constitution ought to be excessively adaptable, as that will likewise take into account simple meddling with the arrangements of the law. The constitution should make uncommon circumstances where it tends to be corrected to meet certain improvements in the general public. The constitution ought not be too unbending to even consider obstructing the course of revision when required.

14.4.5 DECLARATION OF RIGHTS

A good constitution should contain the fundamental rights of the citizens. In the constitutions of nations like Soviet Union, China, France, India, US, Japan and Italy such kinds of presentations have been made.

14.4.6 INDEPENDENCE OF JUDICIARY

Freedom of Judiciary is one more nature of a good constitution. The judiciary ought not be heavily influenced by the executive and it should operate independently and act as the defender of the Fundamental Rights of the citizens without favor or dread.

14.4.7 DIRECTIVE PRINCIPLES OF STATE POLICY

In a good constitution notice should be made of the Directive Principles of State Policy, since it helps in the foundation of a welfare state. These principles additionally fill in as a reference point for the public authority. However these principles have been referenced in a couple of constitutions of the world, yet it is valuable and not unsafe to specify them. These principles have been remembered for the Constitution of India and Ireland.

LET US SUM UP

From the above, one will justly windup that the constitution is that the extraordinary law of the land. It sets forth the desire of the folks that it governs, forms the government, the rights and obligations of state on the one hand, and also the rights and duties of a person on the opposite hand and the provision of remedies for somebody performs an unconstitutional action.

CHECK YOUR PROGRESS

1. The term Constitution is derived from_____ Language.
2. The federal constitution not suitable for _____, _____, and _____
3. _____ defines constitution as, "that it fixes the structure of supreme government."

GLOSSARY

Incorporate   : Constitute as a legal corporation

Regulation   : A rule made and maintained by an authority.

Brevity   : Shortness or conciseness of expression.

Flexibility   : The capacity to change, to twist, or to convince.

ANSWER TO CHECK YOUR PROGRESS

1. Latin

2. Nepal, Myanmar, and Pakistan

3. Austin

MODEL QUESTION

1. Explain the various definitions of constitution
2. what are the fundamentals of a good constitution?
3. What is flexibility in a constitution? How it is essential for a constitution?
4. Elucidate the various essentials of constitution.

SUGGESTED READINGS

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2. Galston, W. A. (2010). *Realism in political theory*. European journal of political theory, 9(4),

3. DeLeon, L., & Denhardt, R. B. (2000). *The political theory of reinvention.* Public Administration Review,.

UNIT - 15

SALIENT FEATURES OF CONSTITUTION

STRUCTURE

Overview

Learning Objectives

15.1   Introduction

15.2   Nature of a Constitution

15.3   Salient features of a Constitution

    15.3.1   Flexible and rigid

    15.3.2   Written and unwritten

    15.3.3   The Unitary and Federal constitutions

    15.3.4   Division of power

    15.3.5   Judicial review

    15.3.6   Fundamental Rights

    15.3.7   Limited Government

    15.3.8   Checks and balances

    15.3.9   Amendment process

Let us sum up

Check Your Progress

Glossary

Answers to check your Progress

Model Questions

Suggested readings

OVERVIEW

The basic principles that confirm the shape of a govt. are known as its constitution. These embrace the strategy by that the state is organized, the division of its sovereign authorities among the assorted wings of government, the scope and manner of operation of the governmental functions, and also the government's relevancy the individuals over whom its powers are exercised. In this unit, we will study about the salient features of good contitution.

LEARNING OBJECTIVES

After studying this unit, you will be able to

- ➢ Understand the character of a constitution.
- ➢ Describe the prominent features of a Constitution.
- ➢ Analyse the salient features for good constitution.

15.1 INTRODUCTION

The constitution doesn't produce the state however that is the outward articulation of state existence. Thus, each state encompasses a constitution, within the sense that bound principles underlie its existence and its governmental setup. If this weren't true, lawlessness would result rather than a political institution. The fundamental principles that determine the form of a state are called its constitution. These include the method by which the state is organized, the distribution of its sovereign powers among the various organs of government, the scope and manner of exercise of governmental functions, and the government's relation to the people over whom its authority is exercised.

15.2 NATURE OF A CONSTITUTION

The constitution does not create the state but is the outward formulation of state existence. Therefore, every state has a constitution, in the sense that certain principles underlie its existence and its governmental system. If this were not true, anarchy would result instead of a political organization. Sometimes the state's constitution is definitely formulated in a single document or a series of documents. Sometimes, it is found in an established body of rules, maxims, and traditions following which its government is organized and its powers are exercised. Constitutional government is distinguished from a personal government. It is based not on the caprice and whim of those who possess political power but on rules so clearly defined and so generally accepted that they effectively control the actions of public officials. It is a government of laws and not of men. A constitution, therefore, may be defined as a collection of norms.

15.3 SALIENT FEATURES OF A CONSTITUTION

Practically all contemporary governments have constitutions, yet ownership and distribution of a constitution doesn't make an administration sacred. The following are the elements of a constitution,

15.3.1 FLEXIBLE AND RIGID

The difference between a flexible constitution and a rigid constitution lies on however the constitution could also be modified and

therefore the relation, therefore, that it bears to ordinary laws. If the normal law creating body and procedure may simply making changes in a constitution, it should be classed as flexible. During this case, constitutional law proceeds from an equivalent legal power as ordinary law and has no superior effectiveness. If a constitution needs a special wing or a tougher procedure or modification than needed for the making of ordinary law, it may be classed as rigid. Therfore, its lines are detested and proceed from a supply completely different from that of normal laws that has got to keep at intervals the bounds mounted by the constitution.

For the productive operating of a rigid constitution, some wing of presidency must have the facility to come to a decision whether or not or not laws made by the normal authority keep within constitutional ceilings. A law that the constitution prohibits or a law created by a body that has not been given authority by the constitution to act therein command would be an unconstitutional law, therefore not a law at all. The constitution of Great Britain is an illustration of an adaptable constitution that the US is inflexible. India is a model for mix of both inflexible and adaptable.

15.3.2 WRITTEN AND UNWRITTEN

A written constitution is a constitution in which most of the basic principles of state organization are contained in an official document or specially created document; This is generally considered a special remedy, different in nature from other laws, coming from a higher source and subject to modification through a different and more complex procedure. An unwritten constitution is a constitution in which most of the basic principles for organizing government are not reduced to a specific written form or incorporated into basic documents, but are composed of numerous customs, practices, judgments and decrees issued at different times. It was not created by a constitutional body, but was the result of the gradual historical development of the state.

15.3.3 THE UNITARY AND FEDERAL CONSTITUTIONS

Like governments, constitutions may likewise be delegated as unitary and federal on the ground of fixation and distribution of powers. A unitary constitution is one that vests all forces in a central government, but a federal constitution disseminates powers "between the central and regional governments. The units of local government do not enjoy autonomy under a unitary constitution as they live and work heavily influenced by the central government, however the units or provincial

governments enjoy autonomy under a federal constitution in the circle apportioned to them by the constitution.

It is fundamental that the federal constitution indicates the powers of both the governments so that there is, quite far, zero chance of contention between the two. Its process of amendment is made inflexible with the goal that it may not be effectively amendable by the one-sided activity of thecentral government. The bill of constitutional amendments passed by 2/3 majority in the chambers of national legislature and it is subject to ratification by the most of the legislatures of the units by similar majority as in the US, or by the last decision of individuals given in a referendum as in France, or by both as in Switzerland.

A free and fair-minded judiciary is additionally set up to go about as an umpire between the two governments and to decipher the arrangements of the Constitution when required. The unitary and federal constitutions have their merits and demerits. When a country has a unitary constitution, its central government has extreme power to handle any critical situation. However, unitary constitutions cannot work well in large countries or where cultures, languages, and ways of life are distinct.

The federal constitution makes the central government feeble by splitting the powers between he centre and the units, yet it suits enormous nations like USA, Russian Federation and Canada and it is perpetually needed in nations set apart by religions, social and social varieties like Switzerland; India and South Africa. The component of centralism has made its place in each government arrangement of the world because of which the intrinsic shortcoming of an administrative constitution has been discarded. An exceptional plan has been contrived in India where the constitution works as a federal instrument in ordinary occasions and becomes unitary during seasons of emergency.

15.3.4 DIVISION OF POWER

Constitutional government requires a division of power among a few organs of the body politic. Pre-constitutionalist governments, like the outright governments of Europe in the eighteenth century, as often as possible amassed all force in the possession of a solitary individual. The equivalent has been valid in present day tyrannies like Hitler's in Germany. Constitutionalism, then again, by separating power between, for instance, neighborhood and focal government and between the lawmaking body, leader, and legal executive guarantees the presence of limitations and "governing rules" in the political framework. Citizens are along these lines ready to impact strategy by resort to any of a few parts of government.

15.3.5 JUDICIAL REVIEW

Power of the courts of a country to inspect the activities of the legislative, executive, and administrative arms of the public authority and to decide if such activities are predictable with the constitution. Activities judged conflicting are proclaimed illegal and, consequently, invalid and void. The foundation of legal survey in this sense relies on the presence of a composed constitution. There are two extremely urgent capacities that judicial review sought to perform, first of legitimizing government activity, and second, being securing the constitution by being infringed by the public authority.

15.3.6 FUNDAMENTAL RIGHTS

A list of rights, including their applicability, enforcement, limitations, suspension or restriction during a state of emergency as fundamental rights. Incorporating Fundamental Rights is another absolute necessity in the making of the Constitution in order to mitigate the grievances of citizens during the different regimes specially the British across the world for a very long time in the past, especially with reference to India.

15.3.7 LIMITED GOVERNMENT

Limited Government means the power given to it by the constitution is not total or absolute, especially where there is a written constitution. Certain powers not delegated by the constitution are reserved for states.

15.3.8 CHECKS AND BALANCES

Government's power is kept in checks and balances, works through separation of powers. Examples: Veto power, judicial review

15.3.9 AMENDMENT PROCESS

Constitution is called a "Living Document" as it can change over time to meet the changing needs of society. So, constitution gives provisions for important amendments process to protect the civil liberties and improve the workings of government.

LET US SUM UP

Above are the significant components of a constitution. Notwithstanding, note that what a decent constitution is, and it relies significantly upon the traditions and customs of individuals it is intended to for. A portion of the qualities referenced here may not be practicable in some political framework. Consequently, it is important to think about the traditions, customs and neighborhood practices of a gathering of individuals prior to making constitution or any law to secure them.

CHECK YOUR PROGRESS

1. Indian constitution is an example for combination of both _____ and _____.
2. A _____ constitution is one that vests all powers in a central government.
3. _____ is the Power of the courts of a country to examine the actions of the legislative, executive, and administrative arms of the government.
4. In India, the constitution operates as a federal mechanism in normal times and becomes unitary during _____.

GLOSSARY

Statutory law : Written law passed by a body of legislature.

Anarchy : Absence of government and absolute freedom of the individual.

Federal : A system of government in which several states form a unity but remain independent in internal affairs.

Autonomy : A quality or state of being self-governing.

ANSWER TO CHECK YOUR PROGRESS

1. Right or Flexible
2. Unitary
3. Judicial review
4. Emergency

MODEL QUESTION

1. Brief on the nature of the constitution.
2. Critically examine the Salient features of the constitution.

SUGGESTED READINGS

1. Held, D. (2013). *Political theory and the modern state*. John Wiley & Sons.

2. Beitz, C. R. (1999). *Political theory and international relations*. Princeton University Press.

3. Sabine, G. H., & Thorson, T. L. (2018). *A history of political theory*. Oxford and IBH Publishing.

UNIT - 16

CLASSIFICATION OF CONSTITUTION

STRUCTURE

Overview

Learning Objectives

16.1   Introduction

16.2   Classification of Constitution

16.3   Written Constitution

16.4   Unwritten Constitution

16.5   Rigid Constitution

16.6   Flexible Constitution

16.7   Federal and Unitary Constitutions

16.8   Supreme and Subordinate Constitutions

16.9   Separated Powers and Fused Powers

16.10   Republican and Monarchical Constitutions

Let us sum up

Check your progress

Glossary

Answers to check your Progress

Model Questions

Suggested readings

OVERVIEW

Like political frameworks, constitutions have their own structures as per the grounds thought about by them. Subsequently, considered as an "instrument of proof", they have been delegated combined or developed and customary or authorized constitutions. The method involved with altering a constitution might be utilized as one more premise on which they might be named unbending and adaptable constitutions. At long last, they utilize the premise of fixation versus dispersion of forces and afterward classifications them as unitary and government constitutions. We may hence concentrate on various types of constitutions and their respective merits and demerits.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Understand the classification of the constitution.
➢ Learn about the Written and Unwritten constitution.
➢ Know about the Flexible and Rigid constitution.
➢ Explain the Federal and unitary constitutions.

16.1 INTRODUCTION

A constitution is required for an assortment of reasons i.e.,to control the forces of the public authority by crucial law, to secure the privileges of people, to build up the standard of 'law and order', to save the state from insurgency, to characterize the activity of the sovereign force of the state, to restrict present and people in the future from discretionary government.

16.2 CLASSIFICATION OF CONSTITUTION

When looking for the salient characteristics of the constitution, it is helpful to bear in mind the range of possible classifications which can be applied to any constitution. Professor KC Wheare identifies the following classification as

• Written and unwritten
• Rigid and flexible
• Supreme and subordinate
• Federal and unitary
• Separated powers and fused powers; and republican and monarchical.

16.3 WRITTEN CONSTITUTION

Written constitution is ordinarily expected to mean a report or an assortment of archives where the essential guidelines with respect to the fundamental organs and foundations of government are unmistakably set down. A written constitution is a conscious creation. It is a deliberately arranged framework. It very well might be made by a constituent get together or a show. The constitution of India was detailed and taken on by the constituent gathering.

The preamble of the Indian constitution starts with the words, 'We the peoples of India having solemnly resolved to constitute India into a sovereign democratic Republic and closures with the words, 'in our constituent assembly this twenty-sixty day of November 1949, do hereby adopt, enact and give to ourselves this constitution.

'The constitution of USA was drafted by an exceptional show of representatives, directs by George Washington. This constitution arose out of the Philadelphia show on September 17,1787, and was alluded to the States for their confirmation.

A written constitution might be single report having one date. Such is the situation of India, Myanmar and US. It could be in a progression of reports bearing various dates. This is the situation with France, Australia and so forth The French constitution under the Third Republic was fragmentary and didn't comprise of one single report. It was made out of three sacred laws passed on February 24, February 26 and July 26, 1874.

Whenever there is a written constitution in a country, a differentiation is made between sacred law and normal laws. The protected law should be the desire of the sovereign and it ought not be changed by the common legislative process. The statutory law has to limits itself inside the structure of constitutional law. If they dispute with the constitutional law they are termed as ultra vires.

16.3.1 MERITS OF WRITTEN CONSTITUTIONS

The most important merit of a written constitution is that it is extremely distinct. There isn't vulnerability. The constitution gives all central standards in composed and individuals can allude to it as and when they need. As the forces and association of the different organs are clear cut there is next to no extension for disarray and questions. On the off chance that a debate emerges it very well may be alluded to the legal executive. As composed constitution is drawn with extraordinary consideration and after long thought. It implies it is the consequence of involvement and information. There is a bad situation for the impermanent feelings and rushed choice.

A written constitution secures the privileges of the people. Rights are consolidated in it making them better than the customary law and saving them from being change by various government from as they wished. It checks the constitution from being wandered aimlessly as indicated by famous impulses and feelings this giving an assurance of security. It is steady and guides through tough spots. It is more appropriate for crisis period.

For a federal government written constitution is more appropriate in light of the fact that there is arrangement for the focal and state power independently.

16.3.2 DEMERITS OF A WRITTEN CONSTITUTION

Generally, written constitutions are hard to correct, accordingly presenting inflexibility and traditionalism. In a composed constitution legal executive is very traditionalist a translation is just to see if a law adjusts to the constitution. This may choke a country, which needs to change as per the occasions. It attempts to include all standards and beliefs of a country, which may not be appropriate for every one of the ages. Subsequently, the future development might be dismissed. It here and there turns out to be excessively comprehensive prompting legitimate jugglery.

16.4 UNWRITTEN CONSTITUTION

An unwritten constitution mirrors the transformative idea of free documentation of the standards and guidelines. To start with, they are drilled and by a consistent practice, they become part of the development. The constitution of England is the best illustration of Unwritten constitution. An Unwritten constitution is the consequence of long cycle and regular development of political constitutions of the country. There is no single record or reports, which contains it however many sources might be discovered which portrays it. There might be some composed reports yet their extent is much than the unwritten components.

16.4.1 MERITS OF AN UNWRITTEN CONSTITUTION

They are effectively versatile to evolving conditions. Law can be added as and when required. There is no impediment of any pre-recorded protected law. Consequently, they are reformist. They are adaptable and individuals can achieve changes without undertaking transformations. As these constitutions advance themselves with the evolving time, general assessment discovers appropriate spot in constitution and it ends plausibility of transformation.

Unwritten constitution can go through changes, without fundamental structure being sidelined. This is helpful particularly if there should arise an occurrence of unanticipated circumstance. Generally they appear to stand the trial of times and keep up the customs of a country state as it is said about the English constitution that it has solid history. It's a consistent course of improvement.

16.4.2 DEMERITS OF AN UNWRITTEN CONSTITUTION

The genuine deformity of an unwritten constitution is that it is dubious and endless. Average person may not comprehend the sacred arrangement of the country. He can't allude to any archive where he can track down all that he needs to comprehend the design of the public authority of his country. An unwritten constitution requires an exceptionally serious level of political cognizance among individuals to comprehend it's soul, and conventionally that isn't not difficult to track down. Now and again unwritten constitutions are very temperamental.

The legal executive might assume more part than is justified. It turns into the play things of legal councils. The legal executive can decipher the unwritten laws as it fit to its craving and will. It additionally battled that an unwritten constitution isn't fit to majority rules systems. The massed need a clear cut report under which they need to live. They might be appropriate for refined social orders however not intended for democratic governments.

16.4.3 THE DISTINCTION BETWEEN WRITTEN AND UNWRITTEN CONSTITUTION

Is one in every of degree instead of of kind. All written constitutions that arein existence for a substantial amount accumulate an outsized unwritten element. they're changed by custom and usage and by judicial elucidation. Political practices age that don't seem to be included into the papers in order that its text doesn't correspond accurately with the present kind of political set up and powers.

the technique for designating and choosing the president, Congress' method, and the forces of the government legal executive rest upon political use, not upon the composed constitution. A perusing of the US constitution would give an extremely insufficient and mistaken portrayal of the American republic's genuine constitution as it works by and by.

On the opposite hand, though' not developed in an exceedingly single document, the constitution of nice UK contains a substantial written part, scattered in several documents of various periods. Magna Charta, the Bill of Rights. Parliament's important acts regarding the Crown and therefore the House of Lords' powers, and people that fix the qualifications for balloting and the system of illustration within the House of Commons kind a very important gloves element in the British constitution.

16.5   RIGID CONSTITUTION

Bryce has proposed that the characterization of the constitution ought to be founded on the technique for revision to the constitution and its connection to the normal or legal law. Under this plan there are two sorts of constitution as Rigid and Flexible.

Rigid constitutions are those, which require an uncommon method for the correction. The constitutions of USA, Australia and Switzerland are the case of an unbending constitution. The unbending constitution is over the customary law and can be changed by a strategy, which is not the same as the system of conventional law, hence making it hard to change.

The goal is to accentuate that the protected law encapsulates the desire of the sovereign, and it ought to be treated as hallowed report. American constitution is the best illustration of an rigid constitution. The American congress can't make any law in opposition to the constitution. The American High Court goes about as the watchman of the constitution and it has right to announce any law of the congress invalid and void.

The constitution of India is neither so particularly adaptable as the English constitution not really rigid as the American constitution. Be that as it may, it is halfway, which implies more unbending than English constitution and less rigid than American constitution. An Rigid constitution is always written.

16.5.1 MERITS OF A RIGID CONSTITUTION

An rigid constitution has the characteristics of dependability and execution. 'An rigid constitution is basically a composed constitution which is the making of experienced and learned individuals. Along these lines, it is the image of public productivity. Individuals view it as a sacrosanct archive and they are prepared to work as indicated by its arrangements.

An rigid constitution shields administrative infringement; Constitution ought not be a toy in the possession of assemblies. An rigid constitution shields key rights successfully. Essential rights are important for constitution. No council can alter them, since they are better than customary law. An rigid constitution ensures the privileges of minority. Minorities can't be anticipated to consent to their privileges being risked by a greater part activity. In the event that the larger part adventures it, the adjudicators play out their capacity of guardianship. It is liberated from risks of transitory well known energy.

As a result of mind boggling alteration system the constitution may not be cleared away by the feelings of individuals which in a large portion of the cases are not founded on shrewdness and thinking. A bureaucratic set up of government basically needs an rigid constitution for the security of the privileges of the units just as for the strength and incorporation of the league. Under rigid constitution units of a league have a sense of safety and simultaneously there is a beware of their exercises additionally to prevent them from abusing each other's purviews.

16.5.2 DEMERITS OF A RIGID CONSTITUTION

Now and then changes in the constitution become inescapable however an rigid constitution can't be improved without any problem. The designers of constitution are not scarcely anticipating what's to come. An unbending constitution isn't reasonable for a reformist country where changes occur as often as possible. Under the rigid constitution, the principle worry of the legal executive is to see whether the law adjusts to the arrangements of the constitution or not.

Wherever merits and demerits a rigid constitution has the truth of the matter is that cutting edge inclination is to have a composed and an unbending constitution. The future is by all accounts rigid constitution having a few components of adaptability in it. As the constitution of India is having components of adaptable constitution and just as an rigid constitution, this might give an optimal way to the coming ages.

16.6 FLEXIBLE CONSTITUTION

It is a Constitution which can be changed without any problem. Its method of revisions is basic and simple. Numerous Political Specialists characterize an Adaptable Constitution as one where the Protected laws can be revised similarly as the common law is made by the Council. The Governing body can pass Sacred changes in a similar way by which it can pass or nullification common laws. Example: UK.

16.6.1 MERITS OF A FLEXIBLE CONSTITUTION

An adaptable Constitution meets the changing necessities of the occasions. Society isn't static. It goes on changes as per novel thoughts, new advancements in science and innovation. Appropriately changes become unavoidable in the general public for its headway. With the evolving times, it becomes important to change the laws to meet the desires, standards and upsides of individuals. Any excessive postponement in such manner might cause progressive circumstance. An adaptable Constitution allows this.

Since changes in the Constitution are made as per needs, a nation's advancement follows the normal way of development. In 1940, during the Subsequent Universal Conflict, Britain needed to confront a significant circumstance. Chamberlain left Prime Ministership, observing himself to be inconsistent to the circumstance and cleared a path for Churchill. An adjustment of the Constitution was required. The public authority was given finished power over everything in Britain. The death of the law by the English Parliament didn't require over three hours. It permits organized development of society as it changes according to needs. It gives reflection of public brain as it depends on shows and use.

16.6.2 DEMERITS OF FLEXIBLE CONSTITUTION

An adaptable constitution is supposed to be in a condition of ceaseless flex and it is less steady than an unbending constitution since it very well may be effortlessly changed. It is obligated to fall a prey to the impulses and fancies of political rabble rousers who are moved by interests and feelings as opposed to by reason.

1. Because of its adaptable nature the constitution continues to change. The constitution might be changed just to fulfill individuals who are in greater part overlooking the government assistance of minority. It neglects to give a steady framework in organization, which brings about the lackluster showing of the public authority.

2. At the point when the technique of alteration is basic and simple, it is responsible to be truly influenced by truly changing famous enthusiasm. Furthermore, well known interests are directed by feelings, not by reasons. Choices, which depend on feelings, not by reasons. Choices, which depend on feelings, may upset the agreement and equilibrium of a country. It might isolate the general public and there might be a potential danger to the joining of the actual country.

3. Adaptable constitution isn't reasonable for a government situation, on the grounds that the privileges of constituent units are not ensured because of adaptable nature of the constitution. There are two prospects if a federation is having adaptable constitution. The units might lose their autonomy and opportunity and focus might turn out to be all the more impressive, which is against the soul of government framework. The units might act autonomously without regarding the constitution, as it isn't stead.

4. As the constitution can be changed by following a straightforward methodology, there is no assurance that fundamental rights won't be

upset. Any administration can undoubtedly change the arrangement of fundamental rights or even may erase it from the constitution.

According to Bryce, "A flexible constitution can operate only under three conditions:

- The incomparability should stay in the possession of a politically instructed and politically upstanding minority,

- The heft of individuals should be constantly and not erratically intrigued by and acquainted with legislative issues and

- However lawfully preeminent, they should stay content while recommending certain overall standards to allow the prepared minority to deal with the subtleties of the matter of the Public authority".

16.7   FEDERAL AND UNITARY CONSTITUTIONS

In many states, for example, the United States of America, Canada, Australia and Malaysia, there exists a division of powers between central government and the individual states or provinces which make up the federation. The powers divided between the federal government and states or provinces will be clearly set down in the constituent document. Some powers will be reserved exclusively to the federal government (most notably, such matters as defense and state security); some powers will be allocated exclusively to the regional government (such as planning and the raising of local taxation); and others will be held on the basis of partnership, powers being given to each level of government with overriding power, perhaps, reserved for central government.

The common feature of all federal states is the sharing of power between center and region each having an area of exclusive power, other powers being shared on some defined basis. Equally common to all federations is the idea that the written constitution is sovereign over government and legislature and that their respective powers are not only defined by the constitution but are also controlled by the constitution, which will be interpreted and upheld by a Supreme Court.

16.8   SUPREME AND SUBORDINATE CONSTITUTIONS

This constitutional category overlaps in many respects, although not totally, with the classification into federal and unitary states. A supreme constitution refers to a state in which the legislative powers of the governing body are unlimited. Conversely, a subordinate constitution is one whose powers are limited by some higher authority.

16.9   SEPARATED POWERS AND FUSED POWERS

The separation of powers is a fundamental constitutional concept which will be discussed with respect to the classification of constitutions, the concept here requires outline consideration. The doctrine is of great antiquity, dating back at least to Aristotle. John Locke, Viscount Bolingbroke and Baron Montesquieu gave further expression to the idea.

The essence of the doctrine is that the powers vested in the principal institutions of the state legislature, executive and judiciary should not be concentrated in the hands of any one institution. The object of such separation is to provide checks on the exercise of power by each institution and to prevent the potential for tyranny which might otherwise exist.

A constitution with clearly defined boundaries to power, and provisions restraining one institution from exercising the power of another, is one in conformity with the doctrine of separation of powers. This arrangement is most readily achievable under a written constitution, although it is arguable whether, under any constitution, a pure separation of powers is possible, or indeed desirable, a point which will be returned to later.

At the other end of the spectrum of constitutional arrangements from a nearly pure separation of powers is a totalitarian state or a purely monarchical state. Under such a constitution will be found a single figure, or single body, possessed with the sole power to propose and enact law, to administer the state, and both to apply and to adjudicate upon the law.

Under the largely unwritten constitution of the United Kingdom, the separation of powers is difficult to ascertain and evaluate. There is undeniably a distinct legislative body, executive, and judiciary, each exercising differing powers. On further examination, however, it will be found that, in practice, there are so many exceptions to the pure doctrine that the significance of separation of powers is called into question. Suffice to say at this introductory stage that it is a doctrine which is respected under the constitution, despite many apparent anomalies.

16.10 REPUBLICAN AND MONARCHICAL CONSTITUTIONS

A republic is a state having as its figurehead a (usually) democratically elected President, answerable to the electorate and to the constitution. Presidential office is both a symbol of statehood and the repository of many powers. In the name of the state, the President will enter into treaties, make declarations of war, and represent the state on formal international and domestic occasions.

Additionally, as with the President of the United States of America, the President has responsibility for proposing legislation to give effect to the political programme which gave him the mandate of the people. The President, however, has no formal power to initiate legislation, and it is the Congress of the United States which will ultimately determine the acceptability of legislative proposals. It may well be that the elected President is from a different political party than that which dominates Congress.

When that political situation pertains, the prospect of successful implementation of Presidential election promises is weakened, and although the President has a veto power over legislation passed by Congress, that veto can be overridden by Congress voting with a two-thirds majority.

Looking at the United Kingdom as an example of a sophisticated Western democracy based on constitutional monarchy, the position of the head of state is very different. Queen Elizabeth II is the head of state, and all acts of government are undertaken in the name of the Crown. In reality, however, and with the exception of important residual powers, this is not the case. As with the President of the United States of America, the Queen is the figure head the symbol of nationhood on a domestic and international level. The Crown also represents the continuity of the state.

From an historical constitutional viewpoint, it matters little which leader of which political party at any one time occupies the office of Prime Minister, or whether he or she is a Labour or Conservative Prime Minister, for he or she will be exercising all powers in the Queen's name. Unlike the position of the head of state under the United States constitution, however, the Queen is, by definition, unelected and unaccountable to the electorate in any democratic sense. The Crown enjoys enormous legal theoretical power but little practical power, save in exceptional circumstances.

The legal powers held by the Crown are, for the most part, exercised in her name by the elected government of the day. The rules which restrict the monarch's powers are for the most part non-legal. The restrictions comprise the all-important conventional rules of constitutional practice which regulate so much of the United Kingdom's constitution. Thus, for example, the Crown has the legal power to withhold royal assent from Bills passed by parliament but, by convention, this assent will never be withheld (and has not been withheld since 1708) unless so advised by the government.

LET US SUM UP

Subsequent to going through this unit we have figured out how to characterize what composed and unwritten constitution is and its provisions, benefits and bad marks and furthermore one could depict the Inflexible and adaptable constitution from one viewpoint and its benefits and detriments on the other. As needs be, the unit has assisted us with getting a general understanding not many of the various elements of a constitution.

CHECK YOUR PROGRESS

1. _____ constitution reflects the evolutionary nature of free documentation of the rules and regulations
2. The constitution of Britain is a classic example of a _____constitution? (Rigid/Flexible)
3. Which type of constitution is more suitable for a federal government?
4. A rigid constitution possesses the qualities of _____ and _____.
5. Indian Constitution is
   a) Rigid   b) Flexible
   c) Both rigid and flexible d) None of the above

GLOSSARY

Ratification   : The action of signing or giving formal consent.

Strategy   : A plan of action to achieve long term goals.

Ultra Vires   : Act beyond one's legal power or authority.

Plausability   : The quality of seeming reasonable.

ANSWER TO CHECK YOUR PROGRESS

1. Unwritten
2. Flexible
3. Written
4. Dependability and execution
5. Both rigid and flexible

MODEL QUESTION

1. Differentiate between written and unwritten constitution. Mention its importance and demerits.
2. What, according to Bryce, are the only three conditions where a flexible constitution can work?
3. Analyse the monarchial and republican constitutions.

SUGGESTED READINGS

1. Heywood, A. (2015). *Political theory: An introduction*. Macmillan International Higher Education.

2. Carnoy, M. (2014). *The state and political theory*. Princeton university press.

3. Held, D. (2013). *Political theory and the modern state*. John Wiley & Sons.

TAMILNADU OPEN UNIVERSITY

B.A Political Science (BPSS - 11)

Principles of Political Science

Model Question Paper

Time: 3 Hrs   Max Marks: 70

PART – A (3 x 3 = 9)

Answer any THREE questions in 100 words each. Each question carries 3 marks

1. What is deductive method?

2. Define the term 'State'

3. What is internal and external sovereignty?

4. Explain the meaning of law.

5. Bring out the meaning of Rigid Constitution.

PART – B (3 x 7 = 21)

Answer any THREE questions in 200 words each. Each question carries 7 marks

6. Describe the nature and scope of Political science.

7. Explain the four essential elements of state.

8. Discuss the various characteristics of sovereignty of state.

9. List out the Fundamental Duties under Indian Constitution.

10. Explain the attributes of Unitary and Federal Constitutions.

PART- C (4 x 10 = 40)

Answer any FOUR questions in 500 words each. Each question carries 10 marks

11. Discuss whether political science is a science or an art.

12. Examine the various factors contributed to the development of the evolutionary theory of state.

13. Critically evaluate Austin theory of sovereignty.

14. Describe the classification of sovereignty.

15. Analyse the sources and dimensions of law.

16. Elucidate the safeguards of liberty.

17. Differentiate between written and unwritten constitution. Mention its merits and demerits.

Curiginal

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W	URL: https://www.studyandscore.com/studymaterial-detail/difference-between-written-constitution-and-unwritten-constitution Fetched: 2021-10-11 13:28:00	12
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Under Graduate:

- B.A. Political Science (English and Tamil Medium)
- B.A. Public Administration (English and Tamil Medium)
- B.A. Human Rights (English and Tamil Medium)

Post Graduate:

- M.A. Political Science (English and Tamil Medium)
- M.A. Public Administration (English and Tamil Medium)
- M.A. Human Rights (English and Tamil Medium)
- M.A. Police Administration (English Medium)
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Research Programmes:

- M.Phil. Political Science (Full Time / Part Time)
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- Ph.D. Political Science (Full Time / Part Time)
- Ph.D. Public Administration (Full Time / Part Time)

The School has planned to introduce a new scheme from 2021, the Non-Semester pattern to Semester pattern as per UGC norms. B.A. Political Science, B.A. Public Administration, M.A. Political Science & M.A. Public Administration willbe offered in semester pattern from AY 2021-2022.

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B.A., POLITICAL SCIENCE
FIRST YEAR – IST SEMESTER

ORGANS OF GOVERNMENT

SCHOOL OF POLITICS AND PUBLIC ADMINISTRATION
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தமிழ்நாடு திறந்தநிலைப் பல்கலைக்கழகம்

B.A., Political Science

First Year

BPSS - 12

Organs of Government

SCHOOL OF POLITICS AND PUBLIC ADMINISTRATION

TAMIL NADU OPEN UNIVERSITY
577, ANNA SALAI, SAIDAPET, CHENNAI - 15

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BPSS – 12 – ORGANS OF GOVERNMENT
Scheme of Lesson

BLOCK I   ORGANISATION OF GOVERNMENT

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BPSS – 12 – ORGANS OF GOVERNMENT
Syllabus

Professor K.Parthasarathy
Vice Chancellor

18.10.2021

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At this momentous juncture, I wish you all bright and future endeavours.

With warm regards,

(K. PARTHASARATHY)

Block I

Organisations of Government

Unit - 1   Legislature

Unit - 2   Executive

Unit - 3   Judiciary

UNIT–1

LEGISLATURE

STRUCTURE

OVERVIEW

Government is a body or machine that formulates, expresses and fulfils the will of the country. Every government has to perform certain functions which can be grouped into three categories; to make laws, execute laws and to try cases for violation of laws. The three organs or branches corresponding to these functions are the legislative, the executive and the judiciary. Though the functions of three branches of government are different, it should be noted that a strict separation of functions of these three branches is neither desirable nor possible. Everywhere, the legislature has some control over the executive and Judiciary. This chapter deals about the legislature, types and its various functions.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢   Understand the organs of government.

➢   Know the structure and function of government.

➢   Discuss the significance of bi-cameral legislative system.

1.1   INTRODUCTION

The State is a politically organized society and government is its machinery. A modern government has three branches as legislature, executive and judiciary. Among the three branches, according to Gilchrist, "the legislative authority forms the major premises, the judiciary the minor and the executive, the conclusion." The legislature in every modern democratic State is elected by and is responsible to the people. It is an indispensable part of the democratic machinery. The legislature is law-making branch. It expresses the will of the State and the laws that it makes serve as a vehicle to the sovereignty of the State. The work of the executive and the judiciary will be based on it. If laws are not made, they will not be enforced or interpreted. The legislature therefore ranks first among the three governing bodies.

1.2   MEANING OF LEGISLATURE

Legislature, most commonly known by the name of 'parliament', forms the second important organ of government. The word Parliament' originally meaning 'a talk' is derived from the French word parlor meaning to speak or parley. Literally speaking, therefore, parliament signifies a body of persons assembled for discussion. In simple terms, it implies the law-making department of the state, no matter it is also empowered to exercise control over the executive department.

1.3 SIGNIFICANCE AND IMPORTANCE OF THE LEGISLATURE

Regarding the real position of legislature in the political organization, there are two different views traditional and modern. The old or traditional view is to regard legislature as the most important organ of the government. What we have already said may be repeated here that modern legislatures suffer from the stigma of their 'decline'. So complex has become the administration of a country and with it the importance of executive has increased so much that the real significance of the legislature has been overshadowed. This is the modern view whereby first place of importance is attached not to the legislature but to the executive.

As Finer says, "The government departments are virtually forty great monopolies; they need a strong force outside them to shake them up." The legislature is thus a "strong force", the democratic "steering wheel". Democracy is a government by public opinion and the legislature is its focus. The function of the legislature is to ventilate and articulate the grievances of the people and to keep a vigilant eye on the "process of administration." The maintenance of democratic temper and institutions in a country depends greatly on the performance of this function by the legislature.

1.4 ORIGIN DEVELOPMENT OF LEGISLATURE

In ancient times, people did not treat the Legislature as a separate branch of government. There was a time, when kings or officials authorized by kings drafted laws. At first, law was customary, and it took several centuries before the world came to know of law in the written form. Even when law was written, there was no separate branch of government as such, which engaged itself in the special work of making lams.

Even Greeks did not succeed in establishing a body, whose function was legislative as are understand it today. Origin of Legislature in Germany, England, Spain and Prance, J.W. Garner points out that the seeds of the modern representative system can be found in the folk moots of the Teutons in Germany, The early Teutons had assemblies composed of the leaders of the tribe.

In Britain, the Witenagemot of the early days flowered in course of time into a Parliament consisting of the representatives of the three estates, nobles, clergy and commons. Simon de Montfort in England summoned the representatives of the boroughs to sit in his Parliament in 1265, and

Edward I in England called the Model Parliament in 1295. These were important landmarks in the history of Parliament in Britain,

In Europe the growth of the legislature lacked continuity, The Spaniards were able to form a legislative assembly as testified by the Cortes of Castile and of Aragon in the twelfth century, In France for the first time in 1302 representatives of the nobles, the churchmen and the townspeople met, The growth of great cities in the medieval period in European countries gave an impetus to the representative principle.

1.5   COMPOSITION OF LEGISLATURE

Two types of legislature as unicameral and bi-cameral legislation. If there is only one chamber in a legislature, it is referred to as unicameral. For instance, the legislature of China has only one house called National People's Chinese Congress. So is the case with Jatiyo Samsad of Bangladesh. On the other hand, in case the legislature of a country has two chambers called first and second or lower (popular) and upper, it is called bi-cameral. For instance, the Parliament of India is bi cameral which has two houses Rajya Sabha and Lok Sabha. Senate and House of Representatives are the two chambers of the American Congress. House of Lords and House of Commons are the two chambers of the English Parliament.

1.6   BI-CAMERALISM

'Bi' means two; 'cameral' means Chamber or house. Bicameral legislature means two Chambers or two houses. Lower House is called the First House and the Upper House is called the Second House. The U.S.A., the U.K. and India are examples of Bicameral Legislature. The next country that adopted the bicameral legislature was the U.S.A. consisting the Senate and the House of Representatives. In France, two chambers were created in 1795 and were continued until 1848, when the single Chamber system was again reverted to, though only for a brief interval. Later India adopted the bicameral legislature.

1.6.1   MERITS

Check on Hasty Legislation: The upper house is set up to act as a useful and meaningful restraining power to slow down hasty legislation by the lower house. In the bicameral system, the principle of checks and balances is applied, It is claimed that the members of the upper house are superior to those of the lower in age and experience, and the former can exercise a healthy check on the haste, passions and impulses of the lower house, Comparatively speaking, the members of the upper house are conservative, and their term is longer than that of the members of

the lower house. Bills passed by the lower house have got to go to the upper house, This leads to an interval between the passing of the bill in the lower house and its entry into the upper. The Interval can be utilised by different individuals, associations and the press in a country to express their ideas on the bill, particularly if it is highly controversial.

The delay in passing a bill enables Public opinion to crystallize itself. In the second chambers of certain countries, much intelligence; sobriety, foresight and level headedness are in evidence. These come into bold relief in the course of discussion on bills hastily passed by the lower house. The members of the upper house relatively speaking have greater freedom of expression than those of the lower house, particularly, if the membership is hereditary or nominated. Party considerations and the party whip many a time prevent members of the lower house from speaking out their minds freely. This may not be the case in the upper house.

Against Tyranny of Majority:

Modern democracy in concrete terms means rule by the majority. The tyranny of the majority is a reality in countries having the parliamentary system. But a well organised upper house can act intelligently and effectively to neutralise the tyranny. Hasty and ill-conceived bills may be passed in the lower house on the strength of the brute majority, but the upper house can do much in drawing the attention of the country to the serious drawbacks of a bill.

Representation of Different Interests:

Bicameralism widens the basis of representation. It provides for the representation of different groups and interests, viz, minorities, and vocational and professional interests. The Constitution of India (1950) has made provision for the Rajya Sabha at the Centre and for Legislative Council in some states. Provision is made for nominating by the executive some members who do not intend to stand for elections, as members. The President of India can nominate twelve persons who are distinguished in science, literature, art and social services as members of the Rajya Sabha.

Curbs Despotism of One House:

The upper house curbs the despotism of the lower house. Bryce is of the opinion that any assembly has the natural tendency to become tyrannical and corrupt, and this can be checked by the presence of another house.

To Relieve Pressure on Lower House:

The upper house can increase the efficiency of the government by lightening the burden of the lower house by easing the pressure of legislative work on the lower house. In modern times the state has to undertake various kinds of social welfare activities, and from time to time, it may be necessary to pass many new laws to meet the requirements of a dynamic society. The lower house may have its hands full and therefore a second house is bound to be a welcome relief to it. The worker before the lower house in the advanced and developing states is very heavy.

Indispensable for Federations:

A second chamber is highly advantageous for federal states, as it widens the representative basis of the legislature. The fear that the more prosperous and powerful units in a federation may dominate over and take unfair advantage of the weaker units is dispelled by establishing a second chamber, in which all units may be given adequate or equal representation. Each chamber in a federation is useful in its own way. In the USA, each of the 50 States irrespective of its size and population sends two members to the Senate (the upper house) thus having equal representation. The Australian Senate has ten members from each of the six states. Similar representation is given in the upper chambers of Soviet Russia and Switzerland.

1.6.2 DEMERITS

Upper Chamber Unnecessary to Check Haste:

The efficient manner in which the lower houses in several countries function shows that the upper chamber is not necessary to check hasty legislation Cities of bicameralism point out that much of the criticism levelled against the single chamber is baseless Members of the lower house conduct themselves in a responsible manner, and it is unfair to state that all of them are swayed by passion and excitement, and that all bills are passed in haste. The conduct of members in the lower houses like the House of Commons in England testifies in favour of the dignity and sobriety of the lower house.

Controversial bills are criticized outside the legislature in magazines and newspapers, and the various parties in a country also have opportunities to discuss them. The public gets an opportunity to know the good and bad features of a controversial measure.

Divided Responsibility:

The formation of two chambers instead of one divides the responsibility of legislation. Work will be decidedly better, if a single chamber dedicates itself to the task of legislation and shoulders the entire responsibility. In composition, tenure and powers, there is much difference between the two chambers. The two chambers with a difference in outlook, one with a conservative outlook and the other with a progressive outlook, can hardly be expected to work with a spirit of harmony and cooperation. The difference in their attitudes and sometimes antagonism between them is likely to lead to much waste of time without achieving much. Divided responsibility thus leads to a series of evils. Even if one takes it for granted that the second chamber is made harmless, and is forced to cooperate or fall in line with the lower house, there is little that can be said in favour of the upper house.

A Chamber without Justification:

In most of the states, the second chamber has continued to exist in a weak and crippled form. It is unable to bite, as its teeth have been knocked out, and is incapable of doing harm to progressive legislation. This itself is an adequate reason going against its continuation. A chamber, which is powerless, and incapable of doing any useful service, is an unnecessary burden, a superfluous and costly luxury. Whose abolition will do well to the state, which desires to move with the times.

Second Chamber Reactionary and Anti-Democratic:

Generally members of an upper house are not elected directly by the people. In England, membership of the House of Lords is hereditary. Members with old and reactionary ideas cannot represent the interest of the people, as they cannot understand the people or sympathize with them, or think in terms of people's welfare. Such members can hardly do justice to the people, and their reactionary attitude in the upper house goes against all efforts to introduce liberal ideas and far reaching reforms. As any radical changes of progressive legislation will go against the interest of the rich, the rich members of the upper house will try their best to check them. Herman Finer speaks of the concern of human beings to protect their own interests.

Controversy about Upper House:

The very fact that all writers are not prepared to accept bicameralism is itself a testimony against the second chamber. Had a second chamber been of real use, there would be no reason to have a controversy.

Bicameralism better than Unicameralism:

If the advantages and disadvantages of bicameralism and unicameralism are weighed, a case can be easily made out in favour of the former. Several writers have strongly supported bicameralism. Sir Henry Maine opines that any type of upper house is better than none. Madison, Marriott, Bryce and Lecky have spoken in favour of the second chamber.

1.7 UNI-CAMERAL LEGISLATURE

'Uni' means one and cameral' means chamber. Unicameral Legislature means one Chamber or house. Unicameralism was popular towards the close of 18th century and also during the early years of the 19th century. The advocates of unicameralism felt that sovereignty which rests with the people is indivisible. The will of the people could be expressed only through one legislative House. According to Abbes eyes, "the law is the will of the people, the people cannot at the same time have two different wills on the same subjects; therefore, the legislative body which represents the people ought to be essentially one." It is now in practice in Greece, Turkey, Finland, Ethiopia, Portugal, Bangladesh, New Zealand, Denmark, Sweden, Yugoslavia, Bulgaria, etc.

1.7.1 MERITS

The Following are the Merits of Unicameral System

Less Expensive: Unicameralism is less expensive. As there is only one chamber in the legislature, less amount of money is spent towards its maintenance and payment of allowances to the legislators.

No Duplication of Work: There is any chance for duplication of work. Once a bill is passed in this chamber, there is no chance again for re-discussions. Every bill will be passed after thorough discussion at one time.

Progressive Legislation: Unicameralism provides scope for progressive legislation. In unicameralism, the legislature is constituted on the basis of direct election. Its members reflect and represent public opinion. Hence, the laws enacted by them are endorsed and obeyed by the people as they are progressive.

Checks the Despotic Tendencies: Unicameralism effectively checks the despotic tendencies of the executive. A strong unicameral assembly is a better counter balance to the executive than a legislature composed of two comparatively weak chambers.

Unity: In a unicameral system, the great principle of unity of the State is not sacrificed.

Simple Structure: Since there is only one house, unicameral legislature is simple in form and structure. Responsibility in this system can be easily and definitely located. Writers like Laski observe that "unicameralism is best suited to the needs of the modern State.

1.7.2   DEMERITS

The following are the demerits of unicameral system:

Hasty Legislation: Unicameralism may provide scope for hasty legislation in the name of progressive ideals, thoughtless and harmful laws may be enacted by the legislation.

No Moderation: If a single Chamber is kept in charge of legislation, there may not be the necessary moderation in enacting the laws. This is true particularly in the case of controversial laws.

Legislative for Legislative Despotism: Legislative despotism is possible particularly when it is under the control of a slagle political party having an overwhelming majority.

Exposes to Influence of the Moment: If there is only Chamber in the legislature, there is every possibility that it will be exposed to the influence of the moment. It may be swayed by emotion, by passion or by influence of oratory. It is liable to a wooden excess of extravagance or of retrenchment. No provision is made for second thought in the system. Emotions, impulses and high passions influence the legislation.

No Representation to Minorities: In the unicameral legislature, representation is given in proportion to the population, which makes it difficult for minorities and special interests to get their due ray in public affairs.

1.7.3   TENURE

Regarding the life long tenure, it is not desirable the models of which may be seen in the English House of Lords and Canadian Senate. Now a Canadian Senator may retire at the age of 75 years. So a very short tenure is undesirable as we find in the case of American House of Representative where elections are held after every two years. The term of the Australian House of Representatives is of three years. Before the making of the Parliament Act of 1911, the members of the English House of Commons were elected for a period of 7 years. Now in most of the countless the normal tenure is of five years and this is the best.

We may, therefore, appreciate the view that the term of the legislature must be large enough to enable its members to live in effective touch with the electorate, and small enough to enable genuine discussion to take place. That is, too long a term creates the sense of irresponsibility and too short a term creates the sense of instability. "On the whole, it appears that a life of about five years corresponds to these requirements."

1.8   FUNCTIONS

The legislature of every state performs some important functions which may be enumerated as under:

Making Laws: In accordance with the provisions of the constitution, the legislature makes law. The proposal of legislation is adopted in the form of a bill and it becomes an act after it is passed by the legislature and finally assented to by the head of the state. The legislature may change, repeal or rescind a law made by it.

Custodian of the National Purse: The legislature is the custodian of the national purse. All proposals of revenue and appropriation form part of the budget that is prepared by the executive. The budget is introduced in the legislature for discussion and approval. The government can implement budget after it is passed by the legislature.

Electoral Function: There are election functions for the legislature. Members shall elect their chairmen and may, by vote of no confidence, remove them. In the election of the President and Vice-President the Indian parliament members participate.

Judicial Functions: The legislatures have some judicial functions. They may hear and try cases of impeachment. For instance, in the United States, the House of Representatives frame the charge-sheet against the President or any judge and it is discussed in the Senate. The President or a judge can be removed by the process of impeachment if a decision to this effect is taken by the Senate by 2/3 majority of its total membership. Similarly, the President and justices of the Supreme Court and the High Courts are able to be removed by the Indian Parliament throughout the prosecution procedure.

Control over the Executive: In a parliamentary system, the legislature exercises control over the executive. The members may ask questions and the ministers must give satisfactory answer to them. The members may appreciate or deprecate any action or policy of the government. They may put resolutions to discuss matters of importance. In a presidential system, the legislature may have some other devices to

control the executive. For instance, in the United States all appointments made by the President and all treaties signed by him must be ratified by the Senate.

Amending Constitutions: Another role of the legislative body is to alter, by request of the legislature of the States of the United States, the Constitution, two thirds of the Congress, or a national convention convened by the congress.

In Britain, the constitutional law and the ordinary law are on a par, and Parliament itself can amend the constitution in the same way in which an ordinary law is amended. In India, either house of Parliament can make a proposal for amending the Constitution. This must be passed by each house by a majority of its membership and by a two-thirds majority of the members present and voting.

Ventilation of Grievances: Another function is to ventilate grievances. Parliament is regarded as the nation's Committee of Grievances and its Congress of Opinions. The legislature is an organ for expressing public opinion on governmental, administrative and other matters. Its members may have connections with various interested groups, whose grievances can be voiced in the legislature.

1.9   LAW MAKING PROCEDURE IN ENGLAND

Law making procedure in England is different from the law making procedure of USA. Let us briefly note the law making procedure in England. A proposal for legislation is known as bill. In England, there are two types of bills: Public Bills and Private Bills.

Public Bills: Public bills embrace matters of general concern, viz., and question of nationalising industry. Public bills can be divided into two

a.   Government Bills: Government bills are proposed by ministerial Members of Parliament.

b.   Private Members' Bills: Private members' bills are proposed by non- ministerial Members of Parliament, that is, they come from members, who are not in the government.

Private Bills: Private bills embrace a small area or pertain to a individual or a few individuals. They are "bills for the particular interest or the benefit of any person or persons." Bills are carefully prepared in Britain.

Three Readings: In Britain every Bill has to pass through three readings:

a. **First Reading:** The pending legislation must be notified by a Member of the House of Commons wishing to present a bill. The member submits his bill at a table of the clerk at the summons of the Speaker. The first reading is considered to have passed when the employee reads the title of the measure aloud. This is then printed with the whole text of the bill.

b. **Second Reading:** On a fixed day, the second reading takes place. At this stage, only the broad principles of the bill are taken up and discussed, and details are avoided, After the discussion, the motion is put to vote. Generally a government bill is carried, but a private member's bill has very lean chances.

c. **Committee Stage:** Then the proposal will be submitted either to one of the House's permanent committees or to the Whole House on a decision. The Committee of the Whole House will be referred to the Money legislation. The Chairman of Ways and Means or his deputy, rather than the Speaker, is the Chairman when the Whole House creates a Committee. Sometimes a measure is sent to a select committee, whose report is transmitted to a standing committee or to the Whole House committee. It is very important for the Committee Stage to study the contents of the draught law and to propose modifications.

d. **Third Reading:** The third reading follows the report stage. At this stage, discussion takes place; and it is put to vote. A government bill is invariably passed, when the executive has the support of the majority. The defeat of a government bill means a want of confidence in government. Money bills have to originate in the House of Commons. After the bill is passed by the House of Lords, it goes to the King for his assent. At present, royal assent is a mere formality. Money Bills in Britain: Money bills have to originate only in the House of Commons, and every bill pertaining to public revenue must come from the Crown, that is, the Cabinet. No private member can introduce a monetary sanction every year.

1.9.1 LAW MAKING PROCEDURE IN USA

The USA has the presidential system. While in Britain most of the bills are introduced in Parliament by ministers, in the USA, the President and his Cabinet are excluded from legislative work, therefore one cannot speak of government bills in the USA. Bills in the USA come from the following four general sources.

1. Individual Congressmen

2. Government or Administration

3. Interested groups like bar associations, chambers of commerce, labour unions and manufacturers' associations (though the bill may be submitted by a member) and

4. Committees of the Congress, which can combine bills, revise them beyond recognition or actually prepare new ones." Any member can introduce a bill in the US Congress. Many of the bills are generally not passed. Money bills are introduced only in the House of Representatives (lower house), while other bills can be introduced in either house. While the British House of Lords can at the most delay a money bill for raising revenue for not more than a month, the US Senate is empowered to amend or reject it.

Non-money bills are of two types:
1. Public bills, which are of general applications, and
2. Private bills, which are applicable to particular persons or subjects

Procedure: In spite of the basic difference between the parliamentary type and the presidential type, the rules of procedure in the USA are more or less like those in Britain. Bills in the USA pass through different stages.

Introduction: A copy of the bill is dropped by one who introduces it into a hopper (box) on the Secretary's desk in the House of Representatives, and in the case of the Senate into the box on the clerk's desk.

Committees: All bills are printed, and are referred to the proper standing committees, which examine bills in detail. The fate of a bill depends upon the attitude of the committee concerned. Many bills are killed by the committee, and may not be reported to the relevant house at all. With the help of a majority vote in the House of Representatives, the sponsor of a bill can compel a committee to discharge the bill in a month after bill falls into a committee's hands. But forcing a committee in this manner is difficult, as the majority vote cannot be easily secured.

Three Calendars: Calendars are lists prepared for convenient or efficient rendering of legislative or judicial business. A bill which is fortunate to be reported to the House by a committee is put on one of the three lists called calendars.

1. Union Calendar

2. House Calendar

3. Private Calendar

The Union Calendar has bills, which are favourably reported. These include "bills raising revenues, general appropriation bills, and bills of a public character directly or indirectly appropriating money or property." The House Calendar has public bills, which do not come under the first Type and the private calendar has all non-public bills. There are different ways by which certain bills can move forward speedily from their respective places in the calendars. All bills taken up by the House of Representatives have three readings.

1. First Reading: When the bill is printed in the Congressional Record and the Journal, it means that the first reading is over.

2. Second Reading: At this stage, the bill is fully considered and amendments are discussed.

3. Third Reading: This is a formality of reading the title of the bill and voting when it is passed; the bill is signed by the Speaker and sent to the Senate. In the Senate, the bill passes through three readings as in the lower house. It must be remembered here that Senators have greater freedom of discussion than the members of the House of Representatives. The procedure in the Senate is almost free from closure.

1.10   METHODS OF DIRECT LEGISLATION

The Referendum and the Initiative are called methods of direct legislation. Besides the Referendum and the Initiative, there are other democratic devices known as Plebiscite and Recall. In Switzerland, a small country with a peace loving and highly educated and enlightened electorate, methods of direct legislation have done well. The aims of direct legislations and democratic checks are:

1. To enable people to accept or reject laws.
2. To give them opportunities to propose good and wholesome legislature.
3. To check hasty and harmful legislation.
4. To neutralize the tyranny of the party system in the legislature.

The Referendum: Referendum means 'must be referred.' This is a method by which a law or constitutional amendment proposed by the legislature is put to the vote of the people. If the people vote against the proposal it has to be given up; but if they approve of it, by the requisite majority, it gets into the statute book Referendum puts the weapon of veto against legislation into the hands of the electorate. The referendum enables the people to give their verdict on measures referred to them, but it does not enable to make their own proposals for legislation.

Therefore another method of direct legislation is laid down; it is the initiative. The initiative is the method, by which the people can take the initiative to propose legislation,

The Plebiscite and the Recall: The Referendum and the Initiative are direct methods of legislation. The Plebiscite and the Recall cannot be put on a par with them, as they can serve only as direct democratic checks. C. F. Strong says. "The term 'plebiscite' means liberty degree of the people. The plebiscite is an instrument for obtaining a direct popular vote, but mainly to create some permanent political situation. The recall is a device by which officials elected by the people can be recalled or dismissed, when a proposal is made by a specific number of people, In the USA in the State of Oregon, an elected official in the legislative or executive can be recalled.

1.11 DELEGATED LEGISLATION

Legislation by Executive: In recent years there has been an enormous increase in the powers of the executive owing to delegated legislation. Delegated legislation can be regarded as legislation by the executive. Amar Nandi says: Suppose Parliament adopts the agricultural legislation and specifies that it has by-laws and regulations in accordance with the laws of the Minister of Agriculture and Fisheries. The Ministry shall be responsible for the drafting of such by-laws and regulations. The executive representatives undertake legislative work here at the Ministry of Agriculture. Ministers have legislative power in the area given to them by law to make instructions and to deal with special situations.

LET US SUM UP

Legislature is one of the three benches of the Government and its main function is the law making. Regarding the importance of the legislature, in the words of Gilchrist, the legislative authority forms the major premise, the Judiciary the miner, and the executive the Conclusion. In a Bicameral System, the upper house acts as a check over hasty and ill-considered legislation of lower house. The unicameral system avoids the duplication of work. Referendum, initiative, recall and plebiscite are the direct democratic devices. Sometimes, the legislature authorizes the executive to make laws that is called delegated legislation.

CHECK YOUR PROGRESS

1. The word Parliament originally meaning _____.

2. In china, there is a _____ legislature.

3. The USA, the UK, and India are examples of _____legislature.

4. _____ enable the people to make their own proposal for legislation.

GLOSSARY

Government   :   agency or machinery of the state.

Legislature   :   the law making branch.

Representative   :   elected by the people in a country.

Bi cameral   :   two chambers (lower and upper house).

ANSWER TO CHECK YOUR PROGRESS

1. A talk.

2. Unicameral.

3. Bicameral.

4. Initiative.

MODEL QUESTIONS

1. What are the types of legislature?

2. Explain the various functions of the legislature.

3. Describe the law making procedure in England.

4. Discuss the importance of the direct democratic in law making.

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UNIT - 2

EXECUTIVE

STRUCTURE

OVERVIEW

The word Executive shall be used to describe all those government officials for whom the laws are to be enacted or implemented. It is the pivotal point around which the real government of the State revolves and comprises all administrative officers. As thus understood, the executive embraces the whole governmental organization with the exception of the legislative and judicial organs and includes all officials, high and low the Head of the State, his principal advisers and ministers, as well as the whole body of subordinate officials through whom the laws are administered. In this wide sense the term executive is the aggregate or totality of all the functionaries or agencies which are concerned with the execution of the will of the State.

LEARNING OBJECTIVES

After reading this unit, you will be able to

➢ Understand the concept and functions of executive.

➢ Explain the various kinds of executive.

➢ Analyse the importance and functions of civil service.

2.1 INTRODUCTION

The process of government can be split up into two parts. One is connected with policy making, and the other with the technicalities involved in the process of policy making and policy implementing. Generally speaking, policy making is the sole responsibility of the political executive which is a small group of persons presiding over the various departments of government. They are the architects of policies which guide the operation of the governmental machinery. But it is customary to use the term executive in its narrow sense which refers only to the chief executive head of the state and his advisers and ministers. The executive in Britain in this context means queen elizabeth II and her ministers with prime minister at the top. In India, it is president of the union plus all ministers headed by prime minister. In the United States of America president and his secretaries constitute the executive.

Affiliation to a particular political party and temporary tenure of office are the distinguishing marks of the political executive. In some countries such as England and India, the political executive is designated as a cabinet or a council of ministers; in some other countries such as the United States it is known a presidency.

In a parliamentary democracy, in addition to the cabinet there is a nominal executive, who is a constitutional figure head. In England the king is the nominal or ornamental executive, and in India the President occupies almost the similar position. They are ceremonial and not real heads although they can exercise a good deal of influence in the making of public policies. This unit deals about the classification and function of executive.

2.1.1 MEANING AND NATURE OF EXECUTIVE

"The essence of government," as Corry observes, "is an executive. The legislature and judiciary are merely the instruments for constitutionalizing it." The executive organ of a government has two aspects the political and the departmental. The political executive usually consists of a small body of statesmen who assume office only when their party is voted into power. The departmental executive, on the other hand, consists of a permanent body of officials who carry out the decisions at which the political executive has arrived. The political executive is usually referred to as the cabinet and the departmental executive is called the civil service. The two aspects of the executive thus differ in personnel, in tenure of office, and in the nature of functions.

The head of the political executive is called the chief executive. The chief executive may either be nominal or real. In the form of cabinet, the nominal chief executive may be the hereditary king or queen as in the United Kingdom or a President elect as in India. Within this system, he is the leader of the political executive body. The presidential government performs the function of both the head of state and head of government, which is chosen by the people for a definite period. Thus, in the former executive power is vested in a small number of persons, whereas in the latter it is concentrated in a single person.

2.1.2 IMPORTANCE OF EXECUTIVE

No state can exist without the executive, the most important organ of government. The breakdown of the executive will mean the state coming to nought. In recent years, several factors have been responses for putting wide powers in the hands of the creative at the expense of the legislature. The executive is charged with the duty of steering the ship of state, Often, the executive is referred to as government and order from the creative many a time regarded as government order. Thus one branch of the government is treated as the whole government. The executive can be understood in a bran sense and in a narrow sense.

Broadly understood, the term executive includes all officials high and low and all departments concerned with the execution of law. In the narrow sense, the executive means only the chief executive, for instance, the President and the Union Council of Ministers in India.

2.2 CLASSIFICATION OF EXECUTIVE

The executive can be classified into singular or plural on the basis of exercising the powers by the persons. Based on the relationship between the three branches of the government it may be classified into Parliamentary or presidential form of government, The executive of a state may be either hereditary or elective or both and election may take different forms ranging from direct election by the people to indirect election by the legislature.

2.2.1 SINGLE EXECUTIVE

On the basis of the number of executives the executive may be distinguished. A single executive is one in which ultimate executive authority is enjoyed by one single individual. In a plural executive system, executive authority is distributed among a group of people. The difference between the two is made not on the basis of number, but on the basis of responsibility. The essential feature of the sole executive is that the final control is in the hands of one individual who has no power. The president of America is an important example of the single executive etc. but the secretaries are not his colleagues. They are appointed by him and their continuance with depends upon the wishes of the president. In other words, the secretaries are subordinate to the president.

2.2.2 PLURAL EXECUTIVE

Plural executive is in existence in Switzerland, as the executive power is vested in a commission of seven men known as the Bundestrat or the federal council. The Federal council is chosen every Four years by the Federal Assembly and one of its members is annually elected to serve as its chairman and is designated as President. The office of the President rotates among the members of the Federal Council on the basis of seniority. The President is in no way superior to the other members of the Federal Council. In Soviet Russia, where the executive authority was vested in the Presidium of thirty three members. While in Switzerland this institution has successfully functioned "mainly on account of certain habits and traditions of the Swiss people and because the ground had already been prepared through local experience".

The success of the plural executive in the U.S.S.R. can be ascribed to the existence of a monolithic state structure governed a monolithic party. Plural executive may be able to exercise better judgment as a result of collective wisdom and formulate policies along rational lines. It may also prove an adequate safeguard against the dangers of opposition and tyrannical tendencies often noticeable in a single head. Plural executive, because of feeble authority and divided responsibility may provoke discussions among the members resulting in the collapse of the entire system. It may not always be able to give proper direction and leadership to government. Modern political opinion is in favour of unity in the organisation of the executive than a single executive.

2.3   PARLIAMENTARY EXECUTIVE

2.3.1   MEANING

Parliamentary executive is otherwise known as the cabinet form of executive. The presidential executive is alternatively known as the non-parliamentary type of executive. The parliamentary and presidential forms of executives are based on the nature of relationship between three branches of the government, especially executive and legislature. Parliamentary or cabinet form of executive is that system in which the real executive, consisting of prime minister and ministers of the cabinet, are legally and directly responsible to the popular House of the Legislature. The Parliamentary system presupposes the double character of the minister, i.e. member of legislature and member of the executive. It means that the legislative functions and executive functions of the government are inextricably mixed.

On the other hand, the relation between them is one of closeness and interdependence. The Cabinet Ministers are the Heads of the Administrative Departments and so long as their policy and official conduct command the support of the majority of the members of the popular house of the legislature, they continue to hold office. But as soon as the legislature expresses want to confidence in the cabinet through a vote of no confidence, the ministry tenders resignation or dissolves the chamber to which its owes its responsibility and orders fresh election. The parliamentary form of executive has taken its birth in Britain. In Britain, the cabinet is chosen from the parliament and the members of the cabinet have to resign and step down when loose the confidence of the majority in the House of Commons the popular house of the parliament. This is the case in India also. The Parliamentary system has been adopted by many countries of the world today.

2.3.2 CHARACTERISTICS

A Nominal Head: The notional Head of State or the head of State Executive, chosen for a set or hereditary term, is not accountable for and cannot be removed from the legislature. The nominal head possesses power only in the name. The real authority is vested in the cabinet. In England, the queen is the hereditary head. Her majesty is not responsible for the functions of the government. The Ministers bear full responsibilities. In a republican system like India, the president is the executive head who act on the advice of legislative and council of ministers. The Constitution of India makes provision for the impeachment of the President if he violates the Constitution.

Collective Responsibility: The Parliamentary Executive is a collective government by all ministers who are collectively responsible for the policies and actions of their government to Parliament. All policy decisions are made collectively. If one Minister loses the confidence of the legislature, whole ministry is responsible for it.

Ministerial Responsibility: Under the parliamentary system the government can only hold office as long as it has control of the parliamentary confidence. It is also responsible for all its actions. It means that all ministers are responsible as a body for each department and for general policy. Besides every Minister is responsible individually for the work of his department. A Minister must satisfy the legislature for any incident which may occur within his office or resign.

The Prime Minister as Leader: The Prime Minister is the head of the popular parliament's majority party. As the leader, he supervises and co-ordinates the work of the ministry. The Prime Minister is central to the birth, central to the life and central to the death of the Cabinet. Though it is said that Prime Minister is only the first among equals in fact, he is all in all in making and dismantling of the Cabinet.

Fusion of Powers: The Ministers are the members of legislature as well as the Executive Heads of the Government. They enjoy a dual position.

Homogeneity of the Cabinet: Generally, the members of the cabinet usually belong to the same political party except under exceptional circumstances when a national Government is made by the coalition of two or more states.

Subordinate to the Legislature: The parliamentary, system is based on the fact that the executive is subordinated to the legislature. The legislature exercises administrative and financial control over the cabinet which has to work in accordance with the wishes of the legislature.

2.3.3 MERITS

1. In his book 'The Government of Modern States', Willoughby praises the parliamentary system and in this connection he says that this system provides 'Unity of responsibility, direction and power'. There is no conflict between the executive and legislature as the party in majority runs the government. Although the opposition can create problems in formulation and implementation of policy, it can at best delay but cannot obstruct the policy as it is in minority.

2. Collectively and individually, the Prime Minister and his Council of Ministers have responsibility in the House of the People. The continual communication between government and members contributes to the so-called 'speed in choice and vigour in action' by Bryce.

3. Unlike the presidential system, the Parliamentary form is highly flexible and it can meet new and unprecedented challenges. This view point is strengthened by the working of British Government during the Second World War and of the Indian Government in the conflicts of 1962-65 and 1971.

4. Parliamentary system can claim high educative value as it functions through well organised political parties. This system makes greater demands on the party system then the presidential system. The aim of every political party is to win elections and capture power. Hence, all parties place their cards on the table, and leaving the votes to judge one party or the other on merits.

5. In the parliamentary system, the majority party makes the government, the minority party forms the opposition. The opposition opposes and criticises the government. The criticism of the opposition can improve the performance of government.

6. Parliament Provides opportunities for the training of future political leader. Laski has remarked.

7. Parliamentary system recognises the ultimate sovereignty of the people. The members of parliament reflect the thinking and aspiration of the voters at large. If they act against the public opinion, they may not be elected again.

2.3.4 DEMERITS

The following are the demerits of parliamentary executive:

1. The Parliamentary system violates the theory of separation of powers. The combination of executive and legislative functions in some set of persons, leads to despotism. Therefore, a party can do anything done in the legislature as long as it commands the majority in the legislature.

2. This system makes an unstable form of government. The government has no fixed life. The term of its office demands on the pleasure of the legislature.

3. In Parliamentary system if the majority party is in a very strong position (e.g. India), the opposition parties are weak and ineffective, the executive tends to be all powerful.

4. Parliament requires the presence of all the Ministers during its sessions. As such, ministers are liable to be distracted from their executive duties. This is especially true in states where the ministry does not have a stable majority.

5. If the ruling party has slender majority, it may be always afraid of losing power and thereby defections may be encouraged. Political defections are a menace to the political stability,

6. The parliamentary system is successful under a Biparty system, multiparty system puts a lot of burden on its working and under some conditions, and the system has proved completely unworkable resulting military coups.

7. The ministers are drawn from the majority and there is no guarantee that they possess qualities needed for an efficient executive.

8. The Parliamentary system lacks a single executive. The Prime Minister is a leader of group of equals. Therefore, he must give consideration to the opinions of his associates and make understanding with them in order to retain their support.

9. The Cabinet has degenerated into dictatorship of one man or a small group of men due to the growth of the party system and its rigid party discipline.

2.4   PRESIDENTIAL EXECUTIVE

In the presidential or non-parliamentary executive, the head of the executive is chosen independently of the legislature and holds office for a fixed term. Garner says,`` that parliamentary government is that system in which the executive is constitutionally independent of the legislature in respect to the duration of his or her tenure and irresponsible to it for his or their political policies". This system is based on the principle of separation of powers. The head of the state is also the real executive. The ministers who act as the heads of the departments of the administration appointed are only removable by the President. They are responsible to the President only. They are not the members of the legislature and do not ordinarily have the right to appear to speak before it.

Unlike the parliamentary system, the executive and the majority party in the legislature, need not always belong to the same party, Hence sometime, the policy of the executive may run at cross purpose to those of the majority party in the legislature. The executive may have their measures initiated in the legislature by the friendly members but the legislative programme is not official prepared and introduced in the legislature by the ministers. The chief executive and his ministers do not resign if their policies are defeated by the legislature, neither legislature can be dissolved by the chief executive. We find Presidential executive in United State and countries like Brazil, Argentina, Mexico, Chile, Philippines, and South Korea etc.

2.4.1   CHARACTERISTICS

1.   The leadership of the executive is in the hands of the President who is elected representative of the people. He is elected for a fixed period as in case of U.S.A. His method of election and term of office are providing in the constitution.

2.   There is only one executive of the state who is the real executive this office goes by calendar and he cannot be removed except by the process of impeachment.

3.   The presidential executive is not responsible to the legislature a term of office is independent of the wishes of the legislature. The legislature cannot control and direct the executive as the status of the executive is co-ordinated with the legislature.

4.   The ministers are the secretaries of the President. They are his subordinates and remain in office as long as he wishes them to. The ministers do not hold collective responsibility with him.

5. The President is responsible to the people for all policies. He cannot throw the blame on his secretaries.

6. The executive has no place in legislature. The President and his ministers cannot be the members of the legislature. Even for law-making, the executive has to depend upon private members and the majority in the legislature.

7. The executive has no power to dissolve the legislature. It must have its usual term of life. The President has veto power over the laws made by the legislature.

2.4.2 MERITS

1. The presidential system retains representative character without being responsible to the legislature. The President is elected for a fixed term. The system leads to concentrated responsibility and large powers in the hands of the executive for a period of years which make executive stable, energetic and powerful.

2. Ministers are not required to put in constant attendance in the legislature. As such, they can devote more time for departmental duties.

3. The President cannot be constitutionally removed before the end of the term except in case of some definite crime being judicially proved against him.

4. The President rises above party affiliations after he is elected. Truly speaking, he becomes the leader of the whole nation.

5. The President need not choose men from his own party as his secretaries. He can select people on the grounds of experience and merit.

6. In presidential system, the opposition has no inherent capacity to destabilise the executive. Hence the opposition has a more constructive than purely critical role to play. In a two party presidential system like U.S.A. both the parties serve the national as against party interests. There is also less control by party bosses.

7. The presidential system is of great advantage to a state with diverse interests, culture and language.

8. Under this system, the legislature can, by withholding funds, check the irresponsible executive in any project thought to be risky, and the executive can by its veto prevent the legislature from going in a dangerous course.

2.4.3 DEMERITS

1. One of the greatest demerits of the presidential executive is that there is the separation between the executive and legislature. This separation leads to unchecked, irresponsible and autocratic rule by the executive.

2. The presidential system leaves more to chance than does parliamentary system. The qualities wanting in a Prime Minister may be supplied by his colleagues but in a presidential system, everything depends on the character of the individual chosen as the President.

3. The executive is divorced from the legislature. Therefore, government disintegrates into water-tight compartments. This is highly harmful to the harmonious working of the governmental machinery as it leads to deadlocks between legislature and executive.

4. The office of the President goes by calendar, once he has been elected, the nation must continue with him, no matter whether they like and approve his policy or not. The presidential executive is inelastic.

5. The President may become dictator. Theoretically, he is responsible to the electorate. But in the absence of provision for a popular recall, there is no way by which it can be enforced.

6. The executive cannot get the necessary laws passed in the legislature which leads to delay in his policy. The presidential executive cannot follow a vigorous foreign policy if his party is not in majority in the legislature.

7. In the presidential executive, the President has vast executive powers. But the President is compelled to delegate the powers to a number of officials who are not responsible to any other authority except the President.

8. A question may be asked 'which is better-parliamentary or presidential executive'? The answer would be that each of the two systems has its own advantages for the country where it prevails. Circumstances vary from country to country and therefore, no system of government can be good for all countries and for all times.

2.5 METHODS OF CHOOSING THE CHIEF EXECUTIVE

There is no uniformity in regard to the appointment of the Executive. For the sake of convenience, we have four broad methods which are generally followed in choosing the executive as Hereditary Principle, Direct election, indirect election and Election by the legislature.

Hereditary Principles:

Until the coming of democracy, the hereditary principle was widely followed. This principle is very much linked with the monarchical government. The term of office is for life and succession is regulated by the law of primogeniture. Hereditary monarchy is still formed in some states. Now-a-days, hereditary principle of public office no longer seems to be in keeping with the spirit of popular government. In modern democratic age, hereditary executives are not actual chiefs of administration. Their office is essentially ornamental one. The British monarchy can be cited as an example in this regard.

Direct Election:

Under this method, the executive head is directly elected by the vote of the people. This method represents the opposite principle to the hereditary method. It is limited mainly to republics though there are examples of elective monarchies. The method of direct election was prevalent in the former German Republic. We have also examples to this method in some of the Latin American countries, Mexico, Portugal etc. In U.S.A the President is elected by the citizens of that country.

Indirect Election:

In modern times choosing of the executive head by indirect election is becoming increasingly popular. In the United States the Constitution allows for the election of the Chair by an electoral college in which every state has as many members as in the Congress. The indirect election is followed in case of Indian President. The choosing of the President of the U.S.A. has of course become direct.

Election by Legislature:

In many states, the executive head is elected by the legislature, e.g., in India, France, Switzerland, Poland etc. The President of the Indian union is indirectly elected by an electoral college consisting of elected members of two houses of the Parliament and elected members of the Legislative Assemblies of the states.

2.6   FUNCTIONS OF EXECUTIVE

In the modern state, the activities of the government have increased enormously. The state now undertakes many functions to promote the welfare of the citizens. Accordingly, the functions of the executive have multiplied.

Legislature:

although the laws are passed by the legislature, yet the executive has direct or indirect share in the process of legislation. The legislative functions of the executive vary with form of government prevalent in the state. Besides, the executive has the right to summon adjourn and prorogue the sessions of its parliament. The executive dissolves the popular house and orders new elections in the countries having parliamentary form of government. It can also convene special sessions on the legislature whenever required.

The executive provides necessary information to the legislature concerning the needs of the country. It also provides the needed leadership to the legislature by initiating all public bills and sees them through. All bills passed by the legislature are required to get the assent of the chief executive head in order to become law. The executive has also the power of issuing ordinances in every country. The executive has the power to agree or disagree to bills passed by the legislature. A bill in order to become a law requires the assent of the executive.

Of course, the executive cannot withhold his assent to a bill if it is passed for the second time. The executive also enjoys some emergency powers. The president of India exercises national emergency, constitutional emergency in a state and financial emergency. During the national emergency, the fundamental rights can be suspended.

Administrative:

The executive has the primary duty of enforcing law. It enforces the laws pertaining to industries, agriculture, taxes, religions, education and many other matters. The executive supervises the work of the officials and meets out appropriate punishment to those who do not perform the works assigned to them. The main function of the executive is to keep up the efficiency and integrity in the administration. Maintenance of peace and order is also an important duty of the executive. The department which is responsible for the maintenance of peace and order is called the home department. The executive also must provide security to life and property of the citizens.

Military:

The head of state is typically the ultimate commander of the country's defence forces. For instance, the president of India is the supreme head of the army, navy and air force. The executive has to protect the people from external aggression. Modem state has a defence department for this purpose. Usually, it is the executive which declares war and concludes peace according to the prescribed procedure.

Diplomatic:

The executive has some functions pertaining to foreign affairs. It can conduct negotiations and conclude peace with foreign governments. The executive has also to maintain contacts with foreign states for the purpose of goodwill and friendly relations and for trade and commerce. A wise executive knows who the enemies of the state are and who the friends are. The foreign policy should be so planned that the area of enmity of foreign states towards the state decreases and that of friendship increases. The department which conducts foreign relations is known as the department of foreign affairs. In some states, treaty making power of the executive is subject to legislative approval. The executive head of the state has the power to appoint diplomatic representatives like ambassadors, high commissioners, consuls etc. It also receives diplomatic heads from foreign government.

Making appointment:

The executive makes many appointments in civil and military departments in accordance with the constitution of the country. In India, the president makes appointments in the army, navy, air force, civil departments and judiciary. Besides much appointment are made by the executive through its public service commissions. In U.S.A., the appointments made by the president need approval of the senate.

Financial:

The budgets are formulated by the executive though they are passed by legislature. The executive exercises control over departmental spending to ensure obedience to whatever financial programme the legislature eventually approves. The executive has to raise and spend money with the approval of the legislature according to democratic principles. In parliamentary system of government, demands for grants have to come from the executive. Taxes sanctioned by parliament through the finance acts are to be collected by the executive.

Judicial:

Almost in every modem state, the head of the state enjoys the judicial power to pardon or to remit sentences partially or completely.

The president of India can grant pardons, reprieves, respites or remissions of punishment. The purpose of giving these powers is to enable the executive to exercise clemency where there is a reasonable doubt that there is miscarriage of justice.

Miscellaneous: The multiple functions of the executive cannot be classified easily. In many countries of the modem world, planning is taken up with view to increasing the standards of living of the people. No government can also neglect subjects like commerce, education, agriculture, transport and communication etc. Now days, most of the governments actually run some public utility services and impose statutory limitations on the production and sale of many commodities. The chief executive of state enjoys special privileges. He is not subject to the jurisdiction of ordinary courts, either for political acts or criminal acts so long he occupies the office. Such privileges are enjoyed by the king of England, the president of India and the chief executives of the various states.

2.7 CIVIL SERVICE

The Civil Service of a state is distinct from its Chief Executive. The function of the political executive is to see that governments pursue a definite policy. Those who actually run government and execute the policies of government are known as the members of the permanent civil or administrative services. Finer defines Civil Service as "a professional body of officials, permanent, paid and skilled". The Civil Service consists of technically trained persons who enter the services of the state and remain in office irrespective of changes in party till they retire.

2.7.1 ORGANISATION

Some principles have gradually been established in the past hundred years regarding the organisation of the Civil Service.

1. The power of appointing the Civil Servants, especially of the higher cadre, should not be vested in the political executive. If their appointment is done by the political executive, it might lead to party patronage, favouritism and insecurity of service.

2. Hence, in modern states, there are 'Public Service Commissions' whose main job is to select the right type of persons for the Civil Service either by interview or by competitive examinations or by combination of both. The members of Public Service Commission are appointed by an authority other than the ministers and they hold office during good behaviour. They are permanent and remain in their office until the age of retirement. The Executive exercises the

right of dismissal only in case of incompetency or neglect of duty and never for political reasons.

3. Generally, promotion of Civil Servants to higher cadres is done on the basis of seniority.

4. Civil Servants must be loyal to party in power. In other words, the members of the Civil Service should be strictly neutral where party politicises concerned.

5. The members of Civil Service must observe strict Official secrecy. The official secrets should never be divulged by them.

6. Ministers take the responsibility for the action of their subordinates. The convention in the parliamentary system is that no minister should take shelter behind the staff of his department.

2.7.2 POWERS AND FUNCTIONS

The importance of the Civil Service has increased tremendously with the increased activity of the state. Modern state is no more a police state. It is a welfare state wedded to social service. Therefore, its functions have enormously increased. The scope of state activity has widened. Correspondingly, the Civil Service has grown not only in numbers but also in power. The civil service performs the following important functions:

Execution of laws: This is the most important function of the Civil Service. The Civil Servants are to carry out the orders of their superiors faithfully. As the Civil Servants come into contact with the people, the laws must be explained to the people in an effective manner so that the people will adopt willing obedience to the laws.

Advisory: The higher branches of administration service make a significant contribution even in the determination of policy. Although, policy is decided by the political executive through the information given, the Civil Service influences substantially the decisions of the political executive. Once the policy decision is made, it is again the duty of the men at the top of Civil Service to decide and instruct how best the practical fulfilment of the policy can be realised.

Delegated Legislation: The Legislative functions are becoming increasingly complex. As such, modern legislatures pass laws only in general terms. In other words, the legislatures pass what is known as 'skeleton legislation'. Modern legislatures empower the departments to work out the detailed regulation necessary to give effect to the statues. The Civil Servants frame the subsidiary rules.

LET US SUM UP

It is clear that the executive branch of government provides national leadership in these days. The modern executive is becoming powerful at the cost of the legislature and judiciary. These developments are primarily due to the change of our ideas about the functions of the State. Formerly, the sole function of the State was the function of police man, that is, to protect us against encroachment on our safety. But modern States are welfare States. Consequently, a large number of legislative and judicial functions have been entrusted to the executive.

CHECK YOUR PROGRESS

1. The second bench on organ of the government is the _____.

2. No _____ can exist in without the executive.

3. Plural executive is inexistence in _____.

GLOSSARY

Political Executive	:	Political Head of Government.
Administrative Executive	:	Administrative Head.
Non Parliamentary Executive	:	Presidential type of executive.
Hereditary Executive	:	Traditional Head of State (UK).

ANSWSERS TO CHECK YOUR PROGRESS

1. Executive.

2. State.

3. Switzerland.

MODEL QUESTION

1. Describe the types of executive?

2. Explain the functions of executive.

3. Narrate the functions of civil service.

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JUDICIARY

STRUCTURE

OVER VIEW

The judiciary occupies the pride of place among the organs of government. It is the watchdog of the rights and liberties of the citizen. An adequate political theory must take into account the constitution functions, and other important problem connected with the judicial organ. Such an investigation into the intricacy of the judicial process also serves to uncover the moral character of the state. This unit deals with the functions of judiciary, administrative law, judiciary system in India.

LEARNING OBJECTIVES

After going through this unit, you will be able to

➢   Understand the concept and functions of judiciary.

➢   Know about the need and features of judicial review.

➢   Explain the various factors responsible for the Independence of Judiciary.

3.1 INTRODUCTION

The judicial functions of the government continue since time immemorial. In ancient days, executive and judicial functions were combined in the Monarch or the Emperor. The King himself was the executive as well as the fountain of justice. In spite of this combination even in ancient time, a set of subordinate courts with qualified judges were maintained in modern times. As a result of the influence of the "Theory of Separation of Powers" propounded by Montesquieu, the judiciary forms a separate and independent organ of the government structure in most of the civilised states. All over the world, the judiciary possesses the power of interpreting the constitution and acts of the legislature. According to Hamilton, "Laws are like a dead letter without courts to explain and expound their meaning." Further, the judicial organ is to administer justice without fear or favour. This unit deals about the meaning and importance of judiciary and functions of judiciary.

3.1.1 MEANING AND IMPORTANCE OF JUDICIARY

The judiciary, the legislative and the executive, is the third branch of government. The word 'judiciary' is used to refer to those government employees whose role is to apply existing legislation to particular situations, taking into consideration principles of 'fairness.' "The quality of a government is hardly better tested than the effectiveness of its legal system," said Lord Bryce. The judiciary has been rightly called, "The shield of innocence and safe guardian of civil right." The laws are the basis for bringing order in society by means of the judiciary. The judicial process helps the process of legitimacy of the State. The judiciary is the main pillar of democracy. Judiciary is the rule adjudication agency of a political system. Lord Bryce says, "If the law be dishonestly administered, the salt has lost its flavour. If it is weakly or fit fully enforced the guarantee of order fails. If the lamp of justice goes out in darkness, how great is that darkness." Judiciary, therefore, is one of the most vital branches of government.

Sedgwick says that "In determining nation's rank in political civilization no test is more decisive than the degree in which justice as defined by law is actually realised in its judicial administration, both as between one private citizen and another and as between private citizen and members of the government." It is therefore very essential that great care should be taken in organising the judiciary and making it free and fearless. Every citizen looks to the judiciary to protect his rights. Judiciary plays an important role in protecting the rights and liberties of the people, settling disputes, interpreting the laws and protecting the constitution the

judiciary consists of the magistrates and judges charged with the function of the administration of justice.

3.2   FUNCTIONS OF JUDICIARY

In administration of justice, the judiciary performs the following functions

Renders Justice: The crime ceased to be a private crime and began to be considered a crime against the State; judiciary is a tool in the hands of the State to punish the offenders and renders justice where it is rightfully due. In punishing the criminals and in deciding cases the Court first investigates and determines the facts. Then it applies the law to various cases. It punishes those who break the law.

Interprets Laws: The basic function of the judiciary is to explain the existing law and apply it to the appropriate cases. The judges determine the meaning of the law in trying cases and settling disputes. Gettle says that 'Constitution and Laws are always rigid; flexibility must be given to them by the Judges." Judges should provide justice with utmost legal eminence, impartial outlook and rational attitude. They should protect the innocent and honest people against the culprits.

Protects Rights: Every constitution guarantees fundamental rights to its citizens. Mere declaration of rights is useless unless they are protected and preserved by some competent body. That body is called judiciary. It protects the fundamental rights and preserves the liberties of people. It acts as the guardian of the rights of people. Whenever their rights are violated they can challenge even the Government before a Court of Law. Sometimes even before the rights are actually violated citizens can approach the proper Court which issues restraining orders of injunctions. Thus, judiciary acts as the watch-dog of individual's freedom and other rights.

Creates Law: The judiciary sometimes creates new laws through its power of interpretation or by acting on the principle of equity. When laws are ambiguous the court decides what the law is and which of them shall prevail. In this they are guided by principles of equity and common sense along with natural justice. Thus, they set precedents, which are followed in similar case. Judiciary, thus, acts as a law-maker.

Safeguards the Constitution: The judiciary is the custodian of Constitution. It is charged with the duty of upholding the Constitution. It declares the laws of the legislature and the orders of the executive unconstitutional in case the same are repugnant to the Constitution. They can declare any portion of provision of the law enacted by the

legislature as ultra vires in case the same are in violation of the Constitution.

Protects the Federation: Judiciary acts the protector of federation. Federation involves the existence of two governments, one at the Centre and the other at the provincial level. If conflicts between the Centre and the provincial governments crop up, it resolves such conflicts. It maintains a proper balance and protects the federal structure by keeping both the governments within their constitutional limits.

Advises the Government: The judiciary in democratic countries advises the chief executive on constitutional and legal matters when it is sought. In India, the President has the ability to refer any factual issue of legal significance to the Supreme Court. So is the case with Canada and the U.K. However, the Supreme Court of the U.S.A. has no advisory function. But, some of the American States impose a duty on their judiciary to give advisory opinion on legislative proposals.

Acts as Court of Records: The judiciary also acts as a court of record. It keeps and maintains all its judgments and other documents in its archives. Such records help in solving disputes of similar type in future.

Punishes for Contempt of Court: The judiciary has the power to punish individuals for contempt of its authority. If any person criticises the decisions of the court or the conduct of the judges or fails to abide by its orders, it can initiate proceedings against him and punish him for having committed contempt of the Court.

Miscellaneous Functions:

Apart from the functions mentioned above, judiciary performs certain other functions, which are non-judicial but administrative in nature.

i.   The Courts appoint guardians of minors and trustees

ii. They possess final authority regarding disputes over elections

iii. They admit wills to probate

iv. Court registers the performance of civil marriages

v.   It issues injunctions asking individuals or parties concerned, as not to do as a particular thing, deemed objectionable by the complainant

vi. It appoints receivers or administrators for the companies which are unable to meet their financial obligations

vii. It conducts judicial inquiries into some serious incidents if the government asks for

viii.   It issues certificates for the grant of naturalized citizenship

ix.   It supervises the working of the lower courted

x.   The Chief Justice of the Indian Supreme Court ad monsters oath of office when the President assumes offices

xi.   The Chief Justice of India acts as the head of the State for a temporary period under certain circumstances

xii.   It can take up the Public Interest Litigation in India

xiii.   The Chief Justice of the American Supreme Court presides when the President is impeached by the Senate

Undertakes investigations into the allegations levelled against leaders and administrators at higher levels of the government.

3.2.1   JUDICIAL REVIEW

The doctrine of judicial review is a unique innovation of American constitutional genius. "By judicial review we mean the authority belonging to the Courts to declare acts of the legislative branch of no effect when, in the opinion of the judges, such acts are inconsistent with the requirements of the Constitution." It also includes the judicial competence to review executive enforcement of legislative enactments. In spite of the controversy regarding the origin of judicial review, it has become, as Brogan observes, an inseparable part of the American political system. Incidentally, it may be noted that although judicial review is linked up with a federal system, there is hardly and necessary connection between the two. Despite its federal character the Constitution of Switzerland, for instance, does not provide for the system of judicial review as it obtains in the United States.

A constitution may embody the institution of judicial review either explicitly or implicitly. In the United States, the principle of judicial review, inherent in judicial power, was clearly enunciated by Chief Justice Marshall in the case of Mar bury N. Madison. As the Chief Justice observe. "It is a proposition too plain to be contested that the Constitution controls any legislative act repugnant to it. It is emphatically the province and duty of the judicial department to say what the law is."

The power of judicial review has been deducted by the Supreme Court from its power to determine "as cases arising under the Constitution" read with Article 6 Section 2 which states "This constitution shall be the Supreme Law of the land." The presence of "due process of law" clause in the Constitution has further invested the Supreme Court with the power of reviewing legislation.

As Brogan observe, "Under due process of law the Supreme Court could and increasingly did define due process in terms of natural justice." In consequence there has developed in the United States the doctrine of judicial supremacy.

The supremacy of the Constitution of India is implied, for all the institutions operate under the authority of the Constitution. Obviously therefore, if any institution transgresses the limits set by the Constitution, the Court would have the power to examine such acts.

According to Article 13, any action either by the legislature or by the executive in contradiction of the provisions of the Chapter of Fundamental Rights shall be declared void. The scope of judicial review in India is, however, limited. Instead of "due process of law" we have "procedure established by law" (Article 21). Hence, the Supreme Court in India, while interpreting a law, will not itself legislate. It will not question the reasonableness of any law except where the Constitution has expressly authorised the Court to exercise such power as in Article 19 Clause.

The doctrine of judicial review has been subjected to serious criticism. It tends to elevate the judiciary to the rank of super legislature. In the opinion of Carl Friedrich, "The institution of judicial review substitutes the judgment of the judges for the judgment of the elected representatives of the people."

Strangely enough, the Supreme Court of the United States, sometimes, through a simple majority of five to four, sets aside a measure passed by an overwhelming majority of the elected representatives of the people.

Secondly, the exercise of reviewing power by the Supreme Court has obstructed the passage of progressive social legislation in the United States. As Laski observes, it is almost an inevitable characteristic of the legal mind that it tends to conservatism.

Despite its limitation, the institution of judicial review has also its utility. Under a written constitution from which the organs of government derive their powers, there must be a final arbiter to see that each of the organs keeps to its constitutionally demarcated area. The courts, therefore, act as the "balancing wheel" of the constitution. Besides, judicial review is democratic in the sense that it is accepted by the most people.

3.3 INDEPENDENCE OF JUDICIARY

Black's Law Dictionary defines judicial power as, "The authority exercised by that department of Government which is charged with declaration of what law is and its construction. For the functioning of judiciary it is absolutely essential that the judiciary must be free from executive pressure or influence.

The judiciary consists of the judges and magistrates who sit in courts in a hierarchical manner. An independent judiciary is the soul of Parliamentary democratic dispensation in a Parliamentary democracy The judiciary must be given a special sphere clearly separated from that of the legislature and the executive, be given privileges which are not given to other branches of the government and protected against political, economic and influences which would disturb the detachment and impartiality: Judiciary is independent when the following conditions exist : (i) the judiciary must have full freedom to administer justice impartially, independently and freely; (ii) it must have authority to protect individual freedom and rights; (iii) it must have power to check and control the despotic tendencies of the executive; (iv) without fear or favour, judges should deliver judgments impartially; (v) either the legislature or the executive should not control or interfere with the judiciary. The independence of the judiciary can be secured by providing conditions in which the judges are able to perform their duties without fear or favour. They are as follows.

1. Mode of Appointment

The first important requisite of an independent judiciary is a proper mode of appointment. There are three methods of choosing them (i) election by people (ii) election by the legislature and (iii) appointment by the executive. Of these three methods, appointment by the executive is regarded by many as good. The first two methods suffer from many defects.

Elected Judges, either by the legislature or by the people, are neither honest nor efficient, nor impartial nor independent. The Judges become party minded. The appointment of judges by the executive is from the influence of popular votes of party policies. The system of popular election of judges is in vogue in some cantons of Switzerland and in some States of the U.S.A. Laski felt that of all methods of selection, the election of judges by the people is the worst. Judges chosen by the executive are likely to be most independent of popular influence and political considerations.

Many countries follow the practice of selecting the judges from among practicing lawyers. Hence, the most common method for the appointment of judges is nomination by the executive. Laski suggests a better method. According to him, a Standing Committee consisting of Judges should prepare a list of competent judges. The executive then should select judges from that list. In India, the President appoints High Court Judges on the advice of the Supreme Court. This is perhaps the best method.

2. Removal of judges

The method of removal of corrupt and inefficient judges is as important as the method of their appointment in safeguarding the independence of the judiciary. If the judges are removed by the executive at will, it leaves the former at the mercy of the latter. It undermines the independence of the judges. This does not mean that incompetent and dishonest judges should not be removed from their office. There must be some method for removing those judges who are dishonest and corrupt. The usual practice is that the authority for removing the judges is vested in the legislature.

The process is sufficiently made difficult to ensure that it is used in exceptional circumstances. In the U.K., a judge can be removed by the Crown on the basis of a joint address by Parliament indicting him of corruption and moral turpitude. In the United States, by order of the President the judges of the Federal Court may, following an address from each of the House of Parliament with the approval of a majority of the entire membership of that House and not less than two-thirds of the House present and voting, be deleted from office. The Lower House frames charges against him by 2/3rd majority and the Upper House sits as a court of trial and can oust him if 2/3rd majority agrees to his removal. Only if the accusations against them are passed by a two-thirds majority in both the Houses of Parliament can the judges of the Supreme Court and the High Court's be dismissed in India.

3. Tenure of office

Tenure of the judges is very important with regard to the independence and efficiency. The tenure of the judges shall neither be too long nor too short. Short tenure makes a judge a veracious. Long tenure may enable a corrupt judge to continue for long. Therefore, tenure by good behaviour is most suited. That enables a judge to continue only when he remains above board and of unimpeachable character. In USA, judges serve for life during good behaviour. A long judicial career helps the judge to acquire a complete knowledge of the

nation and operation of laws and the social and economic changes in a dynamic society. In India, the judges of the Supreme Court and High Courts hold office till 65 years and 62 years respectively.

4. Qualifications

"The noble aim for which the Judiciary is formed cannot be guaranteed if the judges lack intelligence, probity and free choice." states Garner. So judges should be efficient, intelligent, learned, honest, impartial, experienced and independent. The judges must be legal luminaries, learned and skilled in their judiciary. Men from the bar possess many of these qualities since they have spent their lives in the legal profession and acquire the knowledge of interesting laws. Qualified judges inspire the confidence of the public.

5. Salary and service conditions

According to Lord Bryce, the honesty and independence of a judge also depends upon the emoluments that his office carries. Judges should be paid sufficiently high salaries in order to attract men of outstanding ability and character. Adequate salaries place judges beyond the reach of corruption. Apart from adequate salaries, it is also necessary that their salaries should not be altered to their disadvantage during their term of office. Their salaries should be paid regularly and promptly. In India, the salaries of the judges are specified in the Constitution. Apart from the salary, decent conditions of service of the Judges also contribute to the independence of the judiciary. Postings and transfers must not be subjected to the vagaries of the executive. There should exists specific provisions for adequate pension after retirement, handsome allowances and other social security measures which will guarantee the independence of judiciary. Judges should also get promotions from time to time. The basis of promotions should not be the length of service but the merit and efficiency of work.

6. No legal practice after retirement

In order to ensure independence of judiciary, it is desirable that the judges do not set up practice after retirement from service. In case they are allowed, they would try to win the favour of the government on the eve of their retirement. It would have adverse effect on the administration of justice. For example, the judges of the Supreme Court of India are not allowed to practice after retirement.

7. Separation of judiciary

Judiciary must be separated from the executive and the legislative organs for ensuring its independence. If the Prosecutor sits as a judge there will be an abuse of judicial authority. It is desirable that a judge should not be saddled with executive responsibilities. No executive authority should be given judicial functions. Both should be kept apart, otherwise the executive authority would make misuse of his powers.

To keep judiciary independent, Willoughby suggested the conditions: "Judges should be selected without regard to their political affiliations. Once selected, they should hold office for a long term for life or during good behaviour. They should not be subject to dismissal by the executive, but may be removed only for gross misconduct as established by a formal process of impeachment or address on the part of both Houses of the legislature. Their compensation should not be withheld or dismissed during their term of office."

3.4 JUDICIARY IN RELATION TO LEGISLATURE AND EXECUTIVE

3.4.1 JUDICIARY AND LEGISLATURE

Since the very nature of judicial function calls for independence, the judiciary as a matter of principle should be separated from the legislature which is notorious for party manoeuvres. It follows, therefore, that a member of the legislature should not be eligible for judicial appointment. Nor should there be the method of appointment of judges through election by the legislature. Still, however, some restraining influences on the judiciary are essential lest it might abuse the power entrusted to it.

The relation of the judiciary to the legislature gives rise to a very significant problem. Should the judiciary be empowered to exercise control over the legislature? Usually, under a written constitution which defines the scope of legislative authority, the judiciary is authorised to indicate the limits of the latter. In a federation, on the other hand, the judiciary which is the custodian of the constitution determines the area of competence of the different authorities under the constitution. Whatever might be the merits of judicial supremacy in a federation, in a unitary state the judiciary should not be empowered always to override the will of the legislature.

A written constitution is sure to reflect the spirit of the time when it was framed. Hence, to deprive the legislature of the opportunity to change the laws in accordance with changes in circumstances is to block the way to progress.

3.4.2 JUDICIARY AND EXECUTIVE

As one of the chief functions of the judiciary is to protect the citizens from executive encroachment, it must be separated from the executive. The executive, as in Great Britain or India, may have the power of appointing the judges; yet the power of dismissal of judges must not be entrusted to the executive authority. Sometimes the executive is permitted to consult the judges and seek advisory opinions of the courts in constitutional questions. In Canada, for instance, the Dominion Parliament has enacted legislation requiring the courts to give such opinions.

Similarly, under Article 143 of the Indian Constitution the President has power to consult the Supreme Court. Such provision, the critics argue, might bring the executive quite close to the judiciary and unduly strengthen the former. Still, however, in modern times the executive who is burdened with heavy responsibilities must necessarily consult the courts to ensure successful implementation of policies.

Judicial independence of the executive, it is sometimes suggested, is violated when the executive is given the prerogative of pardon. In India, for instance, the power to grant pardons etc., has been given to the President under Article 72 of the Constitution and to the State Governor under Article 161. As Laski points out, there are three reasons for empowering the executive to grant pardons. (1) Judicial errors, though rare, may occur, and these should be immediately corrected. (2) Wrong assessment of penalty by the judges is not impossible ; hence, there should be the means of balancing justice by mercy. (3) In a case where subsequently it is found that the penalty inflicted should not be operative, the power to review is essential.

In a case under (1) judicial pardon would not of course create much difficulty. But those under (2) and (3) may be expected to make the judiciary a target of public criticism. "When the power is, on the other hand, given to the executive, public criticism has its definite place. The locale of the power to pardon (or to mitigate) is simply a matter of convenience." In considering the relation of the judiciary to the executive what is important is that no executive action should be beyond the scope of judicial examination.

3.5 RULE OF LAW

A remarkable feature of the English Constitution is the rule of law. All people in Britain, whatever may be their rank or status, whether they are government servants or ordinary citizens, are under ne supremacy of ordinary law. There is no separate law for a particular class of people. Government officials and ordinary people are all subject to the same law, and no distinction is drawn between them for the purpose of administering justice. There is equality before the law, and all persons will be tried in the same courts according to the same procedure. Government finds it very difficult to exercise arbitrary power, and all its actions have to be authorised by law, which has been passed by Parliament, or by Common Law, which has been in existence for centuries. Though the British Constitution does not provide a list of justifiable Fundamental Rights of citizens enjoy full liberty.

In contrast to the rule of administrative law as found in countries like France, in the system of administrative law government servants are put in a different category as far as their trial is concerned.

A. V. Dicey has the reputation of giving the classical exposition of the principles of the rule of law says

1. "No one is penalised or can be made to suffer legally in the form of body or commodities only for a clear violation of the law established by the usual law before the regular courts of the country."

2. "In addition to specifying the rule of law as a feature of our nation, not only is no one above the law with us, but (what is distinct) that every person here is subject to normal law and is subject to the jurisdiction of regular courts, irrespective of his rank or position."

3. "That, in particular the cases brought before the courts under the general principles of the constitution (for example the right of personal freedom or the right of public reunion), the judicial decisions on the rights of private individuals are the result; whereas in a wide range of foreign constitutions security, as it is given to, or seems to result in, the rights of individuals

The implications of the Rule of Law are 1) no individual can claim any special rights contrary to the law of the land 2) law does not recognise any distinction between one individual, and another, and there is equality before the law 3) there is no scope for the for arbitrary action by government leading to the loss of life, liberty or properly.4) government officials and ordinary individuals will be tried by the same court, and the

same law will be applicable to all. 5) the rights are given by the common law and by the decisions of courts in various cases. They enjoy all kinds of rights under the rule of law.

3.6   ADMINISTRATIVE LAW

Unlike England, France has a system in which there are two types of courts as Ordinary Courts and Administrative Courts.Ordinary courts deal with cases between one individual and another whereas administrative courts try cases between the ordinary individual and government (that is, a public government servant), The system of administrative courts originated in France, where it was felt that the judiciary was unnecessarily putting hurdles in the path of the executive. The French had a fascination for the principle of separation of powers, and during the days of the Revolution, laws were passed to deprive the judiciary of the control over the executive. In the Penal Code that was drafted, provision was made even for the punishment of judges. Administrative law has been regarded as case law, and it has not been codified.

Administrative law clearly defines the position, the powers and the obligations of all public servants, the rights and the obligations of the ordinary citizens in their relations with public officials and the procedure of trying disputes between the public officials and the private citizen. It is that branch of law concerned with the powers and processes of administrative agencies under administrative law, public officials are not amendable to the ordinary courts for the acts which they have to perform in their official capacity. For such acts they come under the jurisdiction of special courts. Administrative law cannot be discovered in any code, it can be found in the numerous decisions given by administrative courts.

3.7   JUDICIARY IN INDIA

The territorial jurisdiction of a Court and the authority of a judge go on rising in an ascending order, right up to the highest Court in the land. In India, the highest judicial authority is the Supreme Court. Below the Supreme Court, there exists a High Court in each State. Below the High Courts, there exist civil and criminal Courts for each district and there lie subordinate Courts at the bottom. All the judicial courts consider cases and deliver justice within their jurisdiction on the basis of the prevailing laws. The judgment given by the Supreme Court of the land will be adopted by the lower Courts for solving disputes of similar nature.

Supreme Court: It is the highest court of India. It exercise original appellate and advisory jurisdiction. It has the power to review its own judgement.

i. **Original jurisdiction:** The Supreme Court hears directly any dispute between: (i) the government of India and one or more States; (ii) between the Government of India and any State or States on one side and one or more States on the other, or (iii) between two or more States which involve some question of law or fact on which the existence or extent of a legal right depends.

ii. **Appellate jurisdiction:** The Supreme Court hears appeals against the judgment of a High Court.

iii. **Advisory jurisdiction**: If the President of India seeks opinion on issues of public importance, the Supreme Court may, after such hearing as it thinks fit, report to the President its opinion thereupon.

iv. **Review of judgments:** The Supreme Court empowered to review any judgment pronounced by it.

v. **Enforcement of Supreme Court's orders and decrees:** The decisions of the Supreme Court are binding on all the Courts in India and it looks after the execution of its decision.

vi. **Guardian of the Constitution:** The Supreme Court is the guardian of the Constitution, particularly relating to the Fundamental Rights guaranteed to the citizens.

vii. **Court of records:** The judgments of the Supreme Court are recorded and considered authoritative and serves as cases, laws or proceedings.

viii. **Contempt of Court:** The Supreme Court can start contempt proceedings against anyone who indulges in malicious propaganda against the judges or tries to influence the judges.

ix. **Public Interest Litigation:** Even though the victim or affected parties do not file cases, people, who are not involved in the case may file litigation, if it is in the general public interest. It is the privilege of the Court to entertain or not to entertain the application for Public Interest Litigation, Thus, the Supreme Court is a powerful judicial institution of the Indian federation,

High Courts: The Constitution allows for a high court for each state and for two or more States and for the territory of the union there may be a single high court. The states of Punjab and Haryana share a common high court that is in Chandigarh. The North Eastern states Assam, Mizoram, Nepal and Arunachal Pradesh share the same high court in Guwahati. High court of Madras has its jurisdiction over union territory of Pondicherry.

Jurisdiction of a High Court: Original jurisdiction. Every High Court has original jurisdiction in regard to admiralty, will, divorce, marriage, company, contempt of Court and certain revenue cases. Any High Court is authorised for the enforcement of any of its fundamental rights by directives, orders or writes.

Appellate Jurisdiction: Every High Court hears appeals against the judgments of subordinate Courts. In criminal cases, If Sessions Judge awards death sentence, an appeal lies to the High Court. In civil cases, appellate jurisdiction extends to all such cases which involve an amount exceeding Rs. 5,00,000/-. It also hears cases relating to patent and designs, succession, land acquisition, insolvency and guardianship.

Transfer of certain cases to the High Court: In the absence of a case in a subordinate court, if a High Court considers that a substantial question of law involves the case, the High Court may withdraw the case and either decide or dispose of the case and refer the cases back to the court of which the case has been withdrawn for final decision.

Other jurisdictions

1. The judgments of the High Courts are recorded and considered authoritative and serve as case law.

2. A High Court can start contempt proceedings against anyone who indulges in malicious propaganda against judges or try to influence the judges.

3. Every High Court can admit Public Interest Litigation like the Supreme Court of India.

Various writs issued by the Supreme Court and high courts in order to protect or safeguard the fundamental rights of the people.

1. **Habeas Corpus:** It means 'to present the body of.' A person detained in order to be produced before the Court within 24 hours of arrest.

2. **Mandamus:** It means command. The Court directs the concerned authority to perform the duty as per the law.

3. **Prohibition:** It is issued against judicial quasi-judicial bodies. Prohibition is issued when the concerned authority exceeds its limits.

4. **Certiorari:** It means 'to certify'. The highest court issues an order to the lower court to decide the validity of an order issued by it. It checks the arbitrary actions of the lower court.

5. **Quo Warranto:** It means 'with what authority. It protects the interests of the petitioner who has a claim for the office. It calls upon the holder of the public office to show to the court with what authority he is holding that office.

3.8 SUBORDINATE COURT IN INDIA

Structure and Jurisdiction

The state shall establish its organisational structure, authority, and terminology. They are therefore slightly different from one country to another. In general terms, under the High Court there are three levels of civil and criminal courts. The District Judge is the district's highest legal authority. He holds both civil and criminal original and appeal jurisdiction. The District Judge is also the judge of the session. He is known as the District Judge when he has civil matters and he is called to the judge of the sitting when he hears criminal cases. The District Judge has administrative and judicial authority. It has control powers over all of the district's subordinate courts. The High Court is responsible for appeals of his orders and judgments. The judge of the session has the ability to inflict any penalty, including life and death (death sentence). The High Court shall, however, confirm whether there is an appeal or not for a death penalty passed by him. The Court of Justice on a civil side and the Court of Chief Judicial on a criminal side are located below the District and Sessions Court.

The subordinate judge has full financial competence over civil proceedings. The Chief Justice judges the criminal cases punishable by up to seven years in jail. The Court of Munsiff is at the lowest level in the civil sector, and the Court of Justice is at the criminal level. The munsiff has limited competence and rules on civil issues involving modest financial interests. The judiciary judges matters punishable for a sentence of up to three years of jail. There are municipal civil courts (chapters) on the civil side and metropolitan courts on the criminal side in several metropolitan towns.

LET US SUM UP

Judiciary is the third important organ of the government and its function is to give a fair justice. Apart from the normal judicial function, it has the power to review the laws passed by the legislature that is called judicial review. Many factors have contributed to maintain the independence of judiciary. There are two different forms of law, one is Rule of law in England and another one is Administrative law practised in France.

CHECK YOUR PROGRESS

1. The Theory of separation of powers was propounded by _____ .

2. The doctrine of judicial review is unique invocation of _____ constructional genius.

3. Thus in most countries, the judges are appointed by the executive but are removed by the _____ .

GLOSSARY

Judiciary : branch of authority in a country which is concerned with law and the legal system

Judicial Review : Checking the validity of legislation or law.

Adjudication : The act of judging case.

ANSWER TO CHECK YOUR PROGRESS

1. Montesquieu

2. American

3. Legislature

MODEL QUESTION

1. Explain judiciary with its functions.

2. Examine the role of judiciary in India.

3. Narrate the ways by which independence of judiciary can be secured?

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Block II

Forms of Government - I

UNIT - 4

ARISTOTLE'S CLASSIFICATION OF GOVERNMENTS

STRUCTURE

OVERVIEW

In presenting a classification of political systems, we must find out those attributes which are common to all modem constitutional states and categorise them according to the peculiarities of their organisation. In other words, we "must examine each of the attributes in turn and divide our states into classes according to whether they conform to this or that variation of the attribute in question. In this direction, we may well depend upon the sagacious counsel of Willoughby that the only manner in which states may be differentiated is according to the structural peculiarities of their governmental organisation. In this unit, we will discuss about the aristotles classification of government and his thoughts.

LEARNING OBJECTIVES

After reading this unit, you will be able to

➢ Know the classification of constitution by Ancient Greeks.

➢ Understand the Two Bases of classification by Aristotle.

➢ Explain Aristotle's six fold classification.

➢ Analyse that the Polity is best form of government.

4.1 INTRODUCTION

In common usage, often the term "State" and "government" are" used indiscriminately as if the two terms are synonymous. Sometimes we speak forms of the State, which really means forms of government. Some writers of Political Science classify the forms of Government as the forms of State. But this is wrong. There can be no forms of State. All States are equal in nature and status and all combine the same essential elements, namely, population, territory, government and sovereignty. Differences in these elements do not make any difference. In status of state hood, all States are sovereign and sovereign States are equal.

Thus it is wrong to classify the equal States, But the States can be classified according to their organisations. The organisation of the State in known as government and it is through the instrument of government that the State formulates, expresses and achieves its purposes. To a political scientist there is a great difference between the state and government, though an ordinary man often overlooks, this fact. This unit deals about the classification of government by Aristotle.

4.2 ANCIENT GREEKS

As pointed out above, the history of the classification of political systems dates back to the days of ancient Greeks. Plato presented a classification of his own in his Politic us or Statesman that was much different from what he offered in his Republic. However, the name of his student (Aristotle) is very important who is said to have given a scientific classification of political organisations what he, in the absence of a clear cut line of distinction between the institutions of state and government, described as the 'classification of states.' Two important points should, however, be made here.

First, whereas the study of his Politicsshows more than one classification of states given by him at different places in Books III and IV, our concern is mainly with that given in Book III where he presents a six fold classification of states in their normal and perverted forms. Second, the underlying purpose of the 'Father of Political Science' is not, as such, to present a morphological illustration of states as to highlight the excellence of a particular form of government a mixed government what he calls 'polity'.

4.3   LIFE HISTORY OF ARISTOTLE

Aristotle (384-322 BC) was born at Stagira, then a small Greek Colony close to the borders of the Macedonian Kingdom. His father Nicomachus was a physician at the court of Amyntas 11. A longer part of his body hood was spent in Bella, the royal seat of Macedonia. Because of his descent from a medical family, it can be well imagined that Aristotle must have developed his Interest in physical Sciences particularly biology. Consequent upon the death of his parents, Aristotle's care fell upon a relative Proxenus, whose sun, Nicanor, Aristotle later adopted.

Although not an Athenian, Aristotle lived in Athens for more than half of his life first as a student at Plato's Academy for nearly twenty years (367-347 B.C) and later as the master of his institution, the Lyceum for about twelve years (355-323 B.C) He died a year later in Chalcis(the place to which his mortar, phaestis belonged) while in exile, following the fear of being executed for his pro-Macedonian sympathies by the anti- Macedonian party of Athens.

During 347-335 B.C period, he remained away from Athens and he taught Alexander the Great in 336 B.C. Back in Athens in 335 B.C he established Lyceum at the outskirts of Athens. In Athens, as head of Lyceum, he wrote Politics, the Constitution, the Nico machean Ethics, the Poetics, and the Rhetoric. Like plato he wrote Comprehensively.

Aristotle's political theory is found mainly in the Politics, though there are references of his political thought in the Nicomachean Ethics. The Constitution of Aristotle analyses the system of government on the basis of his study of some 158 Constitutions, notable among them is the Constitution of Athens. Aristotle Politics, like any other work of his, had come down to the future generations in the form of lecture notes and consists of several essays, written at various times, about which the Scholars have no unanimity.

4.4   ARISTOTLE'S CLASSIFICATION OF GOVERNMENTS

Aristotle classification of State is based on two principles

1. The number of persons who exercise Supreme power.

2. The ends they seek to serve self- interest or benefit of the Community. Aristotle was of the view that when the rulers aimed at the good of the Community, the state would be a pure form of the State, when the rulers in such a state became selfish the stale would be called a perverted state. Based on these two classifications, that is pure and perverted form. Aristotle classify six forms of government and they are Monarchy, tyranny, Aristocracy, oligarchy, Polity and Democracy.

Monarchy: Monarchy is a political structure in which a single sovereign controls a state. He rules the State keeping in mind the welfare of the fellow citizens and keeps away his egoistic nature to ensure good law, order and Social justice in the State.

Tyranny: It is completely perverted to monarchy. In this form of government, the ruler is a complete dictator; he is an egoistic and works to satisfy his own lust for power. Welfare of the general public is nowhere in his agenda. Such a ruler loses legitimacy over time and people never to dethrone him.

Aristocracy: It is a form of government in which only a handful of people, who are considered to be most wise, skilful and just among all, become the party the government. These people use power not to satisfy their ego but to ensure welfare of the general public.

Oligarchy: It is compel completely opposite to Aristocracy in its functioning. Here only a handful of people take part in the decision making. But these people do it to satisfy their lust for power, we may see it as group tyranny. Oligarchy is more difficult to over throw than tyranny.

Polity (or) Constitutional government: It is a form of governments which exists only when all the citizens participate equally in the decision making process, through for open discussions, Compromise and conciliation. The Government works for the Common good and is wise enough to take just decisions. The drawback it has is that it can only work in Small city states.

Democracy: This is one of the most Sought after form of government in the modern world. But according to Aristotle, Democracy is a form of government that is completely reverse to the Constitutional government. Aristotle claimed that nobody in a Democracy is willing to Compromise

to find a solution to any existing problem. People in power by to meet their own needs rather than the Common good. This according to Aristotle ultimately results in the breakdown in the process of government and eventually results in its collapse. Aristotle classification of government may be thus presented by means of a tabular illustration.

Number of Ruling Persons	End of the State	
	Normal	Perverted
One	Monarchy	Tyranny
Few	Aristocracy	Oligarchy
Many	Polity	Democracy

4.5 DISTINCTION BETWEEN GOOD AND BAD FORM OF GOVERNMENT

Good form of Government	Perverted or bad form of Government
If the ruling power is in the hands of one person who is a good ruler and if he rules the nation for the welfare of the people it is **Monarchy**	If the ruling power is in the hands of one person who is a bad ruler and if he rules the nation for his Own interest, it is **Tyranny**
If the ruling power is in the hands of few person who rule the nation for the general good, it is **Aristocracy**	If the ruling power is in the hands of few person who rule the nation for his own self-interest and corrupt it is called **Oligarchy**
If the ruling power is in the hands of many persons and if they rule the nation to the general satisfaction of the people, it is **Polity**	If the power is vested with many people and if they involved in intrigues and petty squabbles, it is **Democracy**

According to Aristotle, monarchy is the best and democracy is the worst type of government. He regarded democracy as mob rule.

4.6 ARISTOTLE CYCLE OF CHANGE IN THE FORMS OF THE GOVERNMENT

Aristotle explained how a normal government degenerates into a perverted form. He pointed out that as the wheels of a cycle revolve, so also the governments. The King (Monarch), for example, governed the State with love and justice. But, his successors forgot their duties and ruled the State tyrannically.

So people revolted against the rulers and established the rule by little aristocracy. In the beginning, the rulers passed good laws but slowly they became selfish, cruel and cunning and made it an oligarchy. Naturally people were not satisfied with it and established the rule by many (polity). In course of time this government degenerated into mob rule (democracy). Not satisfied with it, people again established the rule by one (monarchy), This, Aristotle called the cycle of political change.
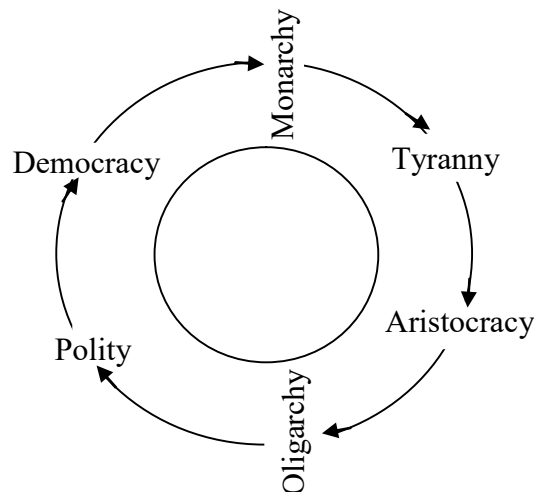
4.7 MERITS OF ARISTOTLE CLASSIFICATION OF GOVERNMENTS

The real merit of Aristotle's six fold classifications lies not merely in his presentation according to the strength of the ruling persons and the 'end of the state' as in his attempt to integrate his study of different states with 'a cycle of revolutions'. What he seems to emphasise is that no form of state remains forever. Rather there is change. One form degenerates and the other takes place. Thus, the cycle goes on. For instance, the rule of a virtuous man, called monarchy, is degenerated into that of a tyrant, or the class of virtuous wealthy persons is replaced by the class of those who are men of vice and greed; likewise, polity is replaced by democracy in which there is no place for merit and liberty is substituted by licence.

It may also happen that monarchy is replaced by aristocracy' and thereafter aristocracy by democracy. The rule of the mob is the perverted form of the rule of the many persons. This cycle goes on in a way that sunshine is replaced by the darkness and *vice versa.* Monarchy is replaced by tyranny, aristocracy by oligarchy, and finally polity by democracy, and then out of the prevailing darkness, there "arises the supremely virtuous man, some Caesar who alone can restore order and reason, the cycle is completed and begins all over again.

4.8   POLITY IS BEST FORM OF GOVERNMENT

Since the real purpose of Aristotle, as pointed out above, is to discover a form of government sufficiently stable to break this cycle, he comes to the last stage of adding that polity is the best form of government by virtue of representing the mixture of aristocracy and democracy. He calls it the 'golden mean'. It should, however, be pointed out here that the polity as the best form of attainable state is different from one given, in the six fold classification of Aristotle. In the typological illustration, given above, polity is the rule of the many persons who make a proper and legitimate use of their authority. Polity as the best form of government finds its expression elsewhere. Aristotle treats it as a particular form of rule where power is in the hands of the middle class representing a wise synthesis of the democratic and oligarchical elements with a weightier share of the former. Such a state of Aristotle is different from the ideal state of Plato.

4.9   EVALUATION OF ARISTOTLE'S CLASSIFICATION

We may briefly consider merits and defects of Aristotle's classification

Merits:

The following are the merits of Aristotle's classification.

1. Credit should be given to Aristotle for his classification which was the earliest or one of the earliest. In fact it was Aristotle who set the course for traditional classification of governments.

2. Aristotle's qualitative and quantitative classification is of practical value. As R. N. Gilchrist says, it has provided the historical basis of practically all classifications made hitherto.

3. The degeneration that Aristotle outlines in his political cycle, one can actually see in some of the ancient, medieval or modern state of the world.

4. Aristotle had a definite scientific method to classify governments. He undertook the task bearing two clear cut principles in mind.

Demerits:

The following are the chief demerits in Aristotle's classification

1. Aristotle does not distinguish between state and government. This flaw is serious, because this difference is one of the basic importance's in political science.

2. His classification is very simple, and it may be useful only in the study of the ancient city states of Greece, but as far as modern territorial states are concerned, the classification is totally inadequate.

3. It is difficult to draw a clear line of difference between aristocracy and democracy. Hence again England's example can be taken to show how the two are mixed. Distinction between aristocracy and oligarchy is also difficult.

4. Aristotle's classification is overloaded with ethical values. He speaks of citizen's partnership with the state in a life of virtue and happiness. That is not the case with the modern citizen. While ethical values should be given the importance due to them in modern states, it is incorrect to ignore other factors. Aristotle ignores the various social and economic factors, which influence the growth of the state.

5. The structure of modern governments is highly complex. Aristotle's classification presumes governments to be in pure form, which is not the case today. No form of government anywhere in the world is pure at present. Though Aristotle's classification has been severely criticized, yet it has an important place in political science. This was the first scientific classification of states and till the First World War this classification was accepted as a fundamental concept.

LET US SUM UP

Aristotle, being influenced by Plato, subjected his forms of government to cyclic political changes. Just its the wheels of a cycle revolve. The cycle of political change is a noble idea in political philosophy which enshrine even today, the permanent truth that no form of eminent is static and constant. Aristotle's classification of government has been put to serve criticism and it has been found that it is not a complete classification. But in spite of its criticisms, the will of the State was expressed or enforced, has found many adherents and many thinkers even today maintain that it is incomplete.

CHECK YOUR PROGRESS

1. Aristotle started his our Academy by name _____ .

2. Aristotle has studied _____ constitution during his time.

3. Aristotle has given _____fold classification of constitution.

4. According to Aristotle _____ is the best form of government.

GLOSSARY

Greeks   :   People of Greece Nation

Aristotle   :   Greek Political Philosopher

Oligarchy   :   Rule of few greedy rulers

Monarchy   :   rule buy single individual with good cause

ANSWER TO CHECK YOUR PROGRESS

1. Lyceum

2. 158

3. Six

4. Polity

MODEL QUESTION

1. Analyse the two bases of Aristotle classification of Government.

2. Explain the Aristotle classifications of government.

3. Bring the merits and demerits of Aristotle's classification.

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UNIT - 5

MODERN CLASSIFICATION OF GOVERNMENT

STRUCTURE

Overview

Learning Objectives

5.1   Introduction

5.2   New Classifications

5.3   Classification of Government by Bluntschli

5.4   Classification of Government by Burgess

5.5   Modern Classification of Government by J.A.R Marriot

5.6   Classification of Government of Stephen Leacock

5.7   Jellinek's Classification

5.8   Classification of Government by C.F. Strong

5.9   MacIver's Classification

Let us sum up

Check Your Progress

Glossary

Answers to check your Progress

Model Questions

Suggested readings

OVERVIEW

Modern States are complex in terms of the scope of their activities, as well as in the theoretical understanding of the structure and working of governments. The basis of classification has also been widened. While some of these are restricted to the ways in which the government is organised, others are wider to include processes as well. Different criteria are used for classifying governments, such as objectives, ideologies and policies, the way in which power is exercised, territorial distribution of power, the nature of the Constitution and the nature of the executive agency. Bluntschli, Marriot, Burgess and Leacock are some of the modern political thinkers who attempted the classification of governments. This unit deals with the modern classification of government.

LEARNING OBJECTIVES

After reading this unit, you will be able to

➢   Understand the classification of government by different authors.

➢   Explain the modern classification of government by marriot.

➢   Discuss the classification of government by MacIver`s and Jellinek`s.

5.1   INTRODUCTION

While recognising Aristole's classification as fundamental, modern political scientists give a different classification of government. Rousseau classified government into three categories-autocratic, aristocratic and democratic. Montesquieu also divided government into three categories as Monarchy, republics and despotic rules.

Marriot, a modern political scientist, classifies the government into unitary and federal. In unitary government there is concentration of power in the Centre and in the federal government there is distribution of power. Marriot, therefore, made this classification on the basis of concentration or distribution of power. He further classified government into Presidential. If the executive is subordinate to the legislature, then the type of government is Parliamentary.

It is extremely difficult to have a proper classification of modern government. The form of government is in fact the product of numerous factors, historical, geographical, social, economic and psychological. The issue is a complex one and sometimes practice outturns theory. For example, the Indian Government is federal in form, yet it sets up a highly centralised unitary. This unit deals about the modern classification of government by various scholars.

5.2   NEW CLASSIFICATIONS

Attempts to classify political organisations have been innumerable. However, it must suffice to pay attention to the morphological paradigms presented by some leading modern writers on this subject. The name of a German writer comes first who classified political organisations as republics, theocracies, kingdoms, unitary states, composite or compound states, federal states and confederations. Pradier Fodere, an eminent French writer on international law, classified them into two general groups' single states and United States. Within the first category he placed personal unions, real unions and incorporated union in the second category he placed confederated and federal states.

However, the attempt of another German writer Von Mohl is better who described different categories of states as patriarchal states, theocracies, patrimonial states, classic or antique states, legal states, despotic states and military vassal states. Further, he divided his classic states into sub-categories as monarchies, aristocracies and democracies.

5.3   CLASSIFICATION OF GOVERNMENT BY BLUNTSCHLI

Attention may be paid to the classification of a German-cum-Swiss publicist, Bluntschli, who sought to make an improvement upon the paradigm of Aristotle. To him, Aristotle's sixfold classification was the best example of a typological study of 'states.' However, he suggested that a fourth variety should also be added to or inserted into the paradigm of Aristotle showing theocracy in the normal and ideocracy in the perverted spheres.

Moreover, while he named the above forms as 'primary', he designated some 'secondary' forms as well by labelling them as 'free', 'half free' and 'unfree' states and went on to add that theocracy, aristocracy and democracy belonged to the three categories respectively. The attempt of another German writer Jellinek is also well known in this connection who classified political systems into two broad varieties monarchy and republic. He further divided monarchy into hereditary and elective with absolute and limited forms and the republics into three forms, namely, democratic, aristocratic and oligarchical. Finally, he described democratic variety having its direct and indirect forms.

5.4   CLASSIFICATION OF GOVERNMENT BY BURGESS

Among other important writers, Burgess presented an interesting classification. He suggested four principles of distinction and then tried to place several forms of governments into those categories. First he proposed the foundation of the government's identity or nonidentity on which the political organisation's main and representational forms might have second by using the nature of executive tenure as the basis governments could be hereditary and elective third the relationship between the executive and legislative departments led to the distinction of parliamentary and presidential forms; finally, the concentration and distribution of powers could lead to the case of unitary and federal governments.

Governments

Bases

```
                    |
    ┌───────────────┼───────────────┬───────────────┐
Identity or Non-    Tenure of the   Relationship     Concentration and
identity with state  executive      between executive distribution of
and government                      and legislature  powers
    |               |               |                |
  Forms           Forms           Forms            Forms
    |               |               |                |
 ┌──┴──┐          ┌─┴─┐           ┌─┴──┐           ┌──┴──┐
Primary Representative          Parliamentary Presidential  Unitary  Federal
               Hereditary  Elective
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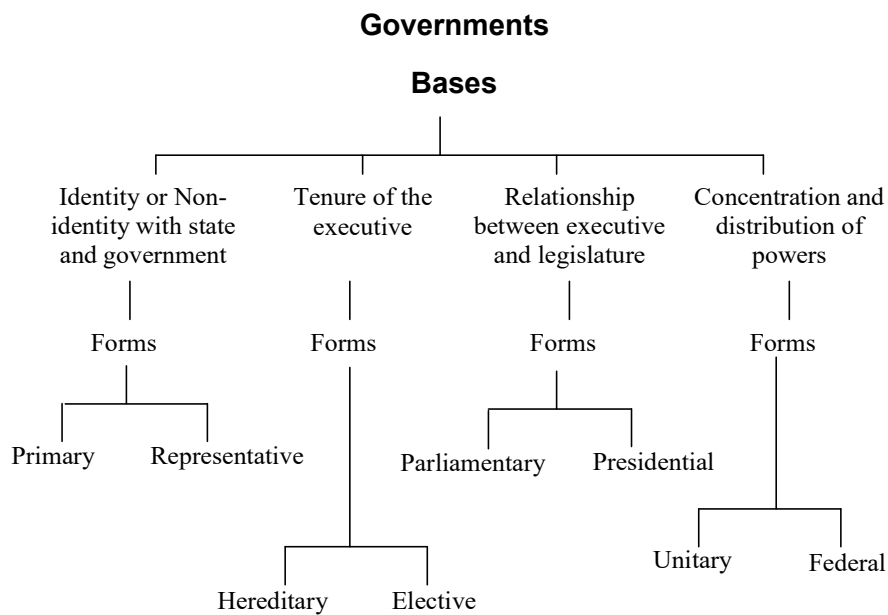
5.5 MODERN CLASSIFICATION OF GOVERNMENT BY J.A.R MARRIOT

The Marriott categorization also illustrates that, by concentrating and sharing powers between the centre and the units, unitary and federal governments may exist. The existence of a rigid constitution creates a line of distinction between the ordinary and the higher law of the land, while a flexible constitution has no distinction between the two. Finally, the relationship between the executive and legislative department's leads to the distinction of four kinds of government's monarchical, presidential, parliamentary and despotic.

Governments

Bases

```
                         |
        ┌────────────────┼────────────────┐
Distribution of powers   Rigid and flexible   Relationship between
between Centre and units  constitutions       legislature and
                                              executive
        |                                     |
      Forms                                 Forms
        |                                     |
  ┌─────┼─────┐                        ┌──────┼──────┐
Unitary Federal Monarchical      Presidential Parliamentary Despotic
```
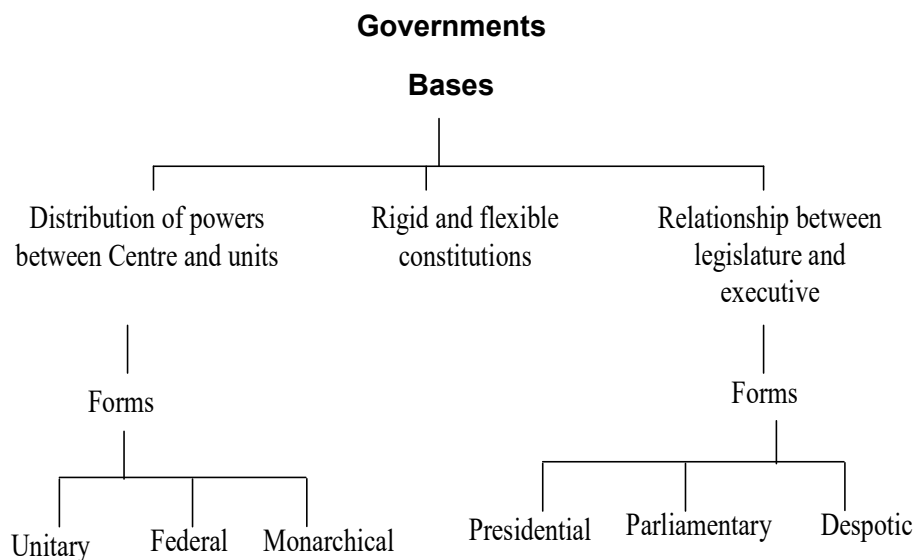
5.6 CLASSIFICATION OF GOVERNMENT OF STEPHEN LEACOCK

Leacock, however, presented the case in a rather simplified manner. According to him, the broad divisions could be despotic and democratic; while the latter could be sub-divided into constitutional monarchy and republic. Finally, these two sub-varieties could have four other subordinate categories, namely, unitary, federal, parliamentary and presidential.

```
                        Governments
                 ┌───────────┴───────────┐
              Despotic                Democratic
                              ┌───────────┴───────────┐
                       Constitutional            Republic
                         Monarchy         ┌──────────┴──────────┐
                    ┌───────┴───────┐   Unitary            Federal
                 Unitary        Federal
            ┌───────┴───────┐              ┌──────────┴──────────┐
      Parliamentary      Non-        Parliamentary           Non-
                      Parliamentary                       Parliamentary
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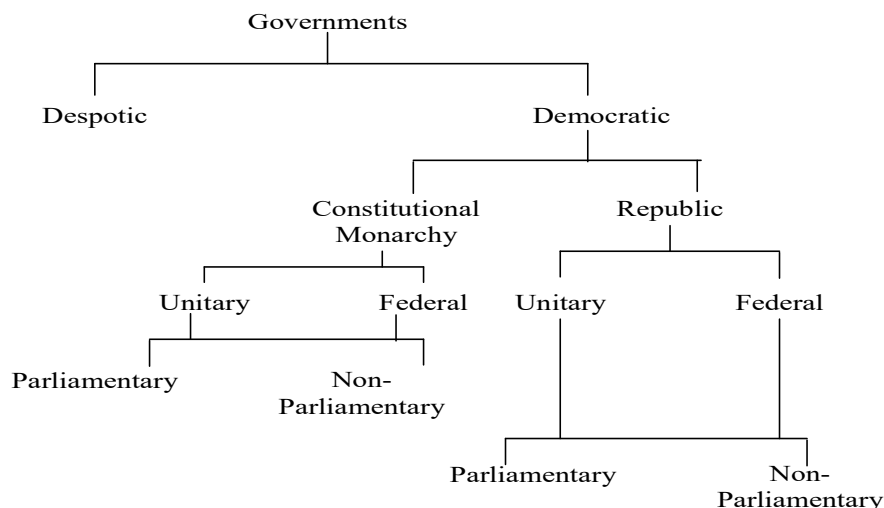
5.7 JELLINEK`S CLASSIFICATION

Jellinek has classified the government in to two broad categories namely monarchy and republic. He divides the monarchy into two categories. 1. Hereditary and elective. Under hereditary monarchy, he gives absolute power to the ruler. Under elective monarchy, the power of the ruler is limited. He divides the republican form of government into three remedy 1.Democratic 2.Aristocratic and 3.Oliganchical. He again divides the democratic into two namely direct and indirect. Jellinek classification of government is presented by means of a tabular illustration.

5.8 CLASSIFICATION OF GOVERNMENT BY C.F. STRONG

Prof. C.F. Strong is another important writer of the present century who offers his own classification. He suggests five heads under which modem constitutional states may be divided. First, he refers nature of the state. On this basis, there may be unitary and federal governments. Second, there is the basis of the nature of the constitution itself whereby two varieties may be earmarked as flexible and rigid. Third, there is the basis of the nature of the legislature.

S.No	Grounds Of Division	First Type	Second Type
1.	The Nature Of The State To Which The Constitution Applies	Unitary	Federal Or Quasi-Federal
2.	The Nature Of The Constitution Itself	Flexible (Not Necessarily Unwritten)	Rigid (Not Necessarily Fully Written)
3.	The Nature Of The Legislature	A. Adult Suffrage B. Single-Member Constituency Non-Elective Second Chamber Direct Popular Checks	Qualified Adult Suffrage Multi-Member Constituency Elective Or Partially Elective Second Chamber Absence Of Such Checks
4.	The Nature Of The Executive	Parliamentary	Non-Parliamentary
5.	The Nature Of The Judiciary	Subject To Rule Of Law (In Common Law States)	Under Administrative Law (In Prerogative States)

The electoral system by which the deputies are chosen should be taken into consideration and it tells us about the elective non elective', or partially elective character of the upper and lower chambers and the direct popular checks upon the parliament. Fourth, there is the basis of the nature of the executive that hinges upon the relationship between executive and legislative departments whereby parliamentary and presidential models can be sorted out. Finally, there is the ground of the nature of judiciary that desires us to see whether the executive is subject to the rule of law or administrative law.

5.9   MACLVER'S CLASSIFICATION

Of Four Bases Constitutional, Economic, Communal and Sovereignty Structure: MacIver says, "No specific form of government endures, though there are certain major type forms that have at least a relative permanence." While he agrees that the traditional classification has stood the test of time, as it is based on a primary differential between types of government as found in feudal states, city states, republican states and limited monarchical states. To meet the requirements of the modern times, MacIver, as given in his conspectus, classifies governments on four bases: Constitutional, Economic, Communal, and Sovereignty Structure.

1. Constitutional: On the constitutional basis, governments come under two types as Oligarchic and Democratic

(a) Oligarchy takes different external forms. In dictatorship, theocracy and plural headship, power may actually lie in the hands of oligarchs. The same may be the case with a dictator. Monarchy is hereditary; dictatorship may originate in a coup d'état; and the theocratic ruler is elected by a priestly college or caste. MacIver observes: "of all theocracies that of Judea was the most potent in consequences for the modern world. It differed from most others in its completeness and in its intransigence. Its theocratic spirit subordinated considerations of class and gave an unusual unity to the people as a whole. Dual headship is found in primitive society. Pre-imperial Rome and the medieval city states like Florence are examples of plural headship

(b) Democracy can be under limited or constitutional monarchy as in Britain. It can also exist under a republican constitution like that of the USA or India.

2. Economic Basis: Governments can be divided into four types according to the type of economy followed by them:

(a) In ancient times there was folk economy in the primitive governments.

(b) In the medieval period in Europe, there was the feudal economy, in which the feudal estate or manor was the economic unit.

(c) In the modern times, with the outbreak of the Industrial Revolution during the period 1750-1850, Western countries like England developed a capitalist economy.

(d) As a reaction against capitalism, there arose socialism in the 19th century, and several countries developed a socialist economy.

3. Communal Basis: On a communal basis, there are different types of government:

(a) In very ancient times, government was in the hands of the tribal leader. This was a primitive type of government.

(b) In countries like Greece, city-states were organized.

(c) In several states, monarchy or any other types of government gave peace and order to the people of the whole country. In the modern times, with the rise of nationalism, nation-states emerged.

(d) Under the same government, there can be several nationalities.

(e) World government is yet to be formed.

4. Sovereignty Structure: MacIver speaks of three forms of government, according to sovereignty structure:

(a) Unitary government.

(b) Federal government.

(c) Empire, Colony and Dependency.

LET US SUM UP

It is quite clear that different writers have made their attempts and yet they have not been able to present a scientific or universally acceptable classification. It may be easily admitted that the nature of the problem is such that none has been able to lay down a standard criterion where by political organisations can be distinguished on the basis of their form, spirit or fundamental characteristics. Moreover, Garner rightly advises that both consistency and scientific logic require that such classifications "be placed in their proper category and labelled as classifications of 'governments' and not of states." The second impression that we are occasioned to gather from the study of modem classification of states is that there is a lot of overlapping if we compare the paradigms of different writers. Even the classifications of constitutional states as presented by Strong is no exception despite the fact that while he admits that his paradigm involves the necessity of dealing with each state several times, it is this very fact which "makes this sort of classification the only one in keeping with existing conditions, and that is an advantage which must be considered to override any disadvantages this method of classification may possess.

CHECK YOUR PROGRESS

1. According Stephan Leacock, the broad divisions of the government could be despotic and _____.

2. C.F.Strong suggests _____ heads under which modern constitutional states may be divided.

3. Montesquieu divided government in to three categories _____, _____, _____.

4. Rousseau classified government in to three category _____, _____, _____.

GLOSSARY

Monarchy   :   Rule of King.

Aristocracy   :   Rule of Meritorious Class.

Rigid   :   Unflexible.

Federal   :   Combination of center and state governments.

ANSWER TO CHECK YOUR PROGRESS

1. Democratic.

2. Five.

3. Monarchy, Republic, Despotic Rules.

4. Autocratic, Aristocratic, Democratic.

MODEL QUESTION

1. How is Blunts chili classified government?

2. Explain the four principle distinction of government by Burgess.

3. Discuss the Stephan Leacock classification of government.

4. How is C.F.Strong dividing the modern constitutional states?

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UNIT - 6

DICTATORSHIP

STRUCTURE

OVERVIEW

Failure of democracy often breeds dictatorship. It is a system where the ruler claims absolute authority. Dictatorship generally means the rule of one man. The dictator exercises unlimited power and is not responsible to the people for the exercise of his power. It is different from absolute monarchy in the sense that the dictator is backed either by force or by the support of the people, as the ease may be. Heredity is never considered as a necessary factor for capturing power. This unit elaborately discuss the dictatorship forms of government, causes, types, merits, demerits and their relation with other forms of government.

LEARNING OBJECTIVES

After reading this unit, you will be able to

➢ Know the concept of Dictatorship.

➢ Understand the causes of Growth of Dictatorship.

➢ Explain the merits and demerits of dictatorship.

6.1 INTRODUCTION

Fear is the basis of dictatorship and sometimes it is based on narrow and imperialistic design. No importance is attached to the individual and the attitude of the dictator is marked by an absolute indifference for the principles of liberty, justice and equality. In democracy the legislature is the highest positive agent of government, whereas in dictatorship there is no distinction between the State and the government and the dictator is the embodiment of both. Dictators are generally strong men with exceptional constructive ability. Some of them often possess "a charismatic personality", i.e. A personality which attracts and commands love and obedience of the common people. This unit deals about the dictatorship form of government.

6.2 MEANING AND DEFINITION OF DICTATORSHIP

Neumann says: "We interpret via dictatorship the rule of an individual or a group of people who seize power and monopolise it without constraint in the State." "Dictatorship is the Head of State's takeover of extra-legal authority," according to Ford. "Dictatorship is the rule of a man who has received his position by force or consent, typically via combination of two, not by inheritance but by force or by force. He has total sovereignty to have. Eventually, all political power must come from its desire and its reach must be infinite. It should be practised by decree rather than by legislation more or less frequently. Finally, the absolute rule must not be incongruous."

As a form of government, dictatorship normally comes into existence not by the mandate of the popular will, but means of coup d'etat. Authority of in the hands of a single person who is usually the leader of a party (e.g., Hitler in Germany, Mussolini in Italy) or a military "junta' (e.g., General Franco in Spain and General Mussarraf in Pakistan). The party or the military "junta' seizes political authority in the name of the people, but in fact it represents the interests of a particular class or a number of classes in the society. The authority of the dictator is thus dependent upon the active support of a class.

Hilter did not rule Germany alone by any means, nor did Mussolini Italy. There was a governing class on which they were dependent. Now because the dictator does not derive his power from the consent of the people even if it may be temporarily derived dictatorship maintains itself by means of force against its opponents. Thus dictatorship is the very opposite of democracy.

6.3   CHARACTERISTICS OF DICTATORSHIP

Thus, under dictatorship, a minority clique exercises absolute power over a large majority whom it considers and treats as inferior. To preserve its rule the minority ruthlessly applies the violent and coercive methods of the "police state". Secondly, under dictatorship the authority is vested in the dictator who is responsible for, but not responsible to, the many. Thirdly, dictatorship glorifies the state and declares that whatever the dictator does is for the welfare of the society. Hence criticism and disagreement are treason. Dictatorship thus identifies the state with government. Fourthly, dictatorship treats the masses with contempt and exalts the value of leadership and imposes the party on the nation.

In Italy and Germany under Mussolini and Hitler the dictatorship of the party over the people was as complete as the pre-eminence within the party of the Duce or Fuehrer. "Believe, Obey, Fight", was the motto prescribed for the countrymen. Thus the party in a dictatorship is the master and not the servant of the state. Finally, in a dictatorship government is not only absolute in its exercise of power but unlimited in its application. Nothing lies outside its province. Every interest and value-economic, moral and cultural is to be controlled and utilized by government.

6.4   DICTATORSHIP-TRADITIONAL - MODERN

The type of dictatorship which was prevalent in ancient Rome was basically different from its modern form. In Rome the' dictatorship was a temporary political measure to tide over an emergency. It was never considered to be a permanent political phenomenon. When the emergency passed off, the dictator had to give up the seat of power. Again, the Roman dictatorship did never mean a break from legality. It was a constitutionally approved political authority. As MacIver writes, "The Roman dictatorship was a constitutional device under which the constitution was suspended during a grave crisis of the State." But the existence of absolute monarchy in the Ancient and Medieval Ages was different from the Roman dictatorship.

In contrast, modern dictatorship is an extra-constitutional development, and it involves a sharp break from legality and tradition. It is the product of force. It originates and continues through force. Again, modern dictatorship tries to make dictatorship permanent in nature. It is generally based on the active support of "an associated class."

We may divide modern dictatorship into three different kinds, namely, military, fascist and communist. A military dictatorship comes into existence when an army general captures politi-cal power through armed forces and also rules with their help. The capture of the political power of France by Napoleon and that of Spain by General Franco are burning examples of military dictatorship. Fascist dictatorship was started by Mussolini in Italy and Nazi dictatorship started by Hitler in Germany who believed in one race, one nation, one State and one leader. The aim of the communist dictatorship that is found in Russia and China is to establish a classless society and to provide equal opportunities for all. In Russia and China opposition is not allowed and any deviation from general policy is strongly dealt with.

6.5   CAUSES OF THE GROWTH OF DICTATORSHIP

To avenge the National humiliation: After the First "World War, the Treaty of Versailles inflicted humiliation on Germany. Heavy reparation charges and war damages were laid down which was harsh and taken to weaken Germany. Hitler rose to power to take revenge on this.

Failure of democracy: Failure of democracy breeds dictatorship. The rise of multiparty system, the greed of politicians and the inefficiency and indifference of the administration are the basic causes to kill democracy. Dictator rises often in a collapsing democracy as its saviour.

Rise of extraordinary person: During the period of emergency people look for a saviour. To rouse a desperate multitude, comes a gifted leader known for his ability or merit. Such lenders capture power with much jubilation. Hitler and Mussolini arc such examples.

Evils of poverty and exploitation: Capitalism is a system. It exploits labourers, consumers, shareholders, weaker section, etc. Hence revolution broke out first in Russia in 1917 to overthrow capitalism, China became communist in 1917. Democracy may not succeed in extremely poor countries.

6.6   TYPES OF DICTATORSHIP

Modern dictatorships are generally classified into two broad categories:

1. Dictatorship of the Right.

2. Dictatorship of the Left.

The "dictatorship of the right" is consevative and reactionary. It is established by the wealthy ruling classes when they become unable to solve by democratic means the economic and social crisis that threaten their property interests. Mussolini's Italy, Hitler's Germany, Franco's Spain, Salazar's Portugal, Mussarraf's Pakistan are a few examples of such dictatorship. It may be of two types : military dictatorship and fascist dictatorship.

The "dictatorship of the left" is progressive, radical and revolutionary because it aims, at the elimination of the privileges of a certain sections of society, undertakes measures for rapid social change and progress. The dictatorship of the left may also be of two kinds : proletarian or communist dictatorship (as in the former Soviet Union, People's Republic of China, Cuba, North Korea).

Hence modern dictatorships may be classified into three types :

1. Fascist dictatorship

2. Proletarian or Communist dictatorship and

3. Military dictatorship.

6.6.1 FASCIST DICTATORSHIP

It may be defined as a government system with strong centralised power, permitting no opposition or criticism, controlling all affairs of the nation, emphasizing on aggressive nationalism and anti-communism. The governmental systems under the Nazis in Germany, the Falangists in Spain, the Kuomintang Party in China, the Peronists in Argentina, the Vergas regime in Brazil, the Military Party in Japan-all were fascist dictatorships.

The principal characteristics of fascist dictatorship are:

1. There is an official ideology which calls the state absolute, omnipotent and infallible. Society and individuals composing it can have no life outside the state. Hence the fascist dictum: "Everything for the state, nothing outside the state".

2. The political power is the monopoly of one party which is composed of a class of persons who, it is believed, possess the

special talents and normal attributes necessary to govern the state. At the head of this 'elite' class stands the Leader (Hitler in the German Nazi Party and Mussolini in Italian Fascist Party). Everything is done in the name of the Leader; the Leader is responsible for all, but responsible to none, for he personifies the state itself.

3. Party organisation is hierarchical and militaristic. All policy decisions are taken and directives issued, at the top by a small group of leaders.

4. Fascist dictatorship means the destruction and intolerance of democratic institutions. It suppresses, first and foremost, the Communist and Socialist Parties and then other liberal-democratic parties.

5. The government exercises control in the industrial field by persons appointed by the government, which means the party; and such persons are closer to big capitalists than to labour.

6. The government not only monopolises the mass media but exercises stringent control in education, scholarship and art.

7. Fascist dictatorship is based on brute naked force; it seeks to maintain itself by reign of terror. It rejects the principles of equality, liberty and fraternity.

6.6.2 PROLETARIAN OR COMMUNIST DICTATORSHIP

Proletarian dictatorship existed in the former Soviet Union, the first country to construct a socialist economy. It now exists in other socialist countries such as People's Republic of China, North Korea and Cuba. The constitution of the People's Republic of China proclaims the Chinese State as a state of the democratic dictatorship of the proletariat led by the working class in alliance with the peasants. It is through the communist parties of these countries that the working class exercises its dictatorship. This is why the political regimes of communist countries are also called communist dictatorship.

Proletarian dictatorships have been established in several countries as a result of the successful socialist revolutions. It is, according to Marxism, the rule of the working class which, together with all other working people, destroys capitalism and builds a new society, communism without classes and free from exploitation of man by man.

The dictatorship of the proletariat thus aims at the complete transformation of capitalism and building a classless communist society. The basic characteristic features of proletarian dictatorship are as follows:

1. There is an official doctrine called Marxism-Leninism, which is the guiding ideology of the government. The ideology purports to explain and integrate all facets of human life. It holds out the promise of a perfect free society.

2. Political power is the monopoly of one party, the communist party. The party is regarded as the leader, the vanguard of the working class and it is the party which exercises dictatorship of the proletariat. It is hardly impossible to distinguish between the party and the government.

3. Party organisation is quasi-military. All policy decisions are taken and directives issued at the top by a small group of party leaders.

4. There are representative organs of government and a system of universal adult franchise is in vogue. Elections are periodically held but these are without choice.

5. The state owns the principal means of production of society and directs the whole economy in the interests of all. There is no capitalist class, no landed aristocracy. No class distinctions exist so far as the ownership of the means of production is concerned.

6. Voluntary associations like trade unions, youth organisations, etc. have the right and opportunities to influence government decisions. The government gives careful consideration to the democratic participation of the mass organisations in the decision-making process at all levels.

7. Various economic (e.g. right to work and leisure), social and political rights are guaranteed by the constitution of the country and these are effectively secured by the socialist economy system.

8. The state has the monopoly of mass media.

6.6.3   MILITARY DICTATORSHIP

A military dictatorship may be defined as a form of government when the military 'junta' seizes political power by means of a coup d'etat. After the Second World War several military regimes were established in many countries of the Third World and there exist some military regimes. Strictly speaking, in a military dictatorship a group of army leaders take over the functions of government in the name of the armed forces and

then rule coercively through their support without a popular mandate. The political and near political organisations are suppressed. The military leaders for legitimization of their rule may appoint a civilian government to carry out their orders. They may even seek legitimacy by popular plebiscite or by the recognition of some captive assembly.

From the point of view of political tendency of the regime and the role it plays, the military dictatorship may be classified into 'left' or 'progressive' and 'right' or 'reactionary'. The army rule in Egypt under Colonel Nasser, for example, embarked on a radical reorganisation of the economy, and hence may be described on a radical reorganisation of the economy, and hence may be described as 'left' or 'progressive'. Likewise, 'left' military dictatorships exist in Ethiopia and Nigeria. In contrast, military dictatorships in Pakistan and Chile, for example, might be called 'reactionary' or 'right' because they did not seek to bring about a fundamental structural alteration of society.

6.7   DEMOCRACY AND DICTATORSHIP

The conflict between democracy and dictatorship as rival forms of government is a great controversial issue to-day in both theoretical and practical politics. Dictatorship is often held to have distinct advantages over democracy. In the first place, dictatorship, as compared with democracy, provides a competent and stable government. A democratic government suffers from indecision, feebleness, and instability. Popular representatives respond readily to the fleeting demands of the masses and thus cannot serve the people wisely. Their actions are determined not by what the country needs but by what will please the greater number of their supporters. Dictatorship is free from this weakness of democracy.

A dictator can take a decision quickly, and govern with firmness and skill which the exigencies of the situation demand. A community under democracy becomes a "discussion shop" and nothing is done; but this is not so under dictatorship. In the second place, it is held, democracy cannot supply that expert knowledge which the problems of a modern community require for their solutions. The masses are ignorant and inert, they are neither able to govern the masses nor capable to elect persons possessing expert knowledge People are deceived to elect demagogues and charlatans. Democratic government thus tends to become bad and inefficient. Dictatorship is free from these disadvantages and hence provides efficient government.

In the third place, dictatorship is supposed to be preferable to democracy because the benevolent dictator shall look after national interests; while under a democracy parties look after their own interests and become tools of the dominant economic groups in society. These advantages of dictatorship over democracy, however, are neither supported by facts nor are they capable of justification. The government of Caesar in Rome, of Napoleon in France, of Hitler in Germany, of Mussolini in Italy had not been more competent, more efficient and less corrupt than modern democratic governments.

A dictatorship being responsible to none is likely to be less competent, less efficient and more corrupt than democracy which provides for public responsibility and accountability. The expert argument also does not stand the test of criticism. The expert argument in favour of dictatorship implies that the expert knows what ought to be done and how to do it, the ordinary man and the legislator whom he elects do not. The implication is not justified by the facts. The experts not only often do not know but also his knowledge is diametrically opposed to that of other experts. And the expert may have the knowledge which the community lacks, but he may acknowledge values which the community does not cherish. The ends which the expert desires to promote are often different from those of the man in the street. Besides, the means that the expert proposes to adopt in order to achieve the ends may be other than those which community wills.

Democracy provides various institutional arrangements to bridge this gap between the expert and the ordinary man. But dictatorship does make no such provision. To govern a state efficiently is not enough. The efficiency must be such as is compatible with the welfare of the people, the laws must be such as people are willing to obey. Dictatorship is not justified on this score. Democracy does not deny the necessity of leadership, but it does not place leadership 'above the people. Leaders in a democracy are chosen, accepted, and followed.

Moreover, dictatorship suffers from certain inherent weaknesses. Firstly, dictatorship by denying freedom of thought and expression to the people kills the spirit and deadens the mind. Democracy, on the contrary, gives full scope to the free play of individual personality and thus elevates the character and political intelligence of the masses.

Secondly, in a dictatorship people lose all interest in the affairs of the state because they have no voice in the government; they perform their public duties indifferently or not at all. Under democracy, on the other hand, every politically minded citizen may expect, through his freedom of

criticism and association, to influence, in however small a degree, governmental policies.

Thirdly, a dictator being responsible to none is more likely to do injustice to the people, more likely to commit serious errors. A democratic government provides effective remedy against governmental injustice and wrongs. The right of the people to make or unmake the government in a democracy tends to make it look after the interests of the people as a whole.

DEMOCRACY	DICTATORSHIP
Here force is condemned and it is based on liberty.	It is based on force and the people. Enjoy no liberty.
The government is based on popular sovereignty.	The people have no share in the formation of government.
The State is not much power.	The State is absolute and all activities are to glorify the State.
It stands for mutual understanding, co-operation and tolerance.	It does not stand for co-operation and tolerance.
The right of self-government is asserted here.	There is no right of self-government for the people.
The government tries to get maximum public opinion in its favour.	It does not bother to know public, opinion.
It is against tyranny and fights against concentration of power.	It is based on tyranny and believes in concentration of power.
Changes take place by peaceful means.	Changes are made only with the use of force.
It believes in majority rule and existence of opposition parties.	It believes in one man or one class or one party rule and it does not allow opposition.

Finally, dictatorship thrives on the atmosphere of fear, violence, and terror. War is such an atmosphere. A dictatorship is, therefore, driven to make war whether it wants it or not. In the atmosphere of war people become easily the prey of false patriotic emotions and the dupes of propaganda. They readily surrender their liberties to their self-styled protector.

6.8   TOTALITARIANISM OR AUTHORITARIANISM

Totalitarianism or authoritarianism is another name used to describe modern dictatorship. An authoritarian political system is "characterised by the possession of supreme authority either by one person or by a minority group in no way accountable to the people over whom control is exercised." Dictatorship in modern age is totalitarian. Italy under Mussolini, Germany under Hitler, Soviet Russia under Lenin and Stalin and China under Mao Testing are totalitarian States. In these States, the individual's personality is not respected and nil aspects of his life are brought under. State control a totalitarian policy is characterised by the exercise of strict supervision and control "over human thought and action for the purpose of establishing an all-embracing and exclusive way of life or social order that is asserted to be ideal." As Rouse and others feel that here the State "extends as influence over the whole of public and private life and exacts the full .submission of everyone to" its dictators." Neumann mentions five essential factors of totalitarian State

1.   Transition from the rule of law to an omnipotent State.

2.   Transition from the diffusion of power to the concentration of power.

3.   Existence of a monopolistic State party.

4.   Transition from pluralist to totalitarian social controls and

5.   Reliance upon terror or fear.

A distinction is often made between dictatorship of the Right and dictatorship of the Left. Mussolini and Hitler established dictatorship of the Right. But in the U.S.S.R. exists a dictatorship of the Left. The former implies the dictatorship of capitalist and the latter is the dictatorship of the proletariat, which is a transitional phase between the destruction of the capitalist society and the emergence of the true communistic society.

Both these types of dictatorship are fundamentally opposed to one another in their ideology, but they generally operate on the same principles. Their common feature is that both rule by a single group and do not tolerate the opposition. Both are the totalitarian revolts against democracy in the first half of the twentieth century.

6.9   MERITS OF DICTATORSHIP

The following are some of the merits of dictatorship:

1.   Dictatorship is based on the conception of a strong and stable government. There is no frequent change of government in a dictatorship. In a democracy instability of government is a permanent disease. But in dictatorship the dictate rules for his life. He may follow long term plans and policies.

2.   Under dictatorship the government is more efficient. One man captures all the powers of government and administration is kept above selfishness and favouritism. No rift is possible under it. The internal quarrels are less in dictatorship. The administration is simple and less costly.

3.   Dictatorship brings strong and efficient men to power. Incompetent men are not allowed to thrive under this system. The choicest men rule with efficiency and honesty.

4.   Dictatorship is suitable for emergency. It can deal with war and emergency more efficiently. History shows that during critical periods, dictators have come. Dictators were regarded as the "saviours" of the nations. They managed the administration well and saved the country, from critical conditions. Prompt action can be taken in dictatorship.

5.   Lastly, rapid progress and development can be possible under dictatorship. Selfishness and favouritism arc checked to a considerable extent in dictatorship. Heavy penalties are imposed for corrupt practices. Thus, corruption is less in dictatorship. Because of fear, people do not dare to adopt corrupt prac-tices. Social interests also receive greater attention in, dictator-ship. Rapid development "can take place in this form of government. It is said that what dictatorship can achieve within a decade, democracy may take a century. The tremendous economic progress in Russia during last few decades tolls the truth behind dictatorship.

6.10   DEMERITS OF DICTATORSHIP

Dictatorship has many demerits. It is condemned as a bad form of government. The following are some of the defect of dictatorship:

1. Dictatorship is breeding, ground of tyranny. The whims and caprices of the dictator prevail it is not responsible to the people. He becomes corrupt and ultimately utilises his power" in wrong ways.

2. History will show ample examples how dictators believe in whimsical manner. Under dictatorship people are oppressed. Because of the fear of force they cannot express their opinion. Fear and force are the basis of dictatorship.

3. Dictatorship does not recognise the rights and liberties of the people. It has no faith in individual. Dignity of man is not accepted in this system. People behave like dumb-driven cattle. There is too much control and regimentation of individual life. It denies all kinds of freedom to the people.

4. Dictatorship is not a popular form of government. There is no possibility of development of self-government in this system. Self-government has its own virtues. It is said that a good government is no substitute for self-government. Even if dictatorship may be good and efficient, it cannot substitute self-government. No government can be permanent which is not based on the will of the people. This is why dictatorship cannot be a permanent feature.

LET US SUM UP

Dictatorship is anti-people and anti-social. Force is used to the maximum extent in dictatorship. It brings an irresponsible form of government. Dictatorships result-in tyranny. Hitler in Germany was considered to be the saviour of the Nation in the beginning. But ultimately he led the country and the whole world into destruction. Thus dictatorship is a bad form of government. It is a negation of democracy and as such it decreases all democratic virtues.

CHECK YOUR PROGRESS

1.   Dictatorship in modern age is totalitarian as Italy under _____.

2.   _____ in Germany was considered to be the saviour of the nation in the beginning.

3.   According to ford, "dictatorship is the assumption of extra-legal _____ by the head of the state".

4.   Modern dictatorship is classified into _____ broad categories.

GLOSSARY

Dictatorship   :   Rule of absolute Authority by one man.

Tenure   :   Period year

Fear   :   Afraid

ANSWER TO CHECK YOUR PROGRESS

1.   Mussolini

2.   Hitler

3.   Authority

4.   Two

MODEL QUESTION

1.   Define Dictatorship.

2.   Explain the differences between the Democracy and Dictatorship.

SUGGESTED READINGS

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Block III

Forms of Government - II

UNIT - 7

<div align="center">

UNITARY FORM OF GOVERNMENT

</div>

STRUCTURE

OVERVIEW

A government may be characterised as unitary or federal on the basis of concentration or dispersion of powers. A government is considered to be unitary when all powers of the Central Government are vested in the constitution of the State. Dr. Finer describes uniting government as "one where all power and authority is placed in one centre and its agents are legally all-powerful across the region". This unit deals with the unitary forms of government with merits and demerits.

LEARNING OBJECTIVES

After reading this unit, you will be able to

➢   Know the unitary form of government.

➢   Understand the merits and demerits of unitary form of government.

➢   Explain the various features of unitary form of government.

7.1 INTRODUCTION

Government is an agency of the State through which the government function. There are various forms of government and they are democratic, dictatorship, Authoritarian, totalitarian and fascist. Aristotle has given his own classification regarding the form of government. Modern writers like Burgers, Marxist, Stephen zeacock, Jellineck, C.F.Strong and MacIver have given their own classifications of government. Government it also classified based on the distribution of powers between the central and federating unit. This unit tries to explain the unitary form of government.

7.2 MEANING AND DEFINITION OF UNITARY FORM OF GOVERNMENT

According to Professor Dicey, there is "a common exercise of ultimate legislative power by a central power under the unitary government. Such a structure does not differ from federal government and administrative units are not established. On the other hand, even the small .stand of Great Britain with a unitary government does not differ from a federal one on the ground that there are no administrative sub-divisions. On the other hand, even the small Island of Great Britain with a unitary government has been divided monumerous divisions and sub-divisions. France Italy, Japan, Afghanistan, Iran, Holland, New Zealand etc. have unitary form of government. These are briefly described below.

7.3 FEATURES OF UNITARY GOVERNMENT

Firstly, in a State with a unitary system of government, there exists a single government created by the constitution. It is organised under a single central government. Unlike a federal system, there is no division or allocation of powers between the regional and central governments on the basis of constitution. All governmental powers are enjoyed by the central government, which may delegate it to the local government, without amending the constitutional provisions. Great Britain has a unitary form of government. Local or regional governments enjoy only the delegated powers of the British Parliament.

Secondly, a unitary State is divided into smaller area, for the sake of administrative convenience. But these smaller units are different from the units of a federation. States of the U.S.A. Federation, for instance, have been created by the U.S.A. These units of a federation cannot be abolished without effecting a constitutional amendment.

On the other hand, the British Parliament can abolish by an ordinary law of the countries and boroughs, and create more by a similar process. So the administrative divisions in a unitary state owe their origin and continuance to central government. England is a classic home of the unitary form of government.

7.4 MERITS OF UNITARY GOVERNMENT

1. It is contended that as there is no rigid division of powers in a unitary government, it is a flexible system. For the central government can delegate the powers to local and regional government according to the situation constitutional amendment. Local government's wide powers delegated by the British Parliament. Similarly, whenever the contingency demands, these powers can be enhanced or reduced.

2. Further, the administrative structure of a unitary government is simple and inexpensive. Unlike a federal system there are no complications or diversities in governmental organisation.

3. It is further contended that a unitary government checks fissiparous or centrifugal tendencies. Unitary government in course of its working unites the people as well. Hence it is said to be the best form of government for a small country with a homogeneous population.

4. A unitary government is relatively powerful in war and foreign relations. It is because war in particular requires unified attempts and prompts decision of the entire nation, which is possible in a unitary system.

7.5 DEMERITS OF UNITARY GOVERNMENT

1. A major criticism of unitary governments is that local interests are not properly looked after in the absence of a system of strong local government. A central government located in a distant place becomes the final authority on local matters.

2. This results in suppression of local initiative: People managing the local governments often find that they cannot take any initiative without the approval of the central government.

3. In a unitary system the central government becomes overburdened with work. This results in red-tapism, delay and corruption in the administrative machinery. It lacks dynamic outlook a vigour because of rigidity and excessive work.

4. Often the central authorities are unable to appreciate the local problems of a provincial government due to lack of first-hand knowledge.

5. A unitary system of government is not suitable for vast States like India, China or the U.S.S.R.

6. Similarly a country with cultural, linguistic and religious diversities is not suitable for unitary government. It is because regional minorities will demand autonomy in their local affairs.

In a country in which the whole country has just one administration, this type of government, which is termed an administrative unitary form of government, local units may be established. The best example for the unitary government is Great Britain. It is flexible, simple and inexpensive and is relatively powerful in war and foreign relations. It is burdened with work. It is not suitable for vast countries like India China and USSR.

LET US SUM UP

From these observations we should not conclude that in all unitary Status local affairs are neglected. England with a unitary system has the most vigorous pattern of local government. A centralized government is one in which the central government, instead of making use of agencies to which large powers of discretion are granted, attempts itself directly to administer local affairs.

CHECK YOUR PROGRESS

1. The unitary government is one where there is habitual exercise of supreme legislative authority by _____ central power.

2. _____classic home of unitary form of government.

3. A unitary system of government is not suitable for vast countries like_____, _____ and _____.

GLOSSARY

Unitary   :   Centralised Government.

Constitution   :   Law of the Land.

ANSWER TO CHECK YOUR PROGRESS

1. One.

2. England.

3. India, China and the U.S.S.R.

MODEL QUESTION

1.   Explain the Features of Unitary Government.

2.   What are the merits and demerits of unitary government?

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UNIT - 8

FEDERAL FORM OF GOVERNMENT

STRUCTURE

OVERVIEW

The federal government's idea is modern. His idea and his current practise are no more ancient than 1787, the year in which the American Federation was founded. The Latin word "foedus," meaning the Treaty or agreement, derives etymologically from the phrase 'federation.' The units accept to become a union without sacrificing their uniqueness in this system of government. In this arrangement "regime powers for the whole nation and governments for sections of the country are separated such that each government is legally autonomous in its own domain," according to Wheare. In this unit , we will discuss about the federal form of government, its features, merits and demerits.

LEARNING OBJECTIVES

After reading this unit, you will be able to

➢   Understand the merits and demerits of federation

➢   To know about the pre-requisite of a federal government

➢   To understand the distinction between federation and confederation.

8.1 INTRODUCTION

The globe is governed by two separate types of government, one unitary and one federal. In a unitary system of government, just one government will be in place for the entire nation and may not be state governments, but local administrations will be present to look at local people's issues. In a federal form of government, there will be one central government for the whole nation and there may be number of state governments. The constitution clearly delineated the powers between the central government and the state governments. The best example of the federal governments is the government of USA. This unit tries to explain the federal form of government.

8.2 MEANING AND DEFINITION OF FEDERAL FORM OF GOVERNMENT

According to the classic version of A. V. Dicey, federalism is a form of government which permits national unification without the loss of separate identity by the subnational units or groups that constitute the larger whole. "A federation", says the American political scientist Carl J.Friedrich, "is a union of group selves, united by one or more common objectives but retaining their distinctive group being for other purposes. It unites without destroying themselves that are uniting, and is meant to strengthen them in their group relations. It organises co-operation.' Extending this definition, another scholar D. J. Elzar says that "federalism can exist only where there is considerable tolerance of diversity and willingness to take political action through conciliation even when the power to act unilaterally is available. The usual prerequisite to action in federal systems is the ability to build consensus rather than the power to threaten coercion."

A federal system may be defined as one in which governmental power is divided by constitution between one general or national or feudal government, on the one hand, and individual regional or state governments on the other, in such a way that each level is: autonomous in its assigned area and neither can change the division of powers unilaterally. The federal scheme, in one form or another, can be traced back to the permanent leagues of Greek city-states in antiquity and to the Dutch Confederacy of the seventeenth century.

It remerged with renewed vigour in the United States Constitution of 1787, but in a more centralised form. How best to distribute powers between the national government and the states composing it was the most crucial issue faced by the framers of the United States Constitution. Their approach to federation was that "unity and diversity"

could coexist in a framework that might optimise both values. Accordingly, the US Constitution was designed to bring about a headed by strong national government acting directly on the people. This new form of federation has found many imitators and admirers.

Assumptions and Characteristics: The basic assumptions and characteristics, of the federal scheme may be summarised as follows:

1. Federalism assumes that there can coexist within a nation-state several levels of government, including the local level, wherein each level enjoys more or less autonomy in making and executing public policies: This is true irrespective of whether the subnational units are created from above (e.g., Indian Union) or are themselves the creators of the national federal government (e.g., the United States and former Soviet Union).

2. These levels of government coexist on a territorial basis and powers are distributed among them on a territorial basis.

3. The territorial boundaries of the constituent units of a federal system may not be changed without the consent of the latter.

4. Powers distributed to and exercised by each level of government need not be considered mutually exclusive or even neatly separated. However, there must exist institutionalised procedures-like amending processes or review by the courts-to resolve serious disputes and clarify ambiguities.

5. Secession must be made extremely difficult in theory and unlikely or impossible in practice.

6. The federal scheme is not a static divisison of powers between the federal government and regional governments. It is a process whereby the national government and regional governments can work in a complementary way to adapt to changing needs and opportunities, strains and demands as they arise.

Factors Promoting Federalism: The adoption of a federal scheme in preference to unitary by a particular country is not a matter of free choice. The principle of federalism is accepted by a country because there are forces which operate to limit the amount of power located at the nation's "centre. A country must adopt the federal scheme if the society is of composite nature. Many federations have been created from states that have previously led separate lives for many years. The people of these separate states have a sense of identity and a feeling of community that continues to exist even after they have formed a federal

state. Their identity as distinct groups is preserved to some extent even though by creating a federal union they have developed a new national sense of identity and a new national feeling. In many federal countries (e.g., India, Switzerland, Canada and Nigeria), such groups may even be distinct nationalities of different languages and customs. Soviet and Yugoslav federalism also can be traced to the many nationalities that make up these countries. The sense of regional identity often arises from a colonial past; for example, several colonies or settlements in America were held together by ties to a common motherland, Great Britain.

On the other hand, hostility to or fear of common enemy and the need for common defence may produce the desire among states to unite in a federation. The desire for economic expansion and development may also be a motivating factor. The formation of the American Federal Union by thirteen independent states in 1787 was the time of industrial and commercial growth, the time of searching for common market free from tariff barriers between the states, the time of canal and railroad construction that unified the larger community and facilitated commerce. All these activities developed a national consciousness.

Furthermore, when large units gain their independence from colonial rule, federalism may be the only way to prevent their disintegration into non-viable linguistic or similar fragments. India, having a large number of linguistic groups, could have retained her unity only by yielding to their demands for separate divisions.

Types of Federal Systems: Though there exists similarity in the basic pattern of all federal countries, there are certain distinctive features which tend to make a difference between them. On the basis of such differences three major types of federalism may be distinguished. These are.

1. The Anglo-American pattern

2. The German and Swiss pattern and

3. Soviet federalism.

The principal difference between these lies in the basic concept of the nature of the partnership between the national and regional governments.

Anglo American pattern: The Anglo-American pattern of federation prevails in the United States, Canada and Australia. Its distinguishing feature is the attempt at complete separation of the federal government

from the governments of the member states or provinces (Canada) so that the two levels of government are coordinate rather than dependent upon one another. This criterion is regarded by Professor K. C. Wheare as essential of all truly federal governments. It is true that the design of American, Canadian and Australian federations are different in several respects, but all of them have in common the idea that each level of government should have fairly complete jurisdiction in its legislative, administrative, financial and judicial fields, and its governmental organs are independent of those of the other level of government.

German and Swiss pattern: The German type of federalism, by contrast, is founded on the principle of intimate interrelation and mutual dependence between the two levels of government. The German type of federalism has three characteristic features which distinguish it from the Anglo-American pattern. These are:

a) The constitution has divided the legislative powers between the federal government and the Laender (states) is such a way that the latter have legislative authority on only a few subjects, such as education and local government.

b) While the federal government is chiefly responsible for the conduct of foreign affairs and defence, most federal laws are administered and adjudicated by state authorities.

c) The federal government possesses certain special powers that are more typical of the national governments of unitary states. Such powers, for example, are the right of the federal government to supervise and investigate the administration of federal laws by the states, the power to regulate the selection and training of all civil servants and judges. Swiss federalism resembles the German pattern in the distribution of legislative and administrative powers.

Soviet federalism: The former USSR represented another federal system. It was a union of nationalities on several levels, with the rights of political and cultural autonomy granted to each nationality. Each of the varying subtypes of government making up the Soviet Union was granted different kinds and degrees of power and authority.

However, the complete monopoly of power of the Communist Party of the Soviet Union and the logic of central economic planning deprived the members of the Soviet federation of the will and capacity to use its autonomous powers granted to them by the Soviet Constitution. In practice, the Soviet federalism presented a framework which seems more united than other federal states.

Unitarism: About six-seventh of the nation-states have opted for unitarism as the methodof dealing with subnational territorial units e.g., France and Great Britainand PRC.In theory, unitarism means the following things:

1. All government power and authority is located at the national centre. The sub national governments and political entities which may exist do not exercise any political power independently of the central authority.

2. The units of government below the national level enjoy such powers and authority as are delegated to them by the centre. Hence the central government may also withdraw such authority.

3. The boundaries of the political units below the national level may be changed or even abolished by the central government at its will.

4. The authority of the central government in policy-making and administration throughout the country is supreme. The local governments are mere agents of the centre for the purposes of local administration.

Federal and unitary systems comparison:

A unitary government differs from a federation in the following respects:

1. In a federation there are two sets of governments : one at the centre and the other in the regions; India, for example. In a unitary government, on the other hand, there is one integrated system of government; Great Britain, for example.

2. In a unitary system the constitution of the state confers all governmental powers upon the central government, which may create regional governments and delegate to them such powers as it sees fit. In a federation, on the other hand, the constitution of the state distributes the powers of government between the national or central government and regional governments.

3. It follows from above that in a federation both central and regional governments derive their powers from the constitution; whereas in a unitary system the regional governments are created by and derive powers from the central government.

4. It follows from (2) that under the federal system neither the central government nor the regional government can change the power of the other or legally interfere with the exercise of the powers that belong to it. In a unitary state, on the other hand, the regional

governments are merely agents of enlarged or contracted by the central government at its will.

5. A unitary government is highly centralised, as all decisions come from the centre. In a federation there is much decentralisation, the units enjoy autonomy regarding the subjects under them.

8.3 MERITS AND DEMERITS OF FEDERAL GOVERNMENT

The following are the merits of Federal Government

1. One of the chief merits of a federation is that it provides the means by which small states may unite themselves into a more powerful state and thus enjoy the benefits, internal and external, which flow from union.

2. A federal system affords a means for satisfying the demands of local or national particularism, and at the same time, for obtaining unity of political action between peoples allied by economic, historical, or other interests. "It thus combines the advantages of national unity with those of local autonomy and the right of self-government."

3. It is the only political system which makes possible a uniform law, policy, and administration throughout the whole country, regarding those matters which require uniform treatment, and at the same time makes possible diversity in conformity with the varying conditions which exist in different parts of the country. A federation is thus particularly suited to states of vast area and diversity of conditions, or to states whose populations are divided by geographical, racial, or other barriers, and who will be willing to live under a common government only when they are allowed a certain degree of local autonomy.

4. As Bryce pointed out, this form of government allows such experiments in local legislative and administrative fields as might be dangerous if applied to the whole country.

5. As the people of each member state enjoy large measure of self-government, their interest in public affairs is stimulated. A federal system thus provides schools of political education.

6. The federal system ensures administrative efficiency because both the central and regional governments operate within delimited areas and the central government is not over-burdened as it happens in case of a unitary government.

7. The federal system limits and restrains the sovereign power by dividing it. "Federalism provides an effective means of providing

deconcentration of authority since it establishes constitutional arrangements allocating power to the national as well as to the regional governments." One of the important functions of the constitutional jurisdiction of the courts in countries like the United States, Canada, Australia and Switzerland, where a federal division of power exists, is to watch over the delimitation of powers of both the central government and the component units, and to afford protection to their continued existence and spheres of action whenever a relevant case raises the issue.

DEMERITS:

Like all other systems, a federal government has also certain inherent weaknesses.

1. A federal government means weak government, for powers are distributed between the centre and the regions. Such division of powers leads to conflicts, as the working of the United States federation makes it clear, between the centre and the regions or among the regional governments themselves over the question of their respective jurisdiction and rights. It also leads to a diversity of legislation in respect to matters concerning which the general interest of the country may require uniform legislation. The weakness of a federation is particularly noticeable in the conduct of foreign affairs. The experience of the United States shows that the powers of the individual members of the federal union over the rights of person and property may well be a hindrance to the enforcement of treaty obligations by the national government.

2. Rigidity of the constitution may hinder national progress. The enumeration of powers made in the constitution at the time of formation of the federation will ultimately cease to be in harmony with the changed conditions. A re-allocation of powers then becomes necessary. But this cannot be done without constitutional amendment which requires the consent of the majority of the regional legislatures. But they may be naturally unwilling to consent to such amendments which are likely to affect their own powers.

3. Another source of weakness of a federation lies in that a citizen's allegiance is divided, in law or in practice, between the centre and the region to which he belongs. This divided allegiance in a federation may ultimately lead to secessionist movements or rebellions,

4. A federal government is more expensive and complicated than a unitary government. This results from the duplication of governmental machinery and division of powers.

8.4 FEDERAL FORM OF GOVERNMENT

It is defined by Dicey as "a political arrogance to combine national unity and power with the preservation of State rights." Birch states that "A federal government system is a system in which power shares exist between one general and many Regional Authorities and each of which, in its own field, works directly with each other, through its own administrative agencies,"

FORMATION OF A FEDERATION:

Before discussing the features of a federal government, it becomes necessary to know the factors that motivate the formation of federal States. Among the impulses that give birth to a federal polity, military and economic causes have primacy over other reasons. Just as an individual unites with his fellow-beings to protect himself from wild animals or human miscreants, so also the smaller States, in order to maintain their independence from an aggressive neighbour, unite with other State or States in a federal system. Similarly, economic reasons also impel small and underdeveloped States to unite in a federal union. Apart from these utilitarian motives, the birth of a federal government can be attributed to the role of nationalism and leadership. Nationalism was a powerful psychological force which, coupled with the imposing leadership of Bismark, gave birth to the German Federation.

Federal unions may be formed in two ways. A federal State may come into being by a voluntary coalition of a number of sovereign States. An alternative way of forming a federal State is the federation of a unitary State, by a constitutional act, by which its erstwhile provinces are erected into autonomous States enjoying constitutional powers. Thus, the federations come into being as a result of the working of centripetal or centrifugal forces. The U.S.A. Federation was formed by the working of centripetal forces. The 13 States which joined the U.S.A. Federation of 1787, were sovereign prior to that date.

On the other hand, the British Indian Provinces which were provinces of a unitary State, got constitutional autonomy after the promulgation of the new Constitution of India in 1950 which federalized the unitary British India. Thus centrifugal forces led to the formation of the Indian Federation. A study of the federal government reveals certain

characteristic features of the federal system. These distinguishing features of federal are briefly described below.

FEATURES OF FEDERATION:

Co-existence of two governments: In a federal system, the territory of the entire State is divided into a number of autonomous units. Each of these units is known as State or province, and has regional government. According to Dicey, the units of a federation "must desire union and must not desire unity." Thus in a federation we have one State but several regional or State governments besides the central government. In India the regional governments are known as State Governments, in Canada as provincial Governments, and in Switzerland as Cantonal Governments.

Constitutional Division of Powers: This is the most important feature of a federal government. Each of the two sets of governments in a federation has specified powers to exorcise. This allocation of powers between the central government and the various regional governments is done by the constitution itself. Thus, the powers enjoyed by the regional governments are original find not merely the powers delegated by the central government. The general principle underlying the division of powers is that all powers that are of national importance, e.g., defence, foreign affairs, etc., are allotted to the central government, and matters of provincial or local interest like education, health, sanitation, local administration, etc., are assigned to regional governments. Besides, both regional and central governments are allocated independent sources of revenue.

A written and Rigid Constitution: While most of the States in the world today excepting the U.K. have written constitutions, a federal. State is unthinkable without a written constitution. It is because in a federal system there is a division of powers, which must be laid clown in clear and definite terms. The constitution should not only be a written one, it should be rigid as well to ensure that the central or regional governments do not alter the federal characteristics of the State. Further, a federal constitution should be supreme over the laws passed by both the central or regional governments. In case a law passed by both the central and regional governments conflicts with the provision of the constitution, the Jaw In question should be invalid.

Independent Judiciary: Federal government is like a contract or agreement. Consequently the necessity of a common arbiter to decide whether any of the parties is violating law need not be over emphasised. From the above discussions we should not arrive at the conclusion that

all federations in the world conform to the above characteristics. On the other hand, what we observe is wide variation of these features in various federal states.

Pre-Requisites of a Federal Government: The federal form of government, for its successful working, requires certain some pre-requisites. There are factors which are responsible for the formation as well as successful working of a federation.

Firstly, in the precise words of Prof. where the group of federating states, "must desire to be united but not to be unitary". It is a significant point in the working of a federal system. There must be a desire on the part of federating states for notional unity and to be under a single independent government. However at the same time, they must desire to maintain their individuality and autonomous existence. In the opinion of Diecy, there should be "a desire for union rather than unity."

Secondly, racial, cultural, religious and historical factors also play an important role in the birth and continuance of a, federal system. A country where the population is composed of various races, linguistic communities and religious creeds and yet the various parts of the country have to unite in order to preserve their independence and to Advance their economic progress, then the application of federal principle is the only solution to that country.

Thirdly, geographical contiguity of the federating units is another factor promoting federal unions. The federating states of a federation should lie on close proximity to each other in order to ensure political cooperation among the units.

Fourthly, economic incentive facilitates the successful work-ing of a federal system. A federation opens a wider field, a bigger market and greater commercial facilities to each federating unit.

Fifthly, the federating units of a federal state should have similar political institutions. It will not be possible to form a successful federal union. Lastly, the successful working of a federal system calls for an enlightened national leadership. The task of leaders in a federation is to promote national unity. If the leaders are guided by parochial, communal or regional considerations, it will destroy the federal system. Only an enlightened leadership can educate the people to have a balance between regional loyalty and national unity.

Differences between the unitary and federal forms:

UNITARY FORM	FEDERAL FORM
1. There is concentration of powers.	There is division of powers.
2. The constitution may be written or unwritten, rigid or flexible.	There should be an elaborate written constitution and rigid one.
3. There will be only a single set of government and at the centre.	There are dual sets of Government, because each state has its own administrative set-up.
4. There is no necessity for separate and powerful judiciary.	There should be separate judiciary to decide cases between centre and state
5. A single type of laws may work throughout the country.	Each state has its own laws and different types of laws prevail in one country.
6. There is a single government and more chances of national unity.	There are divided loyalties and hence less chances of unity.
7. It is less expensive.	It is more expensive system.
8. Here local needs are ignored.	Here local needs are satisfied.
9. It is overburdened with work which results in delays and in efficiency.	There is division of power which means efficiency in decisions.
10. It is not suited to big countries.	It is suited to big countries.
11. Since there is concentration of powers, is may lead to despotism.	There is division of powers and hence no chances of despotism.

8.5 CONFEDERATION

Confederation is used inter-changeably. Even today the federation of Switzerland is officially styled as Swiss Confederation. However, technically speaking, a confederation is not synonymous with a federation. Today there exists no confederation in the world. A confederation called Maphilindo consisting of Indonesia, Philippines and Malaysia is in the offing. Among the early examples of confederation is the Achaean League formed by Alexander in Greece. In modern times Switzerland was a confederation in the technical sense in 1621. American States from 1781 to 1787 were in non-federal union, after which they formed a federal union. Confederation is not a state, but an association of sovereign states. A one federation may be defined as a union or association of sovereign states for the purpose of promoting or achieving certain specific objects, especially the maintenance of common external security.

FEATURES OF A CONFEDERATION

➤ Firstly confederation is formed by a mutual treaty or agreement signed by sovereign states.

➤ Secondly, it as a central organ through which the member stales expresses their opinions on a variety of subjects.

➤ Thirdly, the member states continue to be sovereign and possess international status. They also possess a legal right to secede from the Union.

➤ Fourthly, a confederation's central organisation does not make statute. It only passes resolutions addressed to members. These resolutions have no ionic of law, unless adopted by the member states and given the force of law.

➤ Lastly, a confederation has no citizens. It is an association of States. Moreover, it does not provide for any executive or judicial branch or organisation.

8.6 DISTINCTION BETWEEN FEDERATION AND CONFEDERATION

a. The most conspicuous distinction between two lies in the fact that while the units of a federation are not sovereign, "the member states of a confederation retain sovereignty even after joining the confederation. A war between the members of a confederation, for the same reason, is called an international war. On the other hand, if a war breaks out between the units of a federation it is a civil war.

b. Right to secession is not permissible in all federations excepting in the U.S.S.K. On the other-hand, the members of a confederation possess the legal right to secede.

c. While the federal or central government of a federation is full-fledged with three branches of government, viz., Executive, Legislature and Judiciary, the central organization of a confederation can at best have legislature.

d. The usual provision in a federation is that the laws made by regional or state governments must be in conformity with federal laws. State laws will be null and void if they conflict with federal laws. But the resolutions of a confederation are not binding on the member states, nor do its laws have uniformity.

e. A federation is a permanent organisation. On the other hand, confederations are merely temporary.

f. Above all, a confederation has no citizens to command their allegiance. On the other hand, a federal government has citizens. A confederation may develop into a permanent federation, as in the cases of the U.S.A. and Switzerland, or it may dissolve and die. Thus, a confederation may be said to be a half-way house to federation.

LET US SUM UP

In actual practice, federal states have not proved so weak as described above. On the other hand, federalism has removed friction, stopped disintegration suppressed jealousies, cheeked wars and created powerful nations out of heterogeneous masses of people. Tendency- towards centralism is now the slogan of federation. Therefore, one may conclude by quoting Mill who says. "Where the conditions exist for the formation of efficient and durable federal union, the multiplication of them is always a benefit to the world."

CHECK YOUR PROGRESS

1. The best example for federal form of government is _____.

2. A war between the members of a confederation, for the same reason, is called a _____ war.

3. On the other hand, if a war breaks out between the units of a federation it is called a _____ war.

4. In Canada, the regional governments are known as provincial Governments and in India as _____ Governments.

GLOSSARY

Federal : Country where it has two.

Confederation : loose organization of levels of government.

ANSWER TO CHECK YOUR PROGRESS

1. U.S.A.

2. International.

3. Civil.

4. State.

MODEL QUESTION

1. Explain Federal form of government.

2. Distinguish between Federation and Confederation.

3. What are the merits and demerits of federal government?

SUGGESTED READINGS

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UNIT - 9

PARLIAMENTARY AND PRESIDENTIAL FORM OF GOVERNMENT

STRUCTURE

OVERVIEW

Political systems have also been classified on the basis of relationship between the executive and the legislative departments. Put in very simple terms, it may be said that if the executive is responsible to the legislature, or that it can live in office only when it enjoys the confidence of the legislature, it is called parliamentary government; on the other hand, if the executive is not immediately accountable to the legislature, or if it is responsible at definitely arranged periods to somebody like the electorate without being subject to removal by parliamentary action, it is known as the presidential government. While the former may be termed as the English model, the latter is the American. It is possible that there may be a curious blending of both (as we find in France) that may be described is quasi-parliamentary or, in a better way, quasi-presidential. In this unit, we will discuss in detail about the parliamentary forms of government, its features, merits and demerits. This unit also covers presidential form of government.

LEARNING OBJECTIVES

After reading this unit, you will be able to

➢   Know the parliamentary form of Government.

➢   Understand the merits and Demerits of Parliamentary form of government.

➢   Explain the features of presidential form of government.

9.1   INTRODUCTION

There are two important forms of government in the world, one is the parliamentary form of government and the other one is Presidential form of government. The birth place of Parliamentary form of government is England or Great Britain and the Parliament of England is called the matter of Parliaments. The best example of Presidential form of government is USA, in which the President of USA is independent from the Parliament and the Parliament cannot remove the President by passing a no confidence motion. This unit explains the features of parliamentary form of government and its merits and demerits.

9.2   MEANING AND DEFINITION OF PARLIAMENTARY FORM OF GOVERNMENT

Parliamentary government is founded on union of legislative and executive leadership. In a parliamentary system the head of the government and cabinet chosen from amongst the majority grouping in parliament remain accountable to parliament accepting the principles of collective and individual responsibility, which apply respectively to cabinet and ministers. It is a form of government where responsibility is combined with representation. It exhibits the following characteristics.

One of the hallmarks of a parliamentary system is a clear distinction between ceremonial leadership head of state and effective leadership (head of government). The head of state may be either a constitutional monarch (e.g. the British Queen or a titular President, e.g. the President of India.) Effective leadership rests with a team of ministers called cabinet, headed by a Prime Minister. The head of state, also called the nominal executive, may possess certain powers or may exert personal influence, but he cannot act contrary to the advice tendered by the Prime Minister. In the second place, the head of government, the real executive, is immediately responsible to the legislature or the popularly elected chamber where the legislature consists of two chambers.

The cabinet is thus ultimately responsible to the electorate. They occupy seats in the legislature and take part in its deliberations. They answer questions and defend their policies from attack. They guide and direct the policy of legislation of the state and thus serve as "a committee of parliament". Finally and in the fourth place, the tenure of office of the cabinet depends upon the legislature. If its policies are rejected by the legislature, it must resign or must dissolve the legislature and order a new election. The cabinet system is thus founded on a union of executive and legislative leadership, and at the same time, upon the maintenance of harmonious relations between them.

Pre-Requisites of Cabinet Government: The smooth and successful working of cabinet government requires the following essential conditions.

1. The first pre-requisite of a cabinet government is that the cabinet must have the backing of a clear and stable majority in the legislature. The cabinet can provide leadership to the legislature only when it is sure that its policies and programmes will be supported by the majority of members in the legislature. It implies that there should exist a two-party system. Where there is a multiplicity of political parties, very often a coalition government is to be formed on the basis of mutual agreements among the political parties. Such a government cannot provide effective and stable leadership to the legislature.

2. The leadership of the Prime Minister in the cabinet is essential to its smooth functioning. As C. F. Strong says, "It is the party system which gives cabinet its homogeneity, it is the position of the Prime Minister which gives it solidarity." The Prime Minister must possess the personality and ability to drive his team, to persuade his colleagues who may differ, to state the issues to the electorate in their most authoritative form. He should be the leader of his party as well as the nation.

3. The Prime Minister should have a free hand in the choice of his colleagues; his party should not choose them for him. The greater the flexibility, the better the cabinet system works. The concentration of choice in the hands of the Prime Minister seems to be, as Laski has said, the best guarantee of flexibility.

4. The cabinet should not be so large as to give rise to a smaller cabinet, a common feature now-a-days, within the cabinet. This will bring about an unwelcome separation of policy-making from administration. This will result in the subordination of the

departmental ministers. On the other hand, the cabinet should not be so small that some important departments are not represented in the making of policy. The cabinet should be large enough, in Laski's opinion, to be able to cover the general field of administration and small enough to develop a unity of outlook. Cabinet government is more likely to be successful, the more its basic decisions are the result of a genuine collective discussion.

5. There must exist a strong organised opposition within the legislature able to replace the party in power. This requires the existence of two parties more or less equal in strength. If there is no such powerful organized opposition the cabinet has a tendency to become dictatorial.

6. A series of parliamentary committees should be set up, each of which will deal with a single department of the executive. The members of these committees should belong to different parties in the legislature, but they must be selected on the basis of their specialized ability on particular problems. These committees shall function not as the makers of policy but as genuine organs to advise, to encourage, and to warn." In this way the members of the legislature may be brought into some organic connection with executive departments.

9.3 PARLIAMENTARY TYPES OF GOVERNMENT

The parliamentary form of government is exclusively vested all the powers to control and supervise the executive branch. The executive branch is responsible and accountable to the Parliament. A parliamentary form of government has two heads. While the head of the state whether king or president, as generally called, is a titular authority, the real working head of the state is a different person who is usually called the Prime Minister. It is a different matter that ministers belonging to different parties work under a common leader in the event of a coalition government.

The real centre of power is the cabinet that is responsible to the legislature. However, a lot of difference has come to exist between theoretical and practical aspects as a result of which the powers of the legislature have been usurped by the executive and as such, it has come to be known as the cabinet government; The classical interpretation his, therefore, undergone sea change, that the cabinet is no longer like a committee of the Parliament, though the basic touchstone still survives to law down the norm that ultimate control is in the hands of the electorate.

On the basis of relationship between the executive and legislature modern democratic governments are divided into Parliamentary and Presidential types. Cabinet or Parliamentary form first originated in Great Britain. It was the product of an evolutionary process that was characterised between a succession of hereditary monarchs and a bi-cameral Parliament. The parliamentary government that is found at present in Great Britain is the product of the first half of the 18th century. This pattern of government spread to the continent of .Europe and to various; countries in other parts of the world during the 19th and 20th centuries. It is now found not, only in Great Britain hut also in other States, such as Canada, Australia; Belgium; Holland; Denmark, India; Sweden and Japan. Although there are certain special characteristics of different parliamentary systems, yet their mode of operation and the general features are common.

General Principles:

The parliamentary system of government is founded on the idea of the parliamentary continued executive responsibility." Under this form, the legislature and the executive are unified and coordinated under the control of same persons and they always work in harmony. It is also termed responsible government, since it is always in the legislative's responsibility and stays in the cabinet, which performs the administrative role of the State, until the legislature retains confidence. Garner said that the Government of the Cabinet is the system where the genuine Executive - the Cabinet or Minister - has direct or legal responsibility for its policies and actions, immediately or ultimately, for the electorate in respect of the legislature or branch (usually the Most Popular Chamber) whereas the Head of Government or the Chief of State occupies a position of responsibility.

9.3.1 FEATURES OF PARLIAMENTARY FORM OF GOVERNMENT

A nominal executive: In a parliamentary form of government a clear distinction is made between the nominal and the real executive. The chief executive or the head of the State whether hereditary or elected, possesses only nominal powers. He is the titular head of the State and his authority is demure. Legally, he possesses all the powers which the constitution may confer upon him but in practice he exercises none of those. The real executive power rests with the cabinet. The cabinet is the de facto authority. The Cabinet or the Ministry shoulders the responsibility for the official acts.

Political homogeneity: All the members of the ministry and the cabinet are normally the members of the same political party. Generally, they are drawn from the majority party in thus legislature. If there is absence of one single party which constitutes the majority, then *a* working majority for the time being may be obtained by the combination of a number of parties. This is known as coalition.

Absence of strict separation of powers: There is harmonious cooperation between the executive and the legislature. The ministers are both the leaders of the legislature and heads of the executive. This healthy contact between the legislative and executive branches makes good law and better administration possible. Integration of authority, therefore, is a feature of parliamentary form of government.

Collective responsibility: This means that all policy decisions are collectively taken. For the wrong policy of particular ministers the entire cabinet may be responsible. This is enforced in parliament through various methods like the votes of no-confidence, votes of censure, refusal to" pass government bills, etc.,

Ministerial responsibility: The is also the minister of the legislature accountable. He must continue in office as long as he is certain of the legislature. He must remain in office.

The Prime Minister as Leader: The Premier is the cabinet team leader. He is the primary party leader. It controls the makeup of its ministry and co-ordinates other ministries. On its suggestion, the chief of state nominates other ministers.

9.3.2 PARLIAMENTARY GOVERNMENT IN INDIA

In India we first accepted the parliamentary government system in England, and then we adapted it in India. The Indian Parliament comprises two chambers, the people's house of Lok Sabha and the Council of States of Rajya Sabha.

The President, indirectly chosen by representatives of the people, is termed the Head of State in India. India's Constitution states that the Prime Minister must lead the Council of Ministers to assist and advise the President in carrying out his responsibilities. The true executive answerable to Parliament is the Council of Ministers.

9.4 MERITS AND DEMERITS OF PARLIAMENTARY GOVERNMENT

Merits:

a. One of the principal merits of the parliamentary government is that it provides for the maintenance of harmonious relations between, the legislative and the executive branches of government. Ministers are heads of the executive departments' and at the same time they are members of the legislature constituting the majority party. The wishes of the majority are, therefore, carried on with great zeal and strength. Deadlocks use also avoided is the legislature and the executive are constituted in the same body of persons.

b. It is best specimen of representative democracy as it recognises the ultimate sovereignty of the people and ensures responsibility. The executive is continuously responsible to the legislative assembly and as such any serious misuse of executive power can, be checked readily through the immediate removability of cabinet members.

c. A third merit of parliamentary government is its flexibility and elasticity. People can easily change the government. It is, therefore, specially suitable to meet emergencies. In special circumstances a smooth change of leadership is possible without a bloody revolution. Bagehot, an English political philosopher, highly praised parliamentary government because people in this system can "choose a ruler for the occasion" who may be specially qualified to tackle the situation.

d. Another advantage of parliamentary form of government is that it can claim high educative value. It cannot func-tion without well organised political parties. Political parties formulate, organise and educate public opinion. The object of every political party is to win elections and capture the government. They place different manifestoes before the people. All this makes the people politically conscious and vigilant. Parliamentary government is also a government by criticism.

e. A final merit of parliamentary government is its achievement of union between law making and administration. Since ministers are the" members of the legislature as well as the political heads of administrative departments, administrative considerations are not likely to be overlooked in the enactment of laws. At the same time

the top executives, in approaching the administrative problems of the Government, are mindful of the legislative point of view

Demerits:

a. In spite of many advantages of parliamentary government, it is not free from criticisms. It is maintained that violates the theory of separation of powers. Combination of legislative and executive powers leads to confusion and tyranny. Ministers are liable to be distracted from their executive duties, taking the burden of preparing legislative measures and carrying them to Parliament, while Parliament may sometimes be tempted to interfere excessively and unnecessarily in administrative problems, it also leads to 'cabinet dictatorship'. The cabinet can rule as it pleases if it is backed by a majority.

b. It is further pointed out that parliamentary government is unstable. It has no fixed life. The ministry remains in office so long as it enjoys the confidence of the majority members in Parliament. That is again subject to the whim and vagaries of the representatives and they may frequently change their opinions. The instability and uncertainty in the tenure of office does not prompt the party in power to adopt a far-sighted and consistent policy. There is hardly any continuity of policies in parliamentary government. Instability of ministry is a serious problem in a multiparty system.

c. It is also criticised as an insufficient government by amateurs. Ministers as departmental heads are politicians rather than expert administrators. They are oversensitive to the reactions of the legislature and are more interested in politics than in administration. Moreover they are not exports and, once in office, the major part of their time is devoted to parliament and Cabinet meetings, to social and other political activities and to nursing their constituencies. As they do not know the technicalities of the department, civil servants assume greater power. Bureaucracy, in this form, "thrives under the cloak of ministerial responsibility

d. Further, 'it is criticised that this form of government lacks promptness in deciding and' taking immediate action in times of national crisis or emergency. In emergency promptness, vigour and initiative are essential for success. But a Cabinet, consisting of a large number of ministers, needs many minds to be consulted. Again, a quick and immediate measure cannot, be adopted unless it is sometimes approved by the Parliament. Delay is, therefore, inevitable in the parliamentary form of government.

e. A final indictment of parliamentary government is that it results in irresponsible criticism by the political parties. Political parties sometimes distort public opinion and do more harm than the good they render to the State. Besides, political parties are highly disciplined and centralised. The political power of the State is monopolised for a fixed period by one party and this results in the dictatorship of one man or a small group of men. With the growth of rigidity in the party discipline and the presence of party whip, it is not possible for a member to deviate party policy.

9.5 PRESIDENTIAL SYSTEM OF GOVERNMENT

Meaning and characteristics: The essence of the presidential system of government is that the responsibilities of leadership are vested in a chief executive, elected for a fixed term and independent of the legislature, counterbalanced by other political institutions. The United States is the prime example of presidential government. Presidential government is thus said to be founded on the separation of legislative and executive powers. It exhibits the following characteristics:

a. In this system there is no distinction between the nominal and real executive. There is only one chief executive who exercises powers which the constitution confers upon him. The President of the United States is a good example.

b. The chief executive, that is, the President is independent of the legislature.

c. The President and his ministers are not members of the legislature and do not ordinarily have the right to appear or speak before it. Besides, the chief executive and his ministers are not necessarily members of the same party which may be in the majority in the legislature. It follows that the executive cabinet act as the steering committee of the legislature as in the cabinet system.

d. Under the system ministers are administrative chiefs and not parliamentary leaders. They are chosen by the President to aid and advise him and remain responsible to him alone.

e. The tenure of office of the President is fixed. He cannot be removed from his office during this period except by the process of impeachment.

Merits: The presidential system of government enjoys a number of advantages

1. Since executive authority is concentrated in a single person the presidential system ensures the taking of decisions promptly and their speedy execution. It is highly effective in times of national emergencies.

2. The legislature is less dominated by party spirit than under the cabinet system because the government under the presidential system is not dependent on the legislative majority.

3. The tenure of office of the executive being fixed it can boldly launch a long-term of development and gain in administrative efficiency.

4. Individual members of the legislature do not lose initiative like the legislators in a cabinet system. They can vote independently on the issues presented to them because the government does not depend upon their support. They can criticize the government but cannot alter it.

5. Persons possessing expert knowledge can be selected to head each department.

6. It is sometimes believed that since legislative and executive powers are separated the presidential system safeguards the liberty of the people.

DEMERITS: On the other hand, the presidential system suffers from serious defects.

a. There is lack of harmonious co-operation between the executive and legislative departments as they are separated. When the executive and legislature are of different parties, it may lead to a deadlock

b. The executive tends to be autocratic since the President is independent of control of the legislature. It is irresponsible because the President is not accountable to the legislature for his acts.

c. The presidential system involves a division of responsibility for law making. The whole legislature is divided into a number of independent committees, each committee guiding one particular type of legislation. These committees are not responsible for the measures they recommend Power being thus divided; it is hard to locate responsibility. The cabinet system is free from this defect because under it a single committee, the cabinet itself, guides legislation.

d. The Presidential system suffers from rigidity. Because the tenure of office of the president is fixed it is not possible to choose during the period a more capable man to deal with a national crisis.

e. Because the President is both the head of state and chief executive, unethical or illegal Presidential conduct may dangerously undermine public confidence, more so than if the chief executive were a "mere" politician.

f. The Watergate scandal in the 1970s and the Lewinsky scandal in the 1990s shocked many Americans and produced a sharp decline in public faith in government.

LET US SUM UP

The defects of parliamentary government are often exaggerated. Though there is concentration of legislative and executive authority, this does not result in dictatorship. Practical experience tells us that executive and legislative departments cannot "be separated like watertight compartments. It has succeeded in democratising the governmental machinery in most countries. It is wrong to assume that parliamentary government fails to meet emergencies. World War II has fully demonstrated how parliamentary government withstood the test of time. England is the citadel of democracy because it has a parliamentary form of government.

CHECK YOUR PROGRESS

1. Parliamentary government is founded on _____ of legislative and executive leadership.

2. Parliamentary form of government where all the power and control vested to _____.

3. Presidential government is thus said to be founded on the _____ of legislative and executive powers.

4. _____ is the citadel of democracy because it has a parliamentary form of government.

GLOSSARY

Quasi   :   Being partly or almost.

Parliament   :   Highest Central Legislature.

Nominal Executive :   A person who heads the executive branch but does not have the power to execute major and important decisions.

ANSWER TO CHECK YOUR PROGRESS

1. Union.

2. Executive.

3. Separation.

4. England.

MODEL QUESTION

1. Explain the general Principles of Parliamentary form of Government.

2. Examine Parliamentary Government in India.

3. Discuss the presidential form of government.

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Block IV

Electorate

UNIT - 10

UNIVERSAL ADULT FRANCHISE

STRUCTURE

OVERVIEW

The modern government derives its strength and permanence from the people who' directly or indirectly control the Government through their political rights, especially through the right to vote. The exercise of franchise by the people in the choice of their government is known as election. The particular exercise of choice is known as voting. The people who enjoy the right to vote are known, as voters or electors and collectively they form the electorate. In this unit, we will discuss about the universal adult frachise, their features in different countries, universal adult suffrage and its features.

LEARNING OBJECTIVES

After reading this unit, you will be able to

➢ Know the concept of universal adult suffrage.

➢ Understand the arguments in favour of universal adult franchise.

➢ Discuss the arguments against the universal adult franchise.

10.1 INTRODUCTION

Right to vote is an important one in a democratic country. In the beginning everyone was not given voting right, property qualification was considered essential for voting right women were not given voting right. Sometimes educational qualification was considered as essential for right to vote. Present day almost all the people including women by fixing a particular age limit. This unit universal adult suffrage tries to explain the qualification for voting rights and for and against of universal adult suffrage.

10.2 MEANING OF UNIVERSAL ADULT FRANCHISE

Democracy stands on the principle of equality. As such, it requires that there should be no distinction in matters of suffrage on any artificial ground like that of sex economic status. The principle of one person, one vote' should be followed. A minimum age limit should be fixed. It should be applicable to all whether it is 18 years as in U.K., U.S.A. Russia, India and China or 21 years as in France or 20 years as in Japan. Thus, any person who completes the specified age limit should be given right to vote. This is called the principle of universal adult suffrage. In other words, by it we mean a system whereby all adult nationals of a country are entitled to become voters. As such, they have a title to participate in elections without any discrimination on the grounds of religion, creed, caste, sex, place of birth, economic status, colour of skin and the like.

10.3 FRANCHISE

Right of vote is exercised by the citizens either for the choice of their representatives or expressing approval or disapproval of a particular measure put before the people. In view of the spread of democratic institutions, a study of the extent and qualifications of the electorate and the various theories and methods of franchise and representation is of paramount importance". Importance of electorate can be assessed from the fact that, some writers regard it as one of the organs of government on the same level as the legislature, the executive and the judiciary.

Theory of Franchise:

Who should be given the right to vote, is a controversial question. In this regard certain people are of the view that this is natural and birth right that every adult should be given the right to vote. On the other hand, certain people are of the view that franchise is a sacred duty and it should be exercised only by those who are capable of exercising it. Rousseau and Montesquieu are among those who consider it natural and birth right. When Rousseau put forth the theory that the sovereignty lies with the people, he meant that every adult should have the right to exercise franchise. Duguit is or the opinion that Rosseau's doctrine led not only to universal suffrage but to equality of suffrage.

In America this theory received support from the leaders of the revolution like Ous and Paine. There is a clear mention of these rights in the early Constitutions of the American States of Massachusetts, and New Hampshire. There, in the subsequent constitutions the right to franchise was not given to all adults because instead of considering it a natural right, it was considered an office or function. In the Constitution of 1795, the right of fran-chise was given to those who paid taxes. John Stuart Mill, Blunischli, Sir Henry Maine etc., were also in favour of limited franchise. They were of the view that the exercise of franchise was not a right but it was a duty and it should only be given to the educated and qualified persons.

10.4   UNIVERSAL ADULT SUFFRAGE

Today there is a tendency to broad base the electorate or to introduce universal adult suffrage, to use the familiar terminology. In simple words, the principle can be summed up as 'one man one vote'. Of course, it includes woman as well. Most of the modern States confer the right of franchise on all adults irrespective of sex, religion, language, caste, colour property or educational qualification. However, universal adult franchise is a modern idea and is the, outcome, of a long historical struggle in all countries. In the annuals of democracy we observe that various restrictions were imposed on the right of franchise. In England until 1832 parliamentary franchise was limited to holders of landed property. Women were denied the right to vote till 1918 in the U.K. till 1919 in the U.S.A. and .till 1970 in Switzerland. Germany under Hitler denied the right of franchise to Jews. These historical limitations prompt us to propound a sound case in favour of universal adult franchise while examining the arguments against it.

10.5 QUALIFICATIONS OF THE VOTERS BASED ON PROPERTY

For franchise many qualifications have been discussed from time to time, and property qualification is one of those, which are discussed below.

Property Qualification: Those who favour the ownership of property as a qualification for the exercise of suffrage, argue that only the propertied persons should be given the right to vote, because they understand the importance of law and social order and they shall not make any laws which may pose a threat to law and order. Those who have no property, if given the right to vote shall elect representatives who will make revolutionary laws and will interfere with the public property.

The supporters of property qualification for the exercise of franchise say that the right to vote should be given only to those persons who pay some taxes. Otherwise, the right to vote given to those who have no property will help the election of representatives who will not care for economy. These who do not accept the property qualifications for the exercise of franchise, give the following arguments.

1. Since laws affect all, the right to exercise franchise should be given to all and not only to property owners.

2. Property is no criterion for intelligence. A poor man and an educate man can be intelligent. Thus it is not justified to accept property as a qualification for the exercise of franchise.

3. Property may be acquired through fraud, ruse and other undesirable means. Thus it is totally wrong to accept it as basis for exercise of franchise.

4. The propertied people do not make progressive laws and they only safeguarded their own interests. They do not make any laws for the welfare of the labourers. Thus, the right to vote should also be given to the poor people so that they may also be able to raise their voice in order to protect their rights.

10.6 FRANCHISE BASED ON EDUCATIONAL QUALIFICATION

Those who support the view that franchise should be based on educational qualifications give the following arguments:

1. The illiterate persons do not know who deserves their votes. Generally they are taken in by fiery speeches, caste consideration, relationship and other things. Sometimes they cast their votes in favour of incompetent people, who is harmful for the country.

2. Illiterate persons do not think the voting right as a sacred duty. They have no knowledge of complex problems of the country.

3. If an illiterate person is given the right to franchise, there will be an equal influence of the vote of an illiterate and educated person.

4. Illiterate voters can take any wrong decision. John Stuart Mill says: "Without being able to read, write and do the ordinary operations of Arithmetic, I consider it completely unacceptable for any person to take part in the vote. Universal education must be prior to universal confrontation. The exclusion of a class is legitimate if that class is likely to utilise voting in dangerously harmful ways."

Those who do not agree with these arguments say that everybody should have the right to vote, because laws affect everyone. Secondly, the government also does not care for the interests of those persons who have no voting rights. Therefore, the illiterate persons should also be given the right to vote. Thirdly, it is not necessary that an educated person is more intelligent than an illiterate person. Sometimes it is seen that illiterate persons are more intelligent than educated persons. To support this view, the examples of Shivaji, Haider Ali and Ranjit Singh can be given.

10.7 ARGUMENTS IN FAVOUR OF UNIVERSAL ADULT FRANCHISE

Having had a brief survey of the above mentioned arguments, we may examine some of the defensive arguments for universal adult suffrage below.

1. Universal adult suffrage is consistent with the true meaning of democracy a government by the people. Any restriction on this principle will only create vested interests and mutual bickering's within the society, thus endangering the foundation upon which democracy rests.

2. Adult franchise will avoid the necessity of devising special doctorate like communal electorate and in turn facilitate the growth of parties based on political ideals. Communal parties do not thrive under this system.

3. Adult franchise can make the legislature the true representative of the people. No class, category or group shall be without representation in the national legislature.

4. It will ensure the political equality of all citizens which is the true basis of a democratic government. In such a system there shall be

no ruling class or serving class. Disenfranchise of Negroes in South Africa has resulted in mutual conflict between the Whites and the Blacks. Negroes are jealous of the political privileges enjoyed by the Whites.

5. Universal suffrage brings a sense of satisfaction and makes the electorate proud of its position as chooser of government. As periodically people go to the polls, they get opportunity to train themselves politically. During election time, the voter is a very important man, and the candidates contesting elections and the various political parties approach him. Thus, the voter is forced to come out of his slumber to play his role in the political life of the country.

6. Universal suffrage has more advantages than disadvantages and several writers say that universal suffrage must be the general rule. T. E. Smith writes, "The combined experience of Asia, Africa and the West Indies clearly demonstrates that wide-spread education and literacy are not essential conditions for the successful working of adult suffrage. Given a suitable system of voting and elections conducted fairly, the backward peasant in an underdeveloped country is as capable of casting his vote intelligently in favour of the candidate of his own choice as the working man in "Western democracies."

10.8   ADULT SUFFRAGE

Who is to be given the right to vote is a great problem of democracy. Today most of the people are of the view that every adult should be given the right of franchise. They give the following arguments to support their view:

1. The source of sovereignty is the people and thus every adult should be right to vote.

2. Everybody is equally affected by the laws and policies of the state. Therefore, everybody should have the right to elect his or her representative.

3. All are equal. Those who do not take any part in politics, are not taken much care of by the government. Thus for the protection of the interests of all everybody should be given the right to vote.

4. Adult suffrage gives some representation lo the minorities. Thus there is no need of giving them separate representation.

5. Adult suffrage is the best way of differentiating citizens from aliens.

6. It enhances the prestige of the people in society, because big leaders come to them for securing votes.

7. For the protection of civil rights, it is essential that the people should be given political rights, so that the government should not try to crush the liberty of the people.

8. Elections bring about political- awakening in society. In order to shake off political disinterestedness from the society, it is essential that every citizen should be given the right to vote.

9. Adult suffrage imparts political education to the people and their interest is created the government.

10. It brings about national unity. The government elected on the basis of adult franchise enjoys the confidence of the people.

10.9   ARGUMENTS AGAINST UNIVERSAL ADULT SUFFRAGE

Sir Hency Maine was of the view that it would hinder the scientific development of the country.

1. Lecky pointed out the dangers of government run by ignorant masses and pleaded for a suffrage, based partly upon education and property. The legislature is essentially a machine for levying taxes and it should be chosen by an electorate restricted mainly to those who pay the taxes. Lecky further said that one of the great questions of politics which is going to arise in our day, is whether as a last resort, the world should be governed by its ignorance or intelligence. The idea that the ultimate source of power should belong to the poorest, the most ignorant, the most incapable who are necessarily the most numerous, is a theory which assuredly reverses all the past experiences of mankind.

2. Franchise is a sacred national duty and it should not be misused. If every adult is given the franchise right, very few intelligent persons shall misuse it.

3. The capitalists purchase the votes from the poor people and the labourers. Thus it is not proper to give the right to vote to everyone.

4. The questions relating to administration are becoming complex day by day. An ordinary voter is incapable of understanding complex questions. Thus he elects undeserving representatives.

10.10 QUALIFICATIONS OF VOTERS

For franchise some qualifications are insisted upon from time to time. Some of these qualifications are described below:

1. **Age:** We should not mean by adult suffrage that all persons of all ages residing in a State have the right to vote. Generally, adult persons alone have the right to vote. So the attainment of majority is the basis of voting qualification. In India persons above 21 are treated as adults while the U.S.S.R. permits men and women above 13 to vote. In England and America this age limit has been reduced from 21 to 18 in 1970 and 1971 respectively.

2. **Mental and moral qualifications:** Lunatics and criminals are also deprived of the franchise rights. Often people who have no faith in God are denied the right to vote, although religious qualification for voting has practically disappeared in most of the States.

3. **Citizenship:** Citizenship is another necessary and reason-able qualification for enfranchisement in most of the countries. No State permits foreigners or resident aliens to exert the right to vote.

4. **Residence:** Most States also require that a citizen in order to qualify for the right to vote in a particular electoral district should have resided there for over a specific period of time and be registered as a voter in the constituency.

5. Other disqualifications to the right of franchise are bank ruptcy, soldiers on active service, official responsible for the conduct of elections, election malpractices, etc. However, all of them are not observed by all States.

LET US SUM UP

The Thirteen General Election in India which was conducted in a peaceful and orderly manner speaks highly in favour of universal suffrage. The people of India, including a vast mass of illiterate and ignorant people, displayed their sound political consciousness and power of judgement.

CHECK YOUR PROGRESS

1. Any person who completes the specified age limit should be given right to vote. This is called the _____.

2. Gilchrist defines a _____ as "the people who are qualified by law of the state to elect the members of the legislature".

3. Germany under Hitler denied right to franchise to _____

GLOSSARY

Franchise   :   Vote

Universal   :   International

Adult Suffrage   :   Right to Franchise

ANSWER TO CHECK YOUR PROGRESS

1. Universal adult suffrage

2. Electorate

3. Jews

MODEL QUESTION

1. Explain Universal Adult Suffrage.

2. Write the Arguments against of universal adult franchise.

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UNIT - 11

WOMAN SUFFRAGE

STRUCTURE

OVERVIEW

Today, we almost take the political rights of women for granted. However, it is interesting to examine the arguments against the political enfranchisement of women and also to analyse the historical struggle for this right which ended in victory for womanhood. The United Nations encouraged women's suffrage in the years following World War II, and the Convention on the Elimination of All Forms of Discrimination Against Women (1979) identifies it as a basic right with 189 countries currently being parties to this convention. In this unit we will discuss elaborately about the women suffrage and political rights of women in world scenario.

LEARNING OBJECTIVES

After reading this unit, you will be able to

➢ Explain the concept of woman suffrage.

➢ Know the global arguments on woman suffrage.

➢ Understand the impact of women suffrage in the contemporary world.

11.1 INTRODUCTION

Generally women are considered weaker section and they are fit to do the household activities. It was felt that women suffrage would create dissertation in the family and are physically incapable of discharging all the duties and obligations of citizens. The women suffrage movement made the question of women's voting rights in to be important political issue in the 19th century. The struggle was particularly intense in Great Britain and the United States, that those countries were not the first to grant women the right he votes at least on a national basis. The first province in the world to award and maintain women's suffrage continuously was Pitcairn Islands in 1838 and first sovereign nation was Norway in 1913. This unit tries to explain women suffrage.

11.2 MEANING AND DEFINITION OF WOMAN SUFFRAGE

A favourite argument against the enfranchisement of women is that an active participation of women in politics would unsex them and destroy their feminine quality. It was said that women are physically incapable of discharging all the duties and obligations of citizens which devolve upon men; hence they have no right to demand franchise. Here the reference is to the relative unsuitability of women for military service. It was further said that female suffrage would create discord and division in the family when husband votes for a candidate upon mutual agreement then the wife's vote is it mere duplication. Lastly, suffrage was denied to women on the ground that a majority, of them were not interested in the right to vote.

11.3 IMPACT OF WOMEN SUFFRAGE

Case for Women Suffrage:

It is argued that the right of franchise exercised by a woman cannot unsex her or sow seeds of bickering with her husband. Besides, why should we treat maternity as the sole mission of womanhood. Modern women have entered into all occupations including mining, engineering and jet-flight. such an argument is baseless.

Participation in politics alone will enable women to protect their interests against unjust legislation by men. Laws relating to women should not be made by men alone. The basis of physical force or military potentiality of a citizen is not the firm basis of franchise right. Right to vote is a moral and intellectual right. It need not be backed up by physical strength. The advent of women into political arena will purify and ennoble politics, which is otherwise vulgarized by the dominance of men.

Arguments against Women Suffrage:

Many people oppose the idea of woman suffrage. For this they advance the following arguments:

1. The women are generally conservative and most of them are illiterate. Thus if they are given the franchise, they will misuse it and cast their votes in favour of incompetent persons.

2. If the women cast their votes against the will of their husbands, there will be tension and clash in the home and family.

3. The women would lose their feminine qualities and virtues, if they are given the right to vote.

4. Those who are not in favour of women franchise argue that women cannot perform public duties as men can, because they are physically weaker than men. They cannot serve in military and police. Hence they are not entitled to all the rights to which men are entitled.

In Favour of Woman Franchise:

Those who are in favour of women franchise give the following arguments:

1. Sidgwick is of the opinion: "I see no adequate reason for refusing the franchise to any self-supporting adult, otherwise eligible, on the score of sex alone; and there is a danger of material injustice resulting from such refusal so long as the State leaves unmarried women and widows to struggle for a livelihood in the general industrial competition without any special privilege or protection."

2. Women, also need the protection of their rights and interests. Lowell says that male alone should not make laws pertaining to the rights of women.

3. The entire people will be benefited by giving the voting right to women. In countries where women have been given the voting right, they have done a marvellous job of getting the laws passed for the welfare of labourers, children, orphans and other weaker sections of society.

4. "I think it totally irrelevant to politic rights, the difference in hair colour, John Stuart Mill," remarked the most influential female champion of suffrage. If there is a change, women need it more than males, because they are physically weaker, and depend more on law and society to protect."

5. "They are capable of sharing their experience of political rights and advantages with men when women are able to manage their own company, to engage into contractual ties, to compete with men in their professional and professional life and to educate them at schools and colleges."

11.4   RESERVATION OF SEATS FOR WOMEN IN PANCHAYAT

Seats shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in every village panchayat and the number of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats to be filled by direct in that villages panchayat as the population of the Scheduled Castes in that village panchayat area or of the Scheduled tribes in that village panchayat area bears to the total population of that area : Provided that for the first election for the village panchayat to be held immediately after the commencement of this Act, the provisional population figures of the panchayat village as published in relation to 1991 census shall be deemed to be the population of the panchayat village.

Seats shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes from among the seats reserved for the persons belonging to the Scheduled Castes and Scheduled Tribes which shall not be less than one third of the total number of seats reserved for the persons belonging to Scheduled Castes and the Scheduled Tribes.

Seats shall be reserved for women in the village panchayat and the number of seats reserved for women shall be, as nearly as may be, one third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats in the village panchayat: Provided that such seats reserved for women shall be allotted by rotation to different wards in such a manner as the Inspector may, by notification, direct. The reservation of seats under sub-sections (1) and (2) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.

11.5   MERITS AND DEMERITS OF WOMEN SUFFRAGE

The following are the merits of women suffrage:

For Women's Cooperation: Any democratic government to be successful has to take all including women into confidence and seek their cooperation. Democracy is government of the people and hence women cannot be singled out for an unfavourable or unjust treatment.

Opportunities to Women: Women suffrage gives opportunities to women to come forward and serve in the interest of the state. In various countries, there are capable women, and it is unjust to keep them out of the political field. In India women like Mrs. Indira Gandhi, Mrs.Vijayalakshmi Pandit, Mrs.Sucheta Kripalani, Mrs. Tarkeshwari Sinha, Mrs.Kamaladevi Chattopadhyaya and Mrs.Nandini Satpathy, and in Sri Lanka Mrs. Sirimavo Bandaranake have proved that women can do full justice to the jobs assigned to them. Denial of vote is unfair to all women in general and to very able women in particular.

Women's Interests Protected: Women suffrage enables women to come forward in public life and protect their own interests. When women secure political rights, civil rights become more meaningful to them. The fact that women in general weaker than men necessitates the inclusion of women in the political filed by extending to them the right to vote. What concerns women must be discussed by women?

For progress: Women's suffrage is bound to increase the pace of progress in a state, and it is the feature of a progressive state. A country in which women are denied political rights will remain backward, as around fifty per cent of the population will have no franchise, and consequent sharing of political power.

Improvement and Ennobling of Politics: The entry of women into the political field will improve and ennoble politics. Firstly, men will secure the cooperation of women in political and constitutional activities. The presence of women will make men more sober and restrained in their political dealings.

Suffragist Movement in Britain: Britain, a land of conservatives, was reluctant to give suffrage to women. Women in Britain had to fight tooth and nail to have suffrage and resorted to all kinds to tactics, some of which were violent and crude. In 1918 British women aged over 30 won the right to vote, and in 1928 women were put on a par with men by abolishing this age discrimination. Since then all adults above the age of 21 are eligible to vote in Britain. It recent years the age was reduced to 18.

The following are the demerits of women franchise:

Harmful Influence of Women: Influence of women is harmful in the political filed. Scholars like Finer have expressed themselves strongly against 'the wholesale entrance of women in politics".

Bad for Home and Family: Critics of women suffrage say that the entry of women in politics is bad for the home and family. If women devote their time and energy to political affairs, the home will be neglected and society in general will suffer.

Duplication of Voters: It is argued that generally women vote for candidates on the advice of their father, brother, husband or any other male member in the family. Thus female enfranchisement would only mean duplication of male votes.

Feminine Virtues not for Polities: The entry of women into the political filed will make them neglect fields appropriate to their nature and temperament and gradually their feminine virtues will deteriorate and fade.

Not for Military Service: Women are unable to meet all the obligations of citizenship and are unable to serve in the army. While men will join the in time of emergency women will not

Women Sentimental: It is said that women in general are emotional and sentimental, and in the political filed, they will be distinctly at a disadvantage.

LET US SUM UP

Today, practically in all progressive countries women's franchise has been introduced. Women have plunged into the arena of politics and have outshined their male counterparts on numerous occasions. In the field of politics the role of Indian women like late Mrs. Sarojini Naidu, Mrs. Vijayalaxmi Pandit and Mrs. Indira Gandhi is notable.

CHECK YOUR PROGRESS

1. The first Sovereign nation to have women suffrage is _____

2. Seats shall be reserved for women in the village panchayat and the number of seats reserved for women shall be_____ of the total number of seats in the village panchayat

3. _____ says that male alone should not make laws pertaining to the rights of women.

4. All adults above the age of 21 are eligible to vote in Britain. It recent years the age was reduced to _____

GLOSSARY

Franchise   :   Voting Rights

Suffrage   :   voting in Election

Reservation   :   Seats shall be reserved for concern community.

ANSWER TO CHECK YOUR PROGRESS

1. Norway

2. One Third

3. Lowell

4. 18

MODEL QUESTION

1. Explain woman suffrage.

2. Describe the arguments against woman suffrage.

SUGGESTED READINGS

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UNIT - 12

ELECTION AND METHODS

STRUCTURE

OVERVIEW

Direct election is one in which the voters themselves elect their representatives for the legislature. It is in conformity with democratic principles, as people have a direct choice in electing their legislators. The good effect of such a system is that the voter and the legislator establish direct contact with each other. On the other hand, the voter realizes his responsibilities. But with the introduction of universal suffering the strength of the electorate has become too large to permit any direct contact between the legislator and the primary voter. Besides, it is doubtful whether an average voter possesses the requisite political fore sight and can cast his vote in favour of the most suitable candidate. In this unit, we will study the elections, its methodsand various sytems.

LEARNING OBJECTIVES

After reading this unit, you will be able to

➢ Differentiate between the Direct and Indirect election.

➢ Know the various kinds of representation.

➢ Understand the system of election in India.

12.1 INTRODUCTION

An election is a formal decision-making group by which a population chooses to serve a person or several people. Elections were the main technique used since the 17th century for contemporary representative democracy. Elections can fill legislative and, at occasion, judicial and regional and municipal governments' posts. Elections may take place in the parliament. This procedure is utilized in many different private and commercial organizations, including clubs, volunteer groups and firms.

Election means an occasion where the voters express their will. If this action takes place as and open air, it is called public voting. In case the voters express their will internal and making it public, it is called secret ballot. The essential point is that the voters express their desire infamous of particular candidates whereby their selection is affected. In these words, election is the only legitimate channel of political recruitment in a popular government.

12.2 TYPES OF ELECTION

Direct Election:

Direct election led many people to advocate a system of indirect election. indirect election involves two different elections. In the first election, primary voters elect any intermediary body of persons usually known as all Electoral College. Having been elected by primary voters, this body in intern elects the representatives to the legislature. The elected members of the State Legislature Assemblies are elected by the Rajya Sabha members in India. The advocates of indirect elections uphold its suitability for. Afro-Asian nations with illiterate masses lacking political consciousness. It has been further contended that an indirect election is a check on 'popular passion' and it eliminates the greatest defect of adult franchise. This will ensure the election of really suitable candidates and not mere demagogues.

Indirect Election:

Moreover the introduction of indirect system means that the ordinary voters lose interest in the election, as their opinion does not matter. The greater danger in such a system is that the candidates seeking election indulge in oral practices and influence the Electoral College which is a much smaller body than the electorate. In actual practice indirect election is not popular. However, in the case of bicameral legislatures, the members of the upper houses with exception are elected on this basis. In India such a system is prevalent for the election of the President, the members of the Rajya Sabha and some of the councillors to the State Legislative Councils (where they exist).

12.3 ELECTORAL SYSTEM IN INDIA

Articles 324 to 329 in Part XV of the Constitution of India make the following provisions with regard to the electoral system in our country:

In order to ensure free and fair elections in a country, the Constitution (Article 324) establishes an independent Election Commission. The Commission has the authority to conduct super-trends, direct and conduct parliamentary elections, state legislatures, and the post of President and the office of Vice-President. The body now comprises a Chief Electoral Officer and two Electoral Commissioners.

For each geographical constituency, for election to the Parliament and state legislatures, there should be only one general electoral roll. The Constitution therefore eliminated the system of community representation and distinct constituencies that contributed to the country's division.

No individual should be unable to participate in the ballot for reasons of religion, race, caste, sex, or any of them alone. Furthermore, for the sake of religion, race, caste or sex alone or any of them, no individual may seek to be included in any special electoral register in any constituency. Thus on matters of political franchise, the Constitution has granted equality to every citizen.

The Lok Sabha elections and the national assemblies should be based on an adult franchise. Therefore, anyone who, by virtue of non-residence, unfounded mind, crime or corrupt or illicit practise, is a citizen and 18-year-old in India is entitled to vote in the elections provided that he or she is not disqualified under the provisions of the Constitution or any laws of the appropriate legislature.

The Parliament can provide for the production of electoral rolls, the delimitation of electoral divisions and any other questions required in order to secure the constitution of the elections to Parliament and to the state legislations.

The Parliament has adopted the following legislation in the exercise of this power:

a. Representation of the People Act of 1950.

b. Representation of the People Act of 1951.

c. Delimitation Commission Act of 1952

d. Registration of Electors Rules, 1960.

e. Conduct of Elections Rules, 1961.

In addition, the Order on Reservation and Allocation of Elections Symbols 1968, was published. The aim is to register and recognise political groups, allocate symbols and handle conflicts between them. They also concern themselves. The national legislatures can also make provision for all things concerning elections to the state legislatures, including the production of electoral rolls and any other matters required to ensure their proper constitution. However, only subjects not covered by Parliament can be provided for. In other words, it can only complement and not supersede parliamentary legislation.

The Constitution declared that no court may challenge the legality of any statute regarding electoral delimitation or allocation of seats to such constituencies. As a result, directives made by the Commission of delimitation become final and in any court cannot be called into question. The Constitution states that, save for an election to that authority submitted by an election petition and granted by the relevant legislature, no election to the parliament or to the State legislature should be questioned. Elections have been processed by the high court's alone since 1966. However, the Supreme Court is only competent to appeal.

Article 323 B empowers the appropriate legislature (Parliament or state legislature) to establish a tribunal for the adjudication of election disputes. It also provides for the exclusion of the jurisdiction of all courts (except the special leave appeal jurisdiction of the Supreme Court) in such disputes. So far, no such tribunal has been established. It must be noted here that in Chandra Kumar case (1997), the Supreme Court declared this provision as unconstitutional. Consequently, if at any time an election trial is established, an appeal from its decision lies to the high court.

12.3.1 ELECTION MACHINERY

Election Commission of India (ECI) Under:

Article 324 of the Constitution of India, 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 Legislatives or Assemblies. The Election Commission of India is a three member body, with one Chief Election Commissioner and two Election Commissioners. The President of India appoints the Chief Election Commissioner and the Election Commissioners.

Chief Electoral Officer (CEO):

The Chief Electoral Officer of a state/ Union Territory is authorized to supervise the election work in the state/Union Territory subject to the overall superintendence, direction and control of the Election Commission The Election Commission of India nominates or designates an Officer of the Government of the state / Union Territory as the Chief Electoral Officer in consultation with that State Government / Union Territory Administration.

District Election Officer (DEO):

Subject to the superintendence, direction and control of the Chief Electoral Officer, the District Election Officer supervises the election work of a district. The Election Commission of India nominates or designates an officer of the state Government as the District Election Officer in consultation with the state government.

Returning Officer (RO):

The Returning Officer of a Parliamentary or assembly constituency is responsible for the conduct of elections in the Parliamentary or assembly constituency concerned. The Election Commission of India nominates or designates an officer of the Government or a local authority as the Returning Officer for each of the assembly and parliamentary constituencies in consultation with the State Government / Union Territory Administration. In addition, the Election Commission of India also appoints one or more Assistant Officers for each of the assembly and parliamentary constituencies to assist the Returning Officer in the performance of his functions in connection with the conduct of elections.

Electoral Registration Officer (ERO):

The Electoral Registration Officer is responsible for the preparation of electoral rolls for a Parliamentary / assembly constituency. The Election Commission of India, in consultation with the state / UT government,

appoints an officer of the government or the local as the Electoral Registration Officer. In addition, the Election Commission of India also appoints one or more Assistant Electoral Registration a is a Officers to assist the Electoral Registration Officer in the performance of his functions in the matter of preparation revision of electoral rolls.

Presiding Officer:

The Presiding Officer with the assistance of polling officers conducts the poll at a Elec. polling station. The District Election Officer appoints the Presiding Officers and the Polling Officers. In the case of Union Territories, such appointments are made by the Returning Officers.

Observers

The Election Commission of India nominates officers of Government as Observers the (General Observers and Election Expenditure Observers) for Parliamentary and assembly constituencies. They perform such functions as are entrusted to them by the Commission. They report directly to the Commission

12.3.2 ELECTION PROCESS

Time of Elections:

Elections for the Lok Sabha and every state Legislative Assembly have to take place every five years, unless called earlier. The President can dissolve Lok Sabha and call a General Election before five years is up, if the Government can no longer command the confidence of the Lok Sabha, and if there is no alternative government available to take over.

Schedule of Elections:

When the five year limit is up, or the legislature has been dissolved and new elections have been called, the Election Commission puts into effect the machinery for holding an election. The Constitution states that there can be no longer than six months between the last session of the dissolved Lok Sabha and the recalling of the new House, so elections have to be concluded before then the Commission normally announces the schedule of elections in a major press conference a few weeks before the formal process is set in motion. The Model Code of Conduct for guidance of candidates and political parties comes immediately into effect after such announcement

The formal process for the elections starts with the Notification or Notifications calling upon the electorate to elect Members of a House. As soon as Notifications are issued, candidates. can start filing their nominations in the constituencies from where they wish to contest.

These are scrutinised by the Returning Officer of the constituency concerned after the last date for the same is over after about a week. The validly nominated candidates can withdraw from the contest within two days from the date of scrutiny. Contesting candidates get at least two weeks for political campaign before the actual date of poll.

On account of the vast magnitude of operations and the massive size of the electorate, polling is held on a number of days for the national elections. A separate date for counting is fixed and the results declared for each constituency by the concerned Returning Officer.

The Commission compiles the complete list of members elected and issues an appropriate Notification for the due constitution of the House. With this, the process of elections is complete and the President, in case of the Lok Sabha, and the Governors of the concerned states, in case of State Assemblies, can then convene their respective Houses to hold their sessions.

Election Campaign:

The campaign is the period when the political parties put forward their candidates and arguments with which they hope to persuade people to vote for their candidates and parties. Candidates are given a week to put forward their nominations. These are scrutinised by the Returning Officers and if not found to be in order can be rejected after a summary hearing. Validly nominated candidates can withdraw within two days after nominations have been scrutinised. The official campaign lasts at least two weeks from the drawing up of the list of nominated candidates, and officially ends 48 hours before polling closes.

During the election campaign, the political parties and contesting candidates are expected to abide by a Model Code of Conduct evolved by the Election Commission on the basis of a consensus among political parties. The model code lays down broad guidelines as to how the political parties and candidates should conduct themselves during the election campaign. It is intended to maintain the election campaign on healthy lines, avoid clashes and conflicts between political parties or their supporters and to ensure peace and order during the campaign period and thereafter, until the results are declared. The model code also prescribes guidelines for the ruling party either at the Centre or in the state to ensure that a level field is maintained and that no cause is given for any complaint that the ruling party has used its official position for the purposes of its election campaign.

Once an election has been called, parties issue manifestos detailing the programmes they wish to implement if elected to government, the strengths of their leaders, and the failures of opposing parties and their leaders. Slogans are used to popularise and identify parties and issues, and pamphlets and posters distributed to the electorate. Rallies and meetings where the candidates try to persuade, cajole and enthuse supporters, and denigrate opponents, are held throughout the constituencies. Personal and promises of reform are made, with candidates travelling the length and breadth of the constituency to try to influence as many potential supporters as possible.

Polling Days

Polling is normally held on a number of different days in different constituencies, to enable the security forces and those monitoring the election to keep law and order and ensure that voting during the election is fair.

Ballot Papers and Symbols

After nomination of candidates is complete, a list of competing candidates is prepared by the Returning Officer, and ballot papers are printed. Ballot papers are printed with the names of the candidates (in languages set by the Election Commission) and the symbols allotted to each of the candidates. Candidates of recognised parties are allotted their party symbols.

Voting Procedure

Voting is by secret ballot. Polling stations are usually set up in public institutions that such as schools and community halls. To enable as many electors as possible to vote, the officials of the Election Commission try to ensure that there is a polling station within two kilometres of every voter, and that no polling stations should have to deal with more than 1500 voters. Each polling station is open for at least eight hours on the day of the election.

On entering the polling station, the elector is checked against the electoral roll, and allocated a ballot paper. The elector votes by marking the ballot la paper with a rubber stamp on or near the symbol of the candidate of his choice, inside a screened compartment in the polling station. The voter then folds the ballot paper and inserts it in a common ballot box which is kept in full view of the Presiding Officer and polling agents of the candidates. Since 1998, the Commission has increasingly used Electronic Voting Machines (EMVs) instead of ballot boxes. In 2003, all state elections and by elections were held using EVMs.

Encouraged by this, the Commission took a historic decision to use only EVMs for the Lok Sabha election in 2004. More than 1 million EVMs were used in this election.

Electronic Voting Machine:

An Electronic Voting Machine (EVM) is a simple electronic device used to record votes in place of ballot papers and boxes which were used earlier in conventional voting system. The advantages of the EVM over the traditional ballot paper / ballot box system are given here;

I.   It eliminates the possibility of invalid and doubt ful votes which, in many cases, are the root causes of controversies and election petitions.

II.   It makes the process of counting of votes much faster than the conventional system.

III. It reduces to a great extent the quantity of paper used thus saving a large number of trees making process eco-friendly.

IV.   It reduces cost of printing (almost nil) as only one sheet of ballot paper is required for each Polling Station.

Supervising Elections:

The Election Commission appoints a large number of Observers to ensure that the campaign is conducted fairly, and that people are free to vote as they choose. Election expenditure Observers keeps a check on the amount that each candidate and party spends on the election.

Counting of Votes:

After the polling has finished, the votes are counted under the supervision of Returning Officers and Observers appointed by the Election Commission. After the counting of votes is over, the Returning Officer declares the name of the candidate, to whom the largest number of votes has been given, as the winner and as having been returned by the constituency to the concerned House.

The country is split up into separate geographical areas, known as constituencies, and the electors can cast one vote each for a candidate, the winner being the candidate who gets the maximum votes. Elections to the State Assemblies are carried out in the same manner as for the Lok Sabha election, with the states and union territories divided into single-member constituencies.

Media Coverage:

In order to bring as much transparency as possible to the electoral process, the media are encouraged and provided with facilities to cover the election, although subject to maintaining the secrecy of the vote. Media persons are given special passes to enter polling stations to cover the poll process and the counting halls during the actual counting of votes.

Election Petitions:

Any elector or candidate can file an election petition if he or she thinks there has been malpractice during the election. An election petition is not an ordinary civil suit, but treated as a contest in which the whole constituency is involved. Election petitions are tried by the High Court of the state involved, and if upheld can even lead to the restaging of the election in that constituency.

12.4   OPEN VERSUS BALLOT VOTING

Another problem of election is whether the voters should express their choice of candidates publicly or secretly. J.S. Mill while advocating public voting said that the duty of voting like any other public duty should be performed under the eye and criticism of the public. Similarly, Montesquieu says, that "public voting affords a means by which the common people should be assisted and instructed by the more enlightened." Public voting was in vogue in the City States of ancient Greece. Till 1920 it prevailed in Prussia. But today, in all democratic elections the principle of ballot (secret voting) has come to be recognised. It is because in the case of public voting influential candidates exert pressure upon the voters.

12.5   COMPULSORY VOTING

It is a controversial issue whether all qualified voters should be compelled to vote. The electoral laws of Belgium, Spain, Argentina and some Swiss Cantons make it obligatory or the part of voters, unless absent or sick, to cast their votes. There is penal sanction behind this provision. But most of the countries do not favour compulsory voting; while compulsory voting teaches the citizen his duty, it also takes away his stimulus rising from the public good.

12.6 MINORITY REPRESENTATION

The system of election commonly adopted in India or elsewhere is by a majority of votes. This implies that in an election the candidate who polls the largest number of votes wins the election. The system is apparently sound. But serious criticisms have been levelled against this system. It is criticised as undemocratic and unjust, because effect it permanently disen-franchises a large number of voters and leaves them without representation because they are a minority in a constituency. How to eradicate these defects and ensure the representation of people of the country in the legislature? Minorities should have their representation. This brings us to the special devices contrived to ensure proper representation. Some of these devices are discussed below.

12.7 PROPORTIONAL REPRESENTATION

The aim of proportional representation is to eradicate the in-herent defects in the ordinary system of election illustrated above. Its aim is that no vote should be wasted and that every minority group as well as the majority should be represented in the legislature in proportion to their electoral strength. There are two kinds of proportional representation, viz. Hare System of single transferable vote and the List System.

12.8 HARE SYSTEM

This system was evolved in 1851 by Mr. Thomas Hare, an Englishman who described this method of election in his book entitled "Election of Representatives". It .is also called preferential voting or single transferable vote. In this system, the first requirement is a multi-member constituency. A minimum of 3 seats must befilled up from a single constituency. No maximum number has been prescribed although some people suggest a fifteen member constituency as the, reasonable limit. Whatever be the number of scats to be filled up, every voter is entitled to only one vote. However, be is required to indicate on the ballot paper his first preference, .second preference, third preference and so on by marking 1, 2, 3, against the names of candidates printed on the ballot paper.

Now the candidate in order to he elected must secure a specified quota of votes. Different formulas are adopted in fixing this quota. The formula suggested by Mr. Hare is as below

$$\text{Quota} = \frac{\text{Total number of votes}}{\text{Number of seats} + 1} + 1$$

Supposing there are 3 seats in an imaginary constituency and the number of valid votes cast in the election is 900. Then the quota will be

$$\frac{900}{3+1} \text{ +1 = 226 Quota}$$

A candidate in order to be elected from the said constituency must secure at least 226 votes.

Having assigned the quota, counting of ballot papers begins In counting the votes, only the first preferences, that is, candidates securing No. 1 in order of preference are counted first. In this first counting candidates securing the quota (that is, 226 in our hypothetical constituency) are elected. But the surplus votes of candidate or candidates elected in this first counting are transferred to candidates not yet elected in order, expressed in other preferences. Now the counting of second preference of N. 2 begins. In this way the process continues till the requisite number of seats is filled up. In transferring the votes not only the surplus votes of successful candidates, but also the votes of candidates who have secured very few votes, and thus have no chance of being elected, are also transferred. The voter is thus assured that if his first choice does not win, at least his 2nd or 3rd choice will gain by it. In fact no votes are wasted or no one goes unrepresented.

From the facsimile of the ballot paper used in 'proportional representation' election, we have a clear idea of the process. For instance, the imaginary voter by placing No. 1 against the name of Mr. *T.*(Independent) has indicated his first choice. This method of election was adopted for the four university constituencies in the U.K. In India members of the Rajya Sabha are elected by this method.

The Presidential election in India according to constitutional provision is in accordance with P. R. and single transferable vote. But since election in a single member constituency, it is not P.R. strictly, but a method of single transferable vote. The Irish President is also elected by a similar method.

12.9   LIST SYSTEM

It is another form of proportional representation. List System also presupposes multi-member constituencies as in Hare System. However, another requisite of this system is the absence of independent candidates without any party affiliations. All candidates contesting the election, under List System, must belong to some political party or the

other. According to this plan, each political party prepares a list of candidates equal in number to the seats to be filled up.

For instance, if in a constituency there are four seats, each political party will put forward the names of four party candidates arranged in order of precedence.

Voters are required to cast their votes for one list or the other. They are not to indicate their choice for any individual candidate. After the election, the seats are allotted to different political parties, in proportion to the percentage or notes secured by the party. Thus if a party wins 75% of the valid votes cast in the election, the said party will have 3 seats in a four then the party with the largest fractional surplus gets the remaining seat. The List System is simpler than the Hare System. Voters are only to choose the party list and not the candidates. But List System has been severely criticised on the ground that it gives undue importance to party leaders who prepare the list. Electorate has nothing to determine or decide.

12.10 MERITS OF PROPORTIONAL REPRESENTATION

It is considered to be the most democratic method of election. It makes the legislature the mirror of national public opinion, as all parties are represented in the legislature in proportion to their voting strength. It ensures a general security and political contentment to minority parties. In proportional representation, no vote is wasted. Everyone is sure that if not his first choice, his second or third preference will be taken into account. J.S. Mill is a lover of this system.

Criticisms of Proportional Representation: P.R. especially the Hare System is criticised on account of its complicacies. For an average man this process of voting as well as counting is rather difficult to comprehend. It is further said that the introduction of P.R. breeds numerous small parties and groups as parties with a reasonable support from electorate are sure of securing seats in the legislature.

As a result of the growth of the multi-party system, the government becomes a weak one. Moreover, a large number of parties with regional, sectional and communal interests endanger the national solidarity. Besides, States with a parliamentary form of government with multiple parties necessity coalition which, in turn, means an unstable cabinet. By-election to fill up casual vacancies will not be possible under P.R. system which requires a multimember constituency. Under the List System of P.R. there is no room for independent candidates to contest in an election.

Moreover, in a multi-member constituency which has to be a large one, the intimate contact between the representatives and the voters is eliminated. Prof. Esmien, summarising the arguments against P.R.. Says, "To establish the system of P.R, is to organize disorder and emasculate the legislative powers. It is to vender cabinet unstable, destroy their homogeneity, make parliamentary government impossible."

Minority Representation: In here are some other devices to make room for the representation of minorities. These devices do not strictly ensure the representation of minorities with mathematical accuracy as P.R. However, they ensure some representation to minority,

Limited Votes Plan: This system also requires a multimember constituency with at least 3 seats. But the voter is allowed to vote a smaller number of candidates than there are seats. For instance, if there are five candidates in the field for 3 seats, then the voter can cast only two votes in favour of two candidates. Thus minority parties become reasonably certain of electing one or two members. This method was used in Japan and Italy for election to lower houses. It is no longer in use. Limited votes plan does not work when there are many parties. It does not allow proportional representation. Above all, it secures representation only for fairly large minorities.

Territorial Representation: Now-a-days in most of the countries there is a system of territorial representation. It means that the people elect one representative for every constituency irrespective of their status. But some critics 'lo not approve of this system. They are of the view that a representative or a Member of Parliament, elected on the territorial basis, may not represent the entire population because .the people are divided into various professions. There-fore, they are in favour of functional representation.

Functional Representation: It is also known as occupational or vocational representation. Most of the modern States form electoral constituency on the basis of geographical territory. All voters, irrespective of their occupation, residing within the constituency, elect a representative or representatives. This has been condemned by the advocates of functional representation as inconsistent with the spirit of democracy. It is said that a representative elected on the basis of territorial constituency cannot represent the varied and diverse interests of the people residing within the constituency. They propose that territorial basis of representation should be replaced by occupational representation.

Thus, a professor should represent the professors, a doctor should represent the doctors and a sweeper should represent the sweepers. Occupational or vocational representation is prevalent in Soviet Russia. Workers, farmers and professional men choose their own representatives. Mussolini too introduced occupational representation in Italy. In India, the constitutional provisions make room for limited functional representation. 12 members of the Rajya Sabha, nominated by the President, represent the cultural, academic and scientific occupations. Upper House in Indian State Legislatures also provide for occupational representation. Teachers and Universities are represented in these Legislative Councils.

LET US SUM UP

The first requirement of a good electoral system is a body of citizens who should be guided by 'public spirit and national interest' while casting their votes. The voters must not be guided by communal, parochial, linguistic or any other narrow and selfish consideration. While casting their votes they should only weigh the suitability of the candidates. Secondly, there must be a system of direct election of the representatives by the primary voters. Whatever be the merits of indirect election, it should not be adopted. Thirdly, there should be ballot system (or secret voting). This will ensure the absence of undesirable influence over the poor voters. The voters will be in a position to exercise their franchise freely. Lastly, the number of voters in the various electoral districts should be, as far as possible, equal.

CHECK YOUR PROGRESS

1. Articles _____ to _____ in part XV of the constitution of India make the following provisions with regard to the electoral system.

2. Mussolini too introduced occupational representation in _____.

3. In India, _____ members of the rajya sabha, nominated by the president, represent the cultural, academic and scientific occupations.

4. _____ House in Indian state legislatures also provide for occupational representation.

GLOSSARY

Representation : Elected Position on Behalf of People.

Territorial Representation : Electing a Person based on place.

EVM : Electronic Voting Machine.

Hare System : Election of Representatives.

ANSWER TO CHECK YOUR PROGRESS

1. 324 to 329

2. Italy

3. 12

4. Upper

MODEL QUESTION

1. Explain the election and methods.

2. Write the kinds of representation.

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Block V

Citizenship

Unit - 13   Citizenship

Unit - 14   Public Opinion

Unit - 15   Pressure Groups

Unit - 16   Political Parties

UNIT – 13

STRUCTURE

OVERVIEW

In a society where the people at large have no opportunity for the realisation of personality, good life becomes impossible. Some minimum opportunities are thus a necessary condition to the realisation of man's personality. For instance, in the absence of opportunity from expression of opinion, a man cannot realise his best self. Hence, arise several of citizenship, rights and duties. In this unit, we will study in detail about the concept of citizenship or citizenship act.

LEARNING OBJECTIVES

After reading this unit, you will be able to

➢ Know the concept and importance of citizenship.

➢ Understand the hindrances to the good citizenship.

➢ Explain about the rights and duties of a citizens.

13.1   INTRODUCTION

Citizenship is the status of a person recognized under the law of a country of belonging to thereof. In international law it is a membership to a sovereign state. Citizenship is granted to every citizen under certain conditions and sometimes the status of citizenship may be withdrawn. Recognition by a state as a citizen generally carries with it recognition of civil political and social rights which are not afforded to non-citizens. A person who does not have citizenship of any state is said to be stateless. In countries like USA the people enjoy double citizenship while in India there is a single citizenship only. This unit tries to explain the meaning of citizenship, acquisition of citizenship, rights and duties of citizen, etc.

13.2   MEANING AND NATURE OF CITIZENSHIP

The idea of citizenship first developed in the ancient Greek city-state of Athens. In the small city-states of Greece the active and direct participation in the political functions and offices of the State was considered to be the basis of citizenship. Aristotle stated, "He who has the power to take part in the deliberative or judicial administration is said by us to be a citizen of the State."

It was only after the French Revolution that the concept of citizenship was gradually widened to include all the native adult population of the State. Modem States have become large-sized. As such direct participation of the citizens in the administration in modem times is impossible. Modem democracy is representative as compared with ancient democracy. Hence, the citizen indirectly participates in the government through his representatives in the modern democracy.

The concept of citizenship was restricted in ancient democracies. Now it has become more positive, constructive and comprehensive. In other words, the word, 'Citizen' is now used in a wide sense. The word 'Citizenship' is derived from 'City'. It conveys that a citizen is one who is a resident of a city, who enjoys some privileges due to such residence. As we have discussed earlier, this meaning has undergone change in the modern States.

The essential characteristic of modem idea of citizenship is the possession of full political rights by the individual in addition to the civil rights i.e. participation in the government of the country. A citizen is a person who enjoys all rights, civil as well as political, under the protection of the State in return for his allegiance or loyalty he owes to it. Mere residence in the territory of a State does not qualify a person to be a citizen. In every State, there are aliens who are the citizens of the foreign States.

Vattal defines citizen as, "the member of a civil society bound to this society by certain duties, subject to its authority and equal participation in its advantages". The State protects the life, liberty, property and political rights of the citizen. In order to perform his functions properly, a citizen must be provided with all opportunities by the State.

Laski observes that the citizenship is, the contribution of one's instructed judgement to the public good." This may be stated in another way that a citizen not only possesses rights but also owes duties to the State to promote the welfare and progress of society. A citizen may even be called to sacrifice his life and the lives of his dear ones to defend the honour and existence of the State. Therefore, citizenship does not mean a mere passive possession of some rights, it is an active participation in the life of the community with a view to self-realisation and consciously promoting general good.

Srinivas Shastri says, a citizen is "one who is a member of a State and tries to fulfil and realise himself fully within it along with an intelligent appreciation of what should conduce to the highest moral welfare of the community." This idea of citizenship implies to a day-to-day service to the cause of peace and progress of humanity. Hence, in a broad sense, a citizen may be defined as one who owes allegiance to the State of which he is a resident, enjoys civil and political rights, and contributes to the social good.

On the basis of the meaning given above, we arrive at the conclusion that one must possess the following in order to become a citizen:

1. The membership of the state.

2. The civil and political rights.

3. The allegiance, i.e. loyalty or the sentiment of devotion to that State.

Two important elements in the idea of modern citizenship are liberty and membership of the state. A good citizen is a free citizen. He enjoys certain rights and liberties which are sometimes fundamental and which

are highly cherished by the individuals and at the same time respected by the state. The right of the membership of the state includes the right to share in the government, formulate laws, pay taxes, etc. there is no distinction between the ruler and the ruled today. The same citizen is both a subject and a ruler. Thus modern citizenship is very broad, comprehensive and all inclusive. It includes within its ambit not only men, but also women, not only. City dwellers but also villagers and does not tolerate any principle which subjects any class of people to slavery or serfdom. It includes all those who permanently reside his a country and owe permanent allegiance to state regardless of their political function.

13.3   LEGAL AND MORAL ASPECTS OF CITIZENSHIP

Legally, citizen is a person who owes allegiance to the State and receives in return the protection of the State both at home and abroad. He has a status in the eyes of law and he is provided with the opportunities of the legitimate enjoyment of his freedom, property and political rights like the right of voting at the local and general flection's, the right of contesting such flection's, the right of holding public offices, etc.

The legal aspect of citizenship is very easy to define but it is difficult to give a definite account of its moral aspect. Citizen ship implies a sense of responsibility in the citizen to fulfil all his obligations to the State and to the various social groups of which he is a member. It recognises a value of self-discipline and self-control.

A citizen should not be too selfish and his personal motives should not stand on the way of the common good. He is not only a member of the family, a member of the village or town in which he lives or a member of the occupation which gives him bread, but also a member of the country and above all a member of humanity at large. His function is to give and take. He must receive all that is necessary to equip himself as a citizen and give back to the community all that promotes general happiness and common well-being. In short, citizenship has three main characteristics, viz.

a.   Allegiance to the State.

b.   Enjoyment of civil and political rights, and

c.   Desire to promote general happiness and common wellbeing.

13.4 CITIZEN AND ALIEN

There is a distinction between a citizen and an alien. Both of them live in the State. But aliens are foreigners who are not the members of the State in which they are temporarily living. The aliens have no political rights but generally enjoy all those civil rights which are enjoyed by the citizen. They can claim the protection of their lives and property from the State in which they are temporarily living in the same manner as the citizens. But they do not enjoy the political rights like the right to vote, the right to hold public offices, etc.

A citizen owes allegiance to the State whereas an alien owes allegiance to the foreign State. An alien may be expelled from the State for misconduct but a citizen cannot be expelled from his own Suite. The State looks after the interests of its citizens even when they go abroad but it has no concern with an alien when he lives in its territory. An alien also does not always have full freedom to acquire or sell landed property.

13.5 CITIZEN AND NATIONAL

Sometimes a distinction is also made between a citizen and national. A citizen is a member of the State who enjoys full civil and political rights but a national is one who is a citizen without political rights. A national like a citizen owes allegiance to the State and he is subject to the control of the State both at home and abroad but has no voting right. Nationals, there-fore, constitute that portion of the citizens of a State on whom the State, for some reason or other, has not conferred the right to vote. Minors, criminals, insolvents, etc. who do not possess the right to vote are regarded as the nationals of the State. According to this definition the bulk of the population of a modern State consists of nationals and citizens.

13.6 NATURALISATION

Citizenship may also be acquired by the process of naturalisation. Naturalisation in the wider sense implies the formal act of bestowing citizenship on an alien in any manner. There are different modes or processes through which a foreigner may be granted the naturalised citizenship. These are legitimisation, marriage, service in the armed force, purchase of real property, long residence, appointment as a Government official, conquest by another State, etc. A woman who marries an alien becomes a citizen of her husband's State.

Sometimes foreigners in the long service of the State are regarded as citizens of the State. In some States an alien becomes a citizen just by long residence. In some more States, for example, Mexico, an alien who purchases real property is allowed to have the right of citizenship. If a State or a part of it is conquered by another State, the inhabitants of the conquered territory may be granted the citizenship of the conquering State.

Some States sometimes put certain restrictions on acquisition of citizenship. Historically this was a device to check the influx of foreigners especially foreigners considered undesirable as belonging to a different culture, religion, race or colour. In Australia the immigration law is Still prohibits non-white races to be citizens. In America the law excludes Chinese and some Asiatic races from being naturalised in the U.S.A. One evil effect of this restrictive policy has been international friction and racial animosity. With the growth of internationalism in the present century, the restrictive policy of acquisition of citizenship is gradually, losing its importance.

13.7 GOOD CITIZENSHIP

In the opinion of Lord Bryce, a distinguished British writer, ''a good citizen is one who possesses the following three qualities, namely intelligence, self-control and conscience". By intelligence is meant *a.* strong common sense and the capacity to understand properly the interest of the community. He should be capable of distinguishing between right and wrong of taking a dispassionate view of good citizenship. The great advantage of education is that it opens out the gate of knowledge and enables the citizens to distinguish the right from the wrong.

A good citizen must possess self-control. He must know how to subordinate his private interests to the general interests of the society. Selfishness and local interests stand in the way of good citizenship. Another quality of good citizen is conscience or devotion to duty. Conscience will generate a sense of responsibility and service towards the community. A good citizen should discharge his duties honestly and diligently. He should always be prepared to render all sorts of services to the com-munity. He should exercise his franchise honestly and should actively participate in the management of the State.

13.8   ACQUISITION OF CITIZENSHIP

An individual acquires the citizenship either (a) by birth or descent or (b) grant or conferment. The first one refers to the principles of Jus Sanguinis and Jus Soli of natural citizenship, the second one refers to naturalised citizenship. We have already discussed above about the natural and naturalised citizenships. Those who are born as citizens are called natural citizens. Naturalisation is an important mode of acquiring citizenship. It is a process through which an alien or a foreigner is adopted as a citizen of naturalising State on fulfilling some conditions. The following are the ways through which naturalisation takes place in different States

A Specified period of Residence or Domicile: Long residence in a foreign State may entitle an Individual to become a naturalised citizen of that State. In Britain and U.S.A. it is five years. In case of France, it is ten years. In Japan, the residence or domicile condition is not enforced in case of an applicant who has married a Japanese woman.

Marriage: A woman becomes a naturalised citizen of her husband's country when she marries a foreigner. It may be stated here that the husband does not get the citizenship of the country to which his wife belongs.

Appointment in Foreign Service: When a person is appointed in the service of a foreign State, he may be conferred or granted the citizenship of that country. For example, some Indians have acquired citizenship in foreign countries by taking up jobs in those countries.

Application for Citizenship: In all States a foreigner who applies to be a citizen is received into the citizenship through an act. The States require the applicant to be solvent and to have good moral character.

Knowledge of National Language: Some State take into consideration the knowledge of national language while granting naturalised citizenship. United States of America gives weight age to this aspect.

Possession of Property in a foreign country: If an individual acquires property in a foreign country and desires to become a citizen of that country, he may be granted citizenship in which case he will lose his citizenship of that country where he was born. This privilege is extended to a limited number of persons.

13.9 HINDRANCES TO GOOD CITIZENSHIP

After analysing the virtues of good citizenship, the hindrances to good citizenship may be noted. According to Bryce, indolence, private self-interest and party spirit arc three main hindrances to good citizenship.

Indolence: Indolence means indifference or apathy to all public affairs. In the political field intelligence, vigilance and alertness are necessary for success. A citizen therefore, should be active and should not fail to discharge his duties in connection with public affairs. Negligence of civic duties is harmful to individual as well as to the State.

Self-interest: Private self-interest perverts good citizenship. Actuated by this spirit, citizens neglect public interest and desire to promote their own interest even at the cost of common good. Voting is a sacred trust in democracy. If voters become dishonest, and sell their votes to unscrupulous candidates, the interest of the community as a whole will suffer and this will also degenerate public life and degrade the administrative morale. Similarly, if leaders distribute public offices to their supporters and relations this will lead to corruption.

Party Spirit: Party spirit also acts as a serious obstacle to the growth of good citizenship. It is true that democracy cannot work without the party system. But unhealthy rivalry between different parties tends to vitiate the political atmosphere of the country. Parties should not mislead people and should not stand in the way of good public opinion. Moreover, when parties are in charge of administration, they should not use the administrative machinery of the State for their personal benefits. If parties do not follow a code of conduct, democracy can neither be successful nor can good citizenship be achieved.

Poverty: Poverty may be added as an obstacle to good citizenship. A poverty stricken citizen who does not get two square meals a , day becomes indifferent towards life and its problems. He fails to participate actively in the management of the State as he cannot have a free and independent will. Again, poverty often drives a citizen towards anti-social activities such as theft, cheating, murder, etc. It is therefore, necessary that every citizen should have a basic economic minimum and it is the duty, of the State to assure "every citizen a reasonable decent standard of living.

Ignorance: Ignorance is also another powerful obstacle to the development of civic sense. If a citizen is to make his fullest .contribu-tion to the public good, he should be educated and well informed. If he is ignorant and stupid, he will not be able to distinguish

the right from the wrong. Narrow mindedness based on evil customs and institutions obstruct that right judgement of the citizens and render them unfit to cooperate in the achievement of a common good. Barke, therefore, rightly said, "Education is the best defence of citizenship".

How to remove hindrances:

Remedies for the removal of hindrances may be classified broadly into two categories, viz. ethical remedies and mechanical remedies. So far as ethical remedies ore concerned, hindrances to good citizenship arise out of the fundamental defects of human mind and character. Education can cure these defects of human mind. Therefore, it is said that education is the best defence of a nation and it is the key-stone of the arch of good civic life. Plato, in ancient times, attached great importance to education. Education, when properly conducted, will kill ignorance and will inspire each citizen with the ideas of true citizenship. A well organised system of national education will train the minds of citizens. Equal importance should also be given to adult education. A good citizen should be conscious of his rights and responsibilities. Development of national character is the best remedy for removing the hindrances to good citizenship.

Real hindrances lie as much in the character of the citizens themselves as in the political and social institutions under which they live. Mechanical remedies are those which seek to remove the hindrances by introducing changes in political and social institutions. The structural changes are many. There should be consti-tutional reforms. Grant of fundamental rights, extension of franchise, more frequent election, introduction of referendum, initiative, recall, etc. will make them conscious of their rights and induce them to take increasing interest in public affairs.

Abstention from voting is becoming a general feature of democratic countries. This is not a healthy sign for the successful working of democracy. That is why some advocate obligatory voting. By introducing compulsion, it may to some extent, overcome the apathy and indifference of the citizens. What is wanted is that political and social institutions should be based on the principles of justice and equity.

Laws in a "State should be impartial and machinery of government should be above corruption and nepotism. The eradications of caste restrictions, evil customs and institutions will remove many obstacles to good citizenship.

13.10 CITIZENSHIP IN CONSTITUTION OF INDIA

Constitution of India, Part-II deals with citizenship. Article 5 says citizenship at the commencement of constitution.

a. Who was born in the territory of India, or

b. either of whose parents was born in the territory of India; or

c. Who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement, shall be a citizen of India.

Every person: The expression "every person" includes

a. A prisoner.

b. A member of the armed forces (but subject to article 33).

Citizenship rights of certain individuals migrating from Pakistan to India. Notwithstanding the terms of Article 5, a person who has migrated from Pakistan to India shall at the beginning of this Constitution be regarded as an Indian person if he or either of his or her parents or grandparents was born in India as defined under the Government of India Law of 1935 (as originally enacted); and I in the case where he or she has migrated from India to Pakistan.

in the case where such person has so migrated on or after the nineteenth day of July 1948, he has been registered as a citizen of India by an officer appointed in that behalf by the Government of the Dominion of India on an application made by him therefore to such officer before the commencement of this Constitution in the form and manner prescribed by that Government: Provided that no person shall be so registered unless he has been resident in the territory of India for at least six months immediately preceding the date of his application.

Rights of citizenship of certain migrants to Pakistan Notwithstanding anything in articles 5 and 6, a person who has after the first day of March, 1947, migrated from the territory of India to the territory now included in Pakistan shall not be deemed to be a citizen of India: Provided that nothing in this article shall apply to a person who, after having so migrated to the territory now included in Pakistan, has returned to the territory of India under a. permit for resettlement or permanent return issued by or under the authority of any law and, every such person shall for the purposes of clause (b) of article 6 be deemed to have migrated to the territory of India after the nineteenth day of July, 1948.

Rights of citizenship of certain persons of Indian origin residing outside India. Not with standing anything in article 5, any person who or either of whose parents or any of whose grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted), and who is ordinarily residing in any country outside India as so defined shall be deemed to be a citizen of India if he has been registered as a citizen of India by the diplomatic or consular representative of India in the country.

Citizenship Act, 1955, Section 9(2):

The Central Government, is vested, by section 9(2) of the Citizenship Act, 1955 with exclusive jurisdiction to determine the question whether a person, who was a citizen of India, has lost that citizenship by having voluntarily acquired the citizenship of a foreign State. This question cannot be determined by any court, either by suit or in a proceeding under article 226 or under article 32 of the Constitution. If this question arises in such proceedings, the court should stay the proceedings to enable, the parties to obtain the determination of the Central Government under section 9(2) of the Citizenship Act, or restrain the Government from giving effect to the order of deportation until the question under section 9(2) is determined by the Central Government.

A State Government has no jurisdiction to determine this question unless the function is delegated by the Central Government, under article 258 of the Constitution. Under mentioned decisions support the above propositions:

Obtaining passport:

Mere proof of the fact that the person has obtained a passport from a foreign country is not sufficient to sustain an order for deportation or prosecution, unless there has been a decision of the Central Government under section 9(2) of the Citizenship Act, 1955. The inquiry by the Central Government under section 9(2) of the Citizenship Act is quasi-judicial.

Anyone who, under the terms of this Part, is or is considered to be a citizen of India shall remain such citizen, subject to the requirements of any legislation which Parliament may make.

Parliament through legislation to govern citizenship nothing in the provisions of this section will derogate from Parliament's ability to enact any provision concerning the acquisition and termination of citizenship or any other issue pertaining to citizenship.

Loss of Citizenship:

Citizenship may also be lost due to several reasons. First, a woman loses citizenship by virtue of her marriage with a foreigner. Secondly, citizenship may be lost by a person if he remains absent from his native country for a pretty long period. Thirdly, when an individual accepts a job in a foreign country and migrates to that country he may acquire the citizenship of that country but loses the citizenship of the country where he was bom. A good number of Indians have lost their citizenship for this reason. Fourthly, in some states, individuals guilty of grave crimes, treason or desertion from the army etc. are deprived of their citizenship. Finally, the most general cause of loss of citizenship is expatriation. it means a citizen's voluntary resignation of his original citizenship and his naturalisation as the citizen of another State.

13.11 RIGHTS AND DUTIES OF A CITIZEN

13.11.1   RIGHTS

Rights defined by Laski says, "Every State is known by rights that maintains" The State should guarantee to individuals the enjoyment of some basic rights which are fundamental for good life. The State grants legal recognition to rights. Rights can be defined as a claim or demand of each citizen for the realisation of his best self. The citizens have rights because they are the members of the political community and their rights are not independent of society, but inherent in it. Rights enable one to make his contribution to the common good. But rights and duties are interlocked.

We may examine some important definition of rights. Laski says, "Rights are those conditions of social life without which no man can seek, in general, to be himself at his best."

Holland defines, "Rights are one man's capacity of influencing the acts of another by means of the opinion and force of society."

Wilde defines, "Rights are a reasonable claim to freedom in the exercise of certain activities".

Classification of Rights: Rights are broadly classified in two categories-Moral and Legal. Moral Rights are based on the moral code of society. For example, a teacher has a moral right to be respectfully treated by students. The sanction of moral right lies in the moral conceptions and sense of justice, of right and wrong of society. A moral claim becomes a legal right when it gets legal recognition.

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Legal Rights are the rights recognised by the State: They are usually divided into two categories viz. 'Civil' and 'Political'. Civil rights are rights granted to all. They are basic rights which enable one to live as a human being. These relate to the protection and enjoyment of life and property of the individual and are regarded as essential to civilised existence. Gettle says, "Civil liberty consists of the rights and privileges which the State creates and protects for its subject". The most important civil rights include the right to life, the right to education, the right to work and the right to freedom of religious worship.

Political rights help an individual to be a good citizen. Every democratic State also recognises political liberty which implies the right of a citizen to have a share in the government of the State. In other words, those rights by virtue of which the individual becomes entitled to participate in the government of his State, are called the political rights. Among important political rights is the right to vote, the right to contest in the elections, the right to petition and the right to public office.

13.11.2 CIVIL RIGHTS

The following rights are some of the important civil rights:

The Right to Life and Security of Person: This is a fundamental right, without life and property of person's other rights are of no use. It is the primary duty of the State to safeguard this right of the individuals. This right is gaining an importance with the progress of civilisation. The right to life also includes the right to use force in self-defence, but the force must be both necessary and reasonable. An individual has also no right to take away his own life. In other words, it means that nobody has the right to commit suicide. Suicide is prohibited as it destroys personality.

The Right to Property: Almost every State recognises the right to private property. But in the Communist countries, like Soviet Russia, the right to property is excluded altogether from the list of fundamental rights. The right to the property includes the right to use it for one's gains whether land or goods, the right to exclusive use, the right to destroy and the right to bequeath. But the right to private property has a condition. The condition is that it should not be the used to disadvantage of others.

The Right to Religion: In modem democratic states, freedom of religious worship is allowed to the citizens. Religion is purely a personal matter and the individual should be free to worship his own God. No one should be forced to follow a particular religion and the State must guarantee equal freedom to believers of all religions. Subject to some

conditions, every religious denomination is entitled to establish and maintain institutions for religious and charitable purposes. The Constitution of India in six separate Articles (Article 25 to 30) guarantees the freedom of thought and worship and all cultural and educational rights of all sections of the people of India.

The Right to Freedom: The right to life implies the right to freedom. Slavery is illegal under this right. It means further that a citizen cannot be imprisoned without the process of law. It also includes the freedom of movement which means that every citizen is at liberty to reside, settle or choose his career anywhere in the country. But the right to liberty is not absolute. It has its relative obligations. If an individual breaks laws, the state can deprive him of his liberty and he will be put in prison.

Right to Work: Laski says: "Man is bom into a world where, if rationally organised, he can live only by the sweat of his brow". The right to work means that everyone who is able and willing to work should be provided with employment. In Communist states, the right to work is recognised by their Constitutions.

The Right to Education: Every citizen has the right to be educated. Bani Prasad says, "Education is the foremost right and its promotion is the foremost duty of all members of society". The right to education implies that every individual should be provided with minimum of education which is necessary for the performance of his duties.

The Right to Reputation: Every individual has this right too. Holland says, "A man has right, as against the word, to his good name, that is to say, he has a right that the respect, so far as it is well-founded which others feel for him shall not be diminished". Therefore, a defamatory statement is punishable according to law.

The Right to Family life: It means that every individual should have the full freedom to marry wherever he pleases. However, the sacredness of marriage has to be maintained. Both the husband and wife must be faithful to each other. Parents must have control cover their children and children can claim that they must be supported by the parents, during their periods of minority. They are entitled to the right of inheritance to the property of their parents.

The Right to Freedom of Speech and Expression and Public Meeting: It means the right to say or write what one chooses provided that it does not harm the reputation of others. One is free to attend public meetings. The freedom of speech and expression also includes the

freedom of public meeting. Of course, this right is not absolute, it should not be exercised against the general interest.

The Right to Association: Another important right enjoyed by the citizens of democratic States is the right to association. An individual has the right to become a member of any lawful association. He can also form associations. But it does not mean that the associations can engage themselves in illegal or violent actions.

The Right to Contract: Citizens have the freedom of contract. All valid contracts should be respected and enforced by the State. There can be no progress in commerce, agriculture, and industry etc. if there is no sanctity of contracts. However, the State has the right to declare such contracts illegal if they are against interests of the society.

13.11.3 POLITICAL RIGHTS

The following are the important Political Rights of the citizens:

The Right to Vote: The right to vote is a primary political right of the citizens. The State is meant for the welfare of the citizens. The welfare of the citizen is directly connected with the laws of the State. It is necessary that the laws should be made and enforced in accordance with the wishes of the people as a whole. It means that every citizen should have an opportunity to influence the government. He gets this opportunity through his voting right. It is increasingly recognised that the right to vote is the basic principle of a democratic State. Article 326 of Indian Constitution provides the right to vote to the Indian citizens.

The Right to stand in the Elections: Every citizen in a democratic government enjoys the right to seek election to Legislative bodies. Democratic citizenship is based on the principle of the right to rule and be ruled.' Every citizen is entitled to a share in the making of policy and framing of laws. In other words, every citizen can offer his candidature during election to the different elected bodies of the country. There cannot be disqualifications based on religion, sex or possession of property.

The Right to hold Public Office: Every citizen in a democratic country should have the right to hold public office which means government employment. The qualifications, whatever may be, should be equal for all. No person or persons can be debarred from any public office.

Right to Resist: It is the duty of the citizens to respect and obey the laws of the State. But the citizen has the right to resist such laws which are oppressive and used for exploitation of large sections of citizens.

Mahatma Gandhi resisted many British laws which were injurious for the people of India. What we mean is that the citizens can resist the unjust laws.

The Right to Discuss and Criticise Government Policy: It is considered as an important right. The government should welcome constructive criticism from the public. The criticism provides correctives to the government and thereby the government can form an idea about public opinion on its measures. No popular government can go against public opinion.

13.11.4 DUTIES OF CITIZENS

No doubt, the State helps the citizen in developing his personality by guaranteeing the rights. But the citizen must also discharge some specific duties to enjoy his rights. In the Constitution of U.S.S.R. the duties of the citizenships are expressly stated. In almost all democratic Constitutions, duties are sent to the civic sense of the people. Provisions have been made potently for fundamental duties in Indian Constitution, Part IV A dealing with the fundamental duties was added to Indian Constitution by the Forty- second amendment of the constitution in 1976. Commonly speaking, the citizens have following major duties:

Allegiance to the State: The citizens must be loyal to the State. It means that every citizen must help the State in maintaining its territorial sovereignty from external attack and in preserving internal peace and security. This duty implies that the citizen should defend the State at the cost of his life. In some States, military service has been made compulsory during war.

Obedience to Law: The citizens must obey the laws of the State. Obedience to law is regarded as the Supreme duty. Disrespect for law will lead to disorder and chaos. Respect for law and individual freedom are not opposed to each other. Obedience to law does not limit the freedom of the individual:

Maintenance of good Health: Every citizen owes a duty to himself to maintain good health. An individual cannot contribute to society without physical fitness. The importance of a sound mind in a sound body needs no emphasis.

Payment of Taxes: The State imposes some taxes. A citizen must pay the taxes. The State cannot carry on administration, defend the territory and provide social amenities without finance. If the citizens will not pay the taxes sincerely and honestly, the administration of the State will collapse.

Honest exercise of the Right to Vote: The right to vote is fundamental in a democratic system. The quality of government depends upon how this right is exercised. The citizens must choose their representatives with judgement, understanding and honesty. The persons who hold public offices should also render service with responsibility and honesty.

Co-operation with Neighbours: Every citizen has some duties towards his neighbours. He should not hate them. He should extend all kinds of co-operation to them. His social relations with his neighbours can add to his happiness.

Performance of Public Service: Every good citizen should be public-spirited. He should be proud and happy to help every member of his country. Nation can prosper only by the spirit of self-sacrifice. One must consider welfare of society to be more important than his own interests.

Spirit of Toleration: Toleration of different views of others is an important duty of the citizens. Progress of society is possible only by the goodwill which depends upon the spirit of toleration among the people.

Besides the above duties: The citizens must also perform other duties such as serving as members of the jury and serving in various local bodies of the country.

13.11.5   CO-RELATION OF RIGHTS AND DUTIES

Rights imply duties. They are interlocked, One cannot exist without the other. The relation between right and duties may be outlined as under: It is the duty of a citizen to use his rights so as to contribute to the social good. But correspondingly, it imposes a duty on the part of the citizen to cultivate the high Clive virtues without which democracy cannot work successfully.

Secondly, each individual has to respect the right of others. The citizens have the duty not to interfere with the enjoyment of similar right by some other citizen. The fact of social interdependence demands this duty on the part of an individual.

Thirdly, the State gives the rights to the citizens. In return the citizens are under obligation to perform some necessary duties towards the State. The success of democracy is determined by the extent, to which citizens are prepared to perform the duties required on the part.

LET US SUM UP

A citizen, a member of a state who enjoys all rights and privileges granted by it and also discharge his duties and obligations towards the state and other associations within it. The idea of citizenship was a narrow one in ancient times. But it has changed in course of time. Modern Nation States are large sized and political privileges are enjoyed by all irrespective of any consideration. In the present day context citizenship does not mean direct participation in administration, but allegiance to the state in which a citizen resides and enjoys various rights and privileges.

CHECK YOUR PROGRESS

1. The conditions of naturalisation are laid down in section VI and Schedule III of the Indian Citizenship Act of _____

2. Any person who or either of whose parents or any of whose grand-parents was born in India is citizen of India as defined in the _____ Act, 1935

3. Fundamental duties were added to Indian Constitution by the _____ amendment of the constitution in 1976.

GLOSSARY

Domicile   :   Citizenship.

Good Citizenship   :   Who have possess such qualities.

Rights   :   Claim of freedom.

ANSWER TO CHECK YOUR PROGRESS

1. 1955

2. Government of India

3. Forty- second

MODEL QUESTION

1. What are the hindrances to the good citizenship?

2. What is Good Citizenship?

SUGGESTED READINGS

1. J.C. Johari, (1980) *Foundations of Political Science*, Shobanal L & Co Jalandhar.
2. Amal Ray Mohit Bhattacharya, (1998) *Political Theory idea and institutions World*, Calcutta.
3. D.C. Bhattacharya, (2001) *Political Theory*, Vijaya Publishing House, Calcutta.

UNIT - 14

PUBLIC OPINION

STRUCTURE

Overview

Learning Objectives

14.1   Introduction

14.2   Public Opinion

14.3   The Nature and Importance of Public Opinion

14.4   Formulation of Public Opinion

14.5   Agencies of Public Opinion

14.6   The Growth of sound and effective public opinion

Let Us Sum Up

Check Your Progress

Glossary

Answers to check your Progress

Model Questions

Suggested readings

OVERVIEW

The students of Political Science find the study of public opinion very useful in understanding the working of a democratic government. The origin of the term "Public Opinion" goes back to the days of Roman and Greek democracies. In modern times political scientists lay great emphasis on the nature of public opinion. Public opinion acts like the watch-dog of democracy. But very often the meaning of public is misunderstood. Some people consider this as the opinion of the majority. But public opinion need not be opinion of the majority.

LEARNING OBJECTIVES

After reading this unit, you will be able to

➢ Know the meaning of public opinion.

➢ Understand the importance of public opinion.

➢ Discuss the various agencies of public opinion.

14.1 INTRODUCTION

In simple words, public opinion may be called "the opinion of the people in general, on the question of general good or general welfare. According to Lord Bryce, "Public opinion is commonly used to denote the aggregate of the views men hold regarding matters that affect the interest of the community." The origin of the phrase "Public Opinion' is not very much clear. The phrase 'Public Opinion' in the sense of "popular participation in the creation, control, execution and critic of public policy", was first used in France and was found in the writings of Rousseau.

The idea of public opinion has been thoroughly analysed by many political scientists in modern times. Even so, there is no unanimity on the precise meaning, nature, significance and role of public opinion. The phrase 'Public Opinion' came into limelight due to its connection with democracy. The traditional concept of public opinion is that it is a sort of sense of the community, a consensus among the people which could emerge on major issues of government policy and administration. This was widely accepted in the later part of the nineteenth and early twentieth centuries.

14.2 PUBLIC OPINION

According to Finer, public opining implied one of the three things. It could be a record of fact, a course of action or a combination of more than one. This concept of public opinion has been re-examined. Bryce concluded that public opinion denotes a collection of views man hold regarding matters which affect their interest. Bryce felt that public opinion was confused and amorphous. However, he also maintained that in the midst of all confusion and diversity, one could find some views emerging which were held by a majority and could be referred to as public opinion.

According to Corry, "Public opinion is one that determines or influences; or may be expected to influence what government does". It brings to our mind an invisible force and an unseen hand that guides democracies along the path of righteousness. Public opinion is a belief, a judgement or conclusion on a particular issue shared by a considerable section of the community usually enough to influence the policy of government.

Public opinion to be real must be calm and disinterested judgement of well instructed persons. Public opinion need not be a unanimous opinion. There are two characteristics of the public opinion. Firstly, it must be held generally. Secondly, it should be encouraged by high motives of common good.

The criterion of Public opinion is that it must be in the interest of all the people, irrespective of personal or sectional interests. Beni Prasad says, "Opinion may be regarded as truly public when it is motivated by a regard for the welfare of the whole society". In other words, true public opinion is the opinion of right minded citizens if it succeeds in getting the support or acceptance of the general body of citizens. Even those who may not like it because of personal motives are forced to acknowledge that it is correct.

14.3   THE NATURE AND IMPORTANCE OF PUBLIC OPINION

Democracy has very often been described as the 'Rule by Public Opinion'. Thus an alert and intelligent public opinion is fundamental for democracy. If the people are not careful of their interest, it is not surprising if democracy will degenerate into dictatorship. The essence of a popular government consists in the control of political affairs by public opinion. Public opinion has indirect bearing on the activities of the government. Public opinion keeps the rulers in touch with the views of the people at large and amendable to their influence. It keeps the government on the right track by criticising the government when criticism is necessary and supports it when such a thing is justified. Briefly speaking, public opinion acts as the watch-dog of administration.

Importance of Public Opinion: Importance of public opinion cannot be under-estimated in the democratic State. In democratic States where the government is a servant of the people, public opinion plays an important role. An alert and intelligent public opinion is absolutely necessary for the successful working of democratic government. In its absence the government finds no channel to know the wishes of the people. Thus, the acts of the government become arbitrary and it ceases to be a democratic government. This is why in most of the newly independent Afro Asian States democracy does not work properly. A healthy public opinion is conspicuous by its absence in these States.

14.4   FORMULATION OF PUBLIC OPINION

How is public opinion formulated? This is an interesting question. It requires a thorough analysis about the working of a mass psychology. However, within the scope of our present study, we shall briefly examine the various agencies (or organs) for the formulation of public opinion and observe their working.

14.5 AGENCIES OF PUBLIC OPINION

According to Bryce, the common people have hardly any interest in the affairs of the state. Some agencies are needed to form them. The agencies of special importance may be discussed as under.

The Press: One of the chief instruments of popular education which is now generally available to the people in a country is the press which plays a vital role. As a matter of fact, it is the press which has made democracy possible in large countries by making political facts and events available to the people throughout the length and breadth of the country. Newspapers help to form public opinion by providing news and information concerning matters of national and international importance, publishing statements of ministers and other public leaders. They report the proceedings of legislature, public meetings and conferences. Through the editorial columns, they bring to the light the questions of public importance. They keep the government in touch with the people by ventilating the grievances of the people. The newspapers also enable the statesmen to read and judge the thoughts and feelings of the people. The number of newspaper reading is steadily increasing. As the political opinion of the public is mostly formed through newspaper reading, the responsibility of newspaper has also increased. Freedom of the press is desirable but its misuse should be checked by all means.

The Platform: Platform speeches are useful for educating the people and formulating opinion. Every democratic government ensures the right to freedom of assembly. The speeches in public gatherings sometime leave lasting impression in the minds of listeners. All kinds of speech skill are employed to influence the public mind. The common people get an opportunity of hearing both the supporters and critics of government from public platforms. However, it must be noted that all this is possible only if the people enjoy freedom of speech and the government does not impose unnecessary limits on the exercise of this right.

The Cinema: The cinema came into use as a means of public education and enlightenment after the First World War. Newspapers are read by a few literate people. But the vast majority of illiterate and ignorant masses form their opinions by seeing cinema. The use of news reels and educational films is becoming increasingly popular in recent times. In India, for example, films play an important role by awakening the conscience of the public and teaching them the evils of the caste, untouchability, communalism etc. Unfortunately, the average film producer is concerned more with making money than educating the

public mind. Consequently, we get some cheap films which harm the public mind.

Radio and Television: Radio and television, like cinema, can reach out to the people, even the illiterate. These media can help spread mass education in developing countries. The radio influences the public opinion by broadcasting news and comments. It arranges talks and discussions on questions of general interest. It establishes a living contact between the people and government. Radio is a powerful agency of public opinion as it integrates entertainment with instruction.

Television is believed to be a better medium of conveying the news in modern times. It brings events, issues, conflicts and leaders, directly before the viewers, right in the closeness in their homes. During election time, political leaders seek popular support through the television. Television has made an effective means of mass political education. Its use is wide spread in U.S.A. It is heartening that the use of television is spreading fast in our country now.

Educational Institutions: The educational institutions are of considerable value in the formation of public opinion. The training provided to the students in schools, colleges, universities, literary societies, study circles etc. greatly influence the future course of their life. Young boys and girls learn to think, speak and act in their educational institutions. They acquire a good amount of knowledge about their country and the world at large. This affects their whole outlook on life and their attitude to matters of national importance.

Posters Placards and Bill-Boards: Those who cannot read the newspapers, books and magazines, are appealed through posters, placards and bill-boards. They convey the message to masses in signs rather than in a language. Now-a-days, political parties carry on extensive campaigns of propaganda through pamphlets, posters and spate of documents.

Legislatures: The legislatures make laws after long debates which are reported in the newspapers. The discussions in the legislature help in the formation of public opinion. The newspaper's report the speeches of members of government as well as of the members of opposition which help people to judge the calibre of rulers and express their opinion. Legislatures are the mirrors of public opinion. They also mould the public opinion.

Political Parties: The most important agency for the formation of public opinion is the political party. Lowell says that parties are the brokers of ideas. As their main purpose is to capture power, they seek to build up as large a following as possible. They carry on continuous propaganda in order to convey their point of view to public. They educate public mind by issuing election manifestos, publishing pamphlets, books and holding public meetings. As discussed earlier, political parties "educate, formulate and organise public opinion".

Makers of Public Opinion: Lord Bryce says that three classes of persons help in the making of public opinion. The first and foremost class is composed of those citizens who take an active part in political affairs as professional politicians, leaders of political parties, legislators, journalists, authors etc. Although they are small in number, they are real makers of public opinion. In the second place, there are those citizens who are not wholeheartedly engaged in the game of politics but who make an intelligent and enlightened interest in public affairs. Thirdly and finally, we have the vast masses who take little interest in public matters, read little and think even less about them. They do not hold opinions of their own. Their opinions are influenced by public leaders and newspapers. Thus, public leaders occupy an important position in the formation and expression of public opinion.

14.6 THE GROWTH OF SOUND AND EFFECTIVE PUBLIC OPINION

The people should be intelligent and continuously alert in public affairs. Population should be homogeneous and possess a community of interests. Wide differences in race, religion or class interest interfere with the formation of public opinion. The means of informing and influencing public opinion should be extensive and honest and should not be used to deceive the public or to advance the interests of any selfish group. Freedom of opinion and discussion is highly essential; Minority groups must have the right to urge their views by democratic means. Sound opinions can be formed only in all points of view can be freely expressed and allowed to compete for supremacy. The will of the majority, when clearly and fairly expressed, must be accepted by the minority until such time as its opinions prevail.

The public opinion must be well-intentioned. It should be directed to the achievement of Social' and not 'particular' good on the basis of sound knowledge and judgement. Public opinion must be the result of calm and cool thinking and the result of judicious deliberation by thoughtful individuals.

Sound party system is essential. The political parties should take their stand on sound and well-thought out political and economic programmes. Besides, there should be a comparatively small number of well-organised parties which present clear-cut issues to the people. Harmony and goodwill of the people are assets to the sound public opinion. Beni prasad says, "The greater the social harmony, the easier the formation of public opinion".

The Case in India: Our population consists mostly of illiterate and poverty-stricken masses. They are very much wedded to old fashioned customs and ways of thinking. Most of our people lack the ability to think freely and intelligently. Mischievous religious propaganda easily misleads our people. But things are improving. As education spreads, poverty is conquered and a true secular outlook develops among the people. We shall have the proper climate for the growth of an alert and enlightened public opinion.

LET US SUM UP

Public opinion has assumed great importance in modem times. The success of democracy depends upon the effective articulation of public opinion. Opinion which is encouraged by high motives of common good can be described a Public Opinion. It must concern itself with the welfare of the whole society. The power of public opinion to influence specific government decisions, since ordinarily the only choice the public is given is that of approving or disapproving the election of a given official.

CHECK YOUR PROGRESS

1. Beni prasad says, "the greater the social harmony, the easier the formation of _____".

2. Radio and television can reach out to the people and can help spread mass education in.

3. _____ as very often been described as the 'rule by public opinion'.

4. The chief instrument for popular education which is easily available to people is _____

GLOSSARY

Public Opinion : Ideas and views of the people.

Press : Newspaper.

Broadcasting : Electronic Media.

ANSWER TO CHECK YOUR PROGRESS

1. Public Opinion

2. Developing Countries

3. Democracy

4. Press

MODEL QUESTION

1. Explain the public opinion.

2. Explain the Agencies of public opinion.

SUGGESTED READINGS

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UNIT – 15

PRESSURE GROUPS

STRUCTURE

OVERVIEW

Group's activities are common features in human societies. Due to multi sided personality of man, he has to be a member of various groups and associations in society. We have already discussed in detail the various associations including political association. Individual is no longer the centre of activities in society. In order to make his voice felt, he has to join a group. Groups are formed in all societies and these groups put forth the problems of their members. Instead of man versus State, the talk today is the State versus the group. This unit deals with the concept of pressure group, various kinds of pressure group and influence of pressure group in administration of government.

LEARNING OBJECTIVES

After reading this unit, you will be able to

➢ Understand the concept and Functions of pressure groups.

➢ Know the kinds of pressure groups.

➢ Discuss the pressure group influence on the political system.

15.1 INTRODUCTION

In every political community there are organised interest groups attempting to bring/ about political or policy change through government and other activities. They are nod political parties in the sense of being represented at that particular time, in the legislative bodies. Such pressure groups operate actively, especially, in a representative government committed to the realisation of the ideal of social service state, for such a state assigns lo social groups a greater stake in politics and thereby mobilises them to a much greater extent. Equally, in modem times, when the slate adopts a positive role in the sphere of planning and social service it makes itself increasingly dependent upon the aid and advice of such groups. The number of groups and intensity with which they are able to pursue their objectives, however, depends upon the social legitimisation of group activity and the prospects of fulfilling group demands in a given political system.

In this context, the ever widening activities of government in India particularly in the developmental field, have stimulated the creation and consolidation of organised groups for the purpose of articulating and pressing the claims of their members. However, not all of them are as yet as organised and structured as in the developed democratic societies. Still, as compare to the other developing societies, in India, there are a large number of well organized structured groups that make use of the comprehensive and well knit pressure systems lo direct the political system for the acceptance of their claims. The reasons for this are the nature of the anti-imperialist struggle before 1947 and of the development of party system thereafter.

A pressure group is a collection of individuals who are actively organised to promote their shared interest and to promote it. This is termed as it tries through putting pressure on the Government to bring about a change in public policies. The government works as a liaison with its members. The lobby groups are also called lobby groups or groups. They are distinct from the political parties since they do not compete for certified elections to seize political power. They concern certain

programmes and problems and their actions are restricted by persuading the government to safeguard and promote their members. This unit interest and pressure groups tries to explain the meaning, characteristics, and activities of the pressure group.

15.2   MEANING AND DEFINITION OF PRESSURE GROUPS

Man is a social animal.He always seeks fellowship in and through voluntary groups which cater to his diverse interests and also provide the much needed feeling of security. Man is bound to feel alone in the absence the governmental activity is every widening in modern times. It affects organised interests. Every time government intervenes in economic or social matters, it sets in motion a chain of consequences which affect the welfare of a number of groups. When a law is proposed, groups will support or oppose such proposed legislation or try to get it modified to suit their interests. Groups organise systematically in their efforts to influence the policy of government in their favour.

Groups are concerned both with the nature and content of laws and also their execution. They are to be vigilant in order to safeguard their interests and government on its part must know group thinking to ensure that it passes appropriate legislation and devises the correct method for its implementation so as to activism the purpose in view. A truly representative democracy should welcome group activity and individuals must and will necessarily be involved in group activity always. Such an attitude provides life and meaning to democracy. The formal democracy is transferred into a working democracy on account of continuous group activity. Democratic is government is based on discussion and compromise. Here, groups make continuous dialogue and greatest individual involvement and political participation.

The groups we are concerned with are pressure groups which pursue political aims without themselves attempting to come to power. Pressure groups "are the living 'public' behind the parties". These groups do not contest in the polls. Their main concern is to influence government in order to obtain laws in accordance with their own special interests. Zeigler describes the Pressure Group as "an organised group that attempts to influence government choices without trying to put its members in official governance." A.R. Ball states that "essential features of the activities of the pressure group are that lobbies are a strong component of the political process and try to strengthen or influence the direction of government policy. They range from powerful employer organisations and trade unions operating at the national level to small and relatively weak local civic groups lying to improve local amenities".

Henry A. Turner says, "By definition, pressure groups are non-partisan organisation which attempt to influence some phase of public policy. They do not themselves draft party programmes or nominate candidates for public office. Pressure associations do however; appear before the resolutions committees of the political parties lo urge the endorsement of their programme as planks in the party's platforms".

The American Jewish Committee, the Association of American Rail Roads, National Farmers Union of England, the Confederation General Dw. Travail of France, the All India Manufacturer's Organisation, the Associated Chamber of Commerce of India, the Federation of Indian Chambers of Commerce, the Forum of Free Enterprise of India are some of the examples of pressure groups.

Increasing governmental participation in the social and economic life of the people has led to the growth in the formation and activity of numerous interest groups in every modern state committed to achieve the goal of general welfare. As such, Britain is no exception. Rather, by virtue of being the birth place of the modern welfare state, she has reached a stage of being 'the pressure group state.'

The growing shift in the emphasis from public to private projects in the spheres of social and economic life of the community suggests that recent policy of the British government has been simply a response to the pressures of the powerful interest groups which support either the Conservative or the Labour party. It has led to the emergence of a crucial question that relates to the degree of influence exerted by pressure groups upon the formulation of official policy. Certain it is, however, that the penetration of the politics of pressure groups has been increasing rather than diminishing, though it is not easy to determine as to how far the process has gone, or what form it is taking.

15.3   CHARACTERSTIC FEATURES OF PRESSURE GROUPS

The characteristic features of pressure groups may be enumerated as under:

1. There can be no group unless there is specific interest. Pressure group is formed for a specific interest. It is the specific interest which impels the individuals to come together to improve or defend their positions, one against another.

2. The pressure groups are afraid of coming into politics to play their part openly and they try to hide their political character on the plea of their being non-political bodies.

3. The pressure groups make efforts to play the role of either splinter groups within some political parties or shift their loyalty from one party to other and at the same time pretending their aloofness from politics.

15.4 KINDS OF PRESSURE GROUPS

Pressure groups came into being since the establishment of the American Republic, but their number and intensity of work reached their zenith only in the twentieth century. There are various types of pressure groups, and it is not easy to classify them. One way of classifying them is according to the subject they deal with. The general subjects dealt with by pressure groups are agriculture, industry, labour, professions, consumers, and so on. even religious groups have their own organisations. Different organisations represent the Roman Catholics, Protestants and Jews.

Pressure groups are of many kinds. Many of the pressure groups are concerned fundamentally with the economic welfare of their members. Their concerns are mainly professional. Even so there are glaring differences among them. Some pressure groups represent a specialised and homogeneous occupation. There may be pressure group organisations which may cater to a wide spread a vocational interest.

As a matter of fact, the members of a pressure group hold shared attitudes. There are two categories of pressure groups. Interest groups form one of the categories. Interest groups are those groups in which the attitudinal homogeneity originates from community of interests among their members. For example, an interest group may consist of all big farmers. Trade Unions may be considered as interest groups. Their main concern is to influence the government decision. The second category includes the attitude groups these groups are those the members of which share certain values in common. The groups working for the betterment of the depressed classes or a social reforms group or groups working for the prevention of cruelty to animals are bound by certain common attitude towards certain problem and could be described as attitude groups.

Reflecting G.A. Almond's view, J.C. Johari mentions for kinds of pressure groups. First, there are "institutional" groups which perform functions and keep the governmental process in operation. Second, there are 'non-associational group based on class kinship, religion. Third, there are 'anomic groups appearing in the form of demonstration, processions, marches, riots etc. finally, there are "associational" groups organised formally to represent the interest of particular persons.

15.5   ACTIVITIES OF PRESSURE GROUPS

The activities of pressure groups are much the same in almost all modem democratic states. The activities may be summarised as:

1.   The pressure groups educate their members into an appearance of their mutual interests and induct in them a sense of comradeship.

2.   They maintain constant contact with the governmental agencies at all levels, and thus, supply useful information to the legislators and administrators.

3.   They represent the views and desires of their members, to lobby for favours and concessions, and co-operate with the friends or enemies on particular programmes.

4.   They also contribute to the parties which uphold their interests and support their cause, endorse candidates, and support political publicity campaigns.

5.   Much of the efforts of all pressure groups is directed towards influencing public opinion, "to foster general goodwill or to cultivate favourable or negative sentiment toward some particular issue or activity of government".

6.   The pressure groups may seek the intervention of the courts if possible.

15.6   IMPORTANCE OF PRESSURE GROUPS

The real importance of pressure groups in a political society can be examined in the light of two main considerations. First, pressure groups are of many advantages to political parties and thereby contribute to the substance of the modern representative system. They act as a powerful check upon the arbitrary exercise of power. They themselves may also abuse power. Hence, it is essential that various interest groups be allowed to act as a check upon one another in order to establish and sustain the system of checks and balances'. Second, the importance of pressure groups must be examined in the light of new approach to the meaning of politics. Politics is a struggle for power finding out and providing solutions and adjustments.

Pressure Groups and Lobbies: Pressure groups and lobbies are not same. There is a clear difference between the two. Pressure groups attempt to influence the legislators, the administrators and public opinion. On the other hand, lobbies limit their activities essentially to the legislature while it is in session and are concerned with the passage or defeat of a bill.

This way the extent of the activities of pressure groups is wider than those of the lobbies. Most pressure groups maintain their lobbies. In U.S.A. pressure groups are strong. The pressure groups in U.S.A. appoint their agents to establish personal contacts with the legislators of the states and members of Congress and influence their votes for or against a particular bill.

15.7 PRESSURE GROUPS AND POLITICAL PARTIES

Political parties are formed for upholding general rather than any particular interest by following a common policy in accordance with their own objects and ideals. But pressure groups are the upholders of their own group interest and usually work behind the screen without establishing contact with voters.

Political parties are organised with heterogeneous groups and as such, the unity and solidarity of the party depend on its ability to reconcile the diverse forces. Political parties formulate policies and make decisions on a vast range of issues. Their aim is to capture power. On the other hand, pressure groups do not aim to capture power. They are either local or regional or professional in their organisation. They represent homogeneous interests seeking influence.

Generally, political parties are born out of ideology of political nature relating to state, Government and power structure. Pressure groups originate in the particular interests of the individuals. Political parties are very few in number in comparison with the pressure groups. England and America have few parties. France and India only have a large number of political parties. We find in almost all countries numerous pressure groups.

Political parties are committed to political actions. But most pressure groups are non-political organisations whose main objective is to influence the authorities in power. Criticism of Pressure Groups. It is alleged that pressure groups resort to unethical practices. It is also said that they are neither necessary nor desirable in democracy. In the policies of pressure groups, it is the shrewd and corrupt leadership which enjoys a position of special advantage. It is seen that the behaviour of some pressure groups is hardly democratic.

15.8 POLITICAL SYSTEM OF FRAMEWORK

Regardless of the general character of their structural organisation, all interest groups obviously function within the frame of reference of a particular political system. The characteristics of the political system determine how the groups function.

The following categories, political systems broadly adhere to the typology of political systems outlined by Professor Gabriel Almond: (1) Anglo-American; (2) Integrated Continental European; (3) Fragmented Continental European; (4) Totalitarian; and (5) Developing.

Interest Groups in the Anglo-American Political System:

Professor Almond lists the cultural characteristics of the Anglo-American political system as follows:

a) Most people involved in the system share a common viewpoint on ends and means however much the emphasis may vary on any one particular aspect.

b) Rational calculation, bargaining, and trial-and-error testing of policies are accepted operational techniques.

c) Pluralism in values produce strongly differentiated though stable roles on the official, political, and interest levels.

d) While interdependent, all of these units are autonomous, organised, and administered by full-time, professional officials.

As Bentley pointed out, there constant interplay among the competing which prevents an overwhelming concentration of either power or influence. The prevalence of a common viewpoint on aids means does not imply social homogeneity in either Great Britain or the United frit simply means that most groups accept the system, as it is, have no desire to bring revolutionary changes and expect to lime working within its existing framework within this frame of reference the competition among groups for a piece of the action be, and usually is, both intense and consistent.

Given this widespread acceptance of the status quo, it is not surprising that Anglo interest groups are predominantly situational in   character with the defence or improvement of the economic position of their members being a major concern. Given the complex web of interests in such Ethnological societies as the United States and Great Britain, it is said that institutional and associational interest groups are predominant, particularly since the high degree of mobility aid eroded status loyalties characteristic of these societies greatly reduce the role of non-associational groups. Anomic interest groups arise sporadically in any society.

Though the roles of Anglo American inter-groups are viewed within a single frame fork, differences do exist. The   activities of American and British interest groups are substantially conditioned by the formal structure of government and the nature of the political Parties in these

two countries. The most obvious difference between the American, Australian, and Canadian governmental structures and that of the British is the different between federal and unitary systems.

The obvious reasons for the differences been American and British interest groups are their respective political systems regional dispersion of power under the federal system and its national concentration under a unitary. Less obvious is the difference in their of interest on the national levels. Fundamentally this is caused by differences in the systems. In the American case, the constitutional separation of powers, the existence of two separate but equal legislative bodies, the great importance of the committees and their control over the budgetary process, and the lack of party discipline which makes most senators and representatives not only open to individual persuasion but concerned about assuring themselves of the widest possible support at the next election all explain why national interest groups tend to focus attention on the American Congress. But the role of interest groups is enhanced considerably by their opportunities for a second and a third chance to modify policy.

If a group is unable to persuade Congress of the correctness of its goals, there is always the possibility of influencing administrators to interpret the legislation to achieve the same ends. If this attempt is unsuccessful, it may be possible to present a persuasive enough case to the judicial branch to get the offending legislation ruled unconstitutional. The most striking development among American and other western interest groups in recent years has been the growing prominence of a new type of attitudinal group inspired by mounting public concern over threats of pollution from an expanding technological society. American interest groups have always operated under a stigma, but in Great Britain quite the contrary is true.

The reason for this, it has been suggested, lies in the continued British acceptance of the medieval concept of society as composed of corporate groups rather than of separate individuals. Thus, group activity seems not only logical but natural. It has long been a common place and a respected aspect of the British political system. A number of political scientists point to this fact to explain the late development of interest-group studies in Great Britain In operational terms, this has resulted in   an intermingling of interest-group and governmental activity to an extent that by American views would be nothing less than scandalous.

More than one American politician has had a promising national career ruined by the disclosure that he was being subsidised by an interest group to represent its affairs.

In Great Britain it is quite customary for Members of Parliament to receive both a regular salary and often assistance in their campaign expenses in return for representing an interest group's view point. Eckstein comments that rare than a hundred MPs receive such payments from labour unions. Many other MPs are themselves either active, former, or honorary interest group members regularly involved in protecting their group's affairs. More closely approximating the American role of the lobbyist are the parliamentary agents, usually law firms rather than single individuals. In contrast to the suspicious scrutiny this arouses in the American political system, constant and close cooperation between bureaucrats and interest group representatives is not only tolerated but encouraged in Britain.

Eckstein lists four variations of the relationship between interest groups and government: Formal interest group deputations and negotiating committees. informal semi social contacts,representation on government committees concerned with their affairs, andMost unusual of all by American standards, interest groups not only helping to determine government policy but actually to administer it.

In both the American and the British systems, interest groups have ample scope and opportunity to function with as much intensity as their financial and personal resources permit. In both systems they are able to operate though in different ways, with a considerable degree of effectiveness. In both countries, even among the attitudinal interest groups, technical expertise in public relations and communications has become a necessity for effective interest group functioning. In neither system does any interest group, singly or in combination, control any political party. The various traditional interest groups certainly exert major influence on their respective parties; but, unlike the situation in fragmented party systems, they do not dominate.

15.9   TYPES OF PRESSURE GROUPS IN INDIA

In India today there are two classes of pressure or interest groups:

institutional interest groups which function within such organisations which have evolved from specific occupational interests; (2) non-associational or anomic interest groups. Within the first type of groups there are those that spring from the occupational lines and modern sectors of society such as business groups chambers of commerce,

trade associations and unions, employers' associations, peasants organisations etc. The others are those which are based on traditional social structures associated with religion, caste tribe or language.

Besides these well-organised groups that operate on the authorities on more or less a regular basis on a variety of issues affecting their members, there are other groups organised on specific issues that strive to achieve a single objective and remain organised only till that objective is achieved. Not that they always succeed, but when the hope for success is nullified then also they usually cease to operate. Apart from these, there emerge from time to time groups that do press for the acceptance of certain claims but may not be termed as organized groups proper. They are an aggregate of mobilized individuals some kind of an informal group who, when they perceive that their interests are threatened by the activities of others or that the political system can be of use in furthering their interests, organize on a specific issue basis to make demands on the decision makers and try to influence their decisions. Important from the angle of political process, however, are the organised or associational groups. Important of these are the following.

Big Business Group

Among the organized groups the most important are the groups of big business. In fact the growth of business associations is parallel to the process of development. Also professional organizations in the commercial field are the oldest of the existing types. At present there are many types of business associations, industrial associations, communal associations, regional organizations and all India organizations connected with trade and commerce. Most important of these is the Federation of Indian Chambers of Commerce and Industry (FICCI) which today is the spokesman of Indian capitalism and of the big capitalists in particular.

Trade Unions

Along with the growth of industries, the working class has also been growing in India. Though it is excepted that limited industrial growth and availability of large work-force, continuous relationship of the labourers with their peasantly background and archaic way of thinking are hindrances in the development of workers organizations, the Indian trade union movement has developed with an astonishing speed. In fact it was already well on the move before independence and had won some important battles in the field of social legislation. One reason for this was high concentration of Indian industry in certain regions.

The other was their mobilization by the Indian National congress to get them involved in the freedom struggle. In this context the first trade unions were formed before World War I. Soon efforts were made to organise them at national level. Under Congress influence, the All India Trade Union Congress (AITUC) was established in 1920. The emergence of the Communist movement in India is 1920s also played an important role in the growth and development of trade unions. In fact, AITUC itself fell in the hands of the Communists as early as 1929.

Peasants Organizations

For a land so overwhelmingly rural and more than 73 per cent of the available work force engaged in agriculture, it is expected that agricultural groups would play an important role in the democratic politics. However, because of agriculture being largely on a precapitalist or semi-fuedal mode and because of regional differences and large scale inequalities in ownership, a significant organized group did not emerge in the early years. Further the rural sector in India has been clearly divided between the zamindars and the landlords on the one hand and the small peasants and the landless labourers on the other. Before independence the zamidari class was annually of the colonial rulers and thus was protected. So the nationalist movements in order to involve the peasant masses in the struggle against alien rulers, sought to organize them.

Groups Based on Traditional Structure

Given the diversity and vastness of India, differences based on archaic and cultural identities are normal. Within the limited developmental approach adopted in India, the exposure to modernity has led to a renewed awareness and quickening of traditional identity, its reinterpretation and rejuvenation and its consolidation in the framework of new institutions and ideas. As a result, groups based on these lines have been growing and developing rapidly. Most significant of these, politically, of course, is the caste.

Caste Groups

In certain areas the formation of caste associations began in the early years of this century. In the early stages of its awareness, as a competing entity which could gain strength by organization and by throwing out of links beyond immediate locality, the castes organizations concentrated on ritual status rather than directly on political or economic rights. But after a while the aspirations took a more material form.

Style of Operation of Pressure Groups

The nature and characteristics of the pressure groups in a society opened mainly upon the governmental structure, its activities and the socio economic millieu. The various groups in India operate within the federal and parliamentary nature of the polity, the division of powers, at the regional level between the state and local levels, as well as the process of development and transformation taking place in India. In this context, the various groups may try to pressurize the decision makers through formal channels like the select committees of Parliament which examine most of the legislative bills. The pressure groups not only send memoranda to these committees but also offer oral evidence. So also there are the various advisory and representative committees of the government. These include both statutory and non-statutory ad hoc committees that examine the matters assigned to them by the government and make recommendations to it. With some of these committees outside interests are directly associated, while others take evidence from them, thus providing them a formalized channel through which pressure can be exerted.

LET US SUM UP

Despite the above objections, the utility of pressure groups in the working of a modem constitutional system cannot be undermined. It is the group activity which prevents government from imposing unfair burdens on the masses. A citizen may try to pressurise government through his vote or mass media. But the modem over-sized government may not be amenable to individualistic pressures. People with like interest, have to organize them to influence public policy, thus, and pressure groups supplement political parties. The Pressure Groups consist of people who have shared attributes and interests and who try to achieve their object by influencing the policies of the government. They are a part of the political process and attempt to change the direction of government policy to suit their own interest. But they do not want to take responsibility for power. Pressure groups are otherwise known as organised interest groups.

CHECK YOUR PROGRESS

1. A _____ is a group of people who are organized actively for promoting and depending their common interest.

2. The first trade unions were formed before_____.

3. The All India Trade Union Congress (AITUC) was established in _____.

4. Federation of Indian chambers of commerce and industry (FICCI) which today is the spokesman of Indian _____.

GLOSSARY

Pressure Groups	:	It represents homogeneous Interest seeking influence Public behind the parties.
Interest Groups	:	Community of Interest among their members.
Trade union	:	Union of working people in a company.
Ideology	:	a set of principles.

ANSWERS TO CHECK YOUR PROGRESS

1. Pressure group

2. World War I

3. 1920

4. Capitalism

MODEL QUESTION

1. Explain about All Pressure Groups are Interest group.

2. Bring out the difference between pressure group and Political Parties.

3. What are the Types of pressure groups?

4. What is the Role of pressure groups?

SUGGESTED READINGS

1. Held, D. (2013). *Political theory and the modern state*. John Wiley & Sons.

2. Beitz, C. R. (1999). *Political theory and international relations*. Princeton University Press.

3. Sabine, G. H., & Thorson, T. L. (2018). *A history of political theory*. Oxford and IBH Publishing.

UNIT – 16

STRUCTURE

Overview

Learning Objectives

Let us sum up

Check your progress

Glossary

Answers to check your Progress

Model Questions

Suggested readings

OVERVIEW

No democratic government can work without political parties. A representative government is said to be a party government. Parties stand between the electorate and the government. They act like a bridge between the ruler and the ruled. This unit deals with the concepts of political parties, theories of political parties and various system of political parties.

LEARNING OBJECTIVES

After reading this unit, you will be able

➢ Know the definition and functions of Political parties

➢ Understand the merits and demerits of the party system

➢ Explain the features of Indian party system

16.1 INTRODUCTION

A political party is an organisation that coordinates candidates to complete in a country's election. It is common for the members of a political party to have similar ideas about politics and parties may promote specific ideological or policy goals. Political parties have become a major part of the politics of almost every country as modern party organizations developed and spread around even and the last few centuries. Some countries like Britain and USA are having two party system communist countries like china has single party system. This unit political parties tries to explain the meaning of political parties, functions of political parties, importance of political parties, party system in India etc.,

16.2 MEANING OF POLITICAL PARTIES

Political parties are voluntary associations or organized groups of individuals who share the same political views and who try to gain political power through constitutional means and who desire to work for promoting the national interest. There are four types of political parties in the modern democratic states, viz., (i) reactionary parties which cling to the old socio-economic and political institutions; (ii) conservative parties which believe in the status-quo; (iii) liberal parties which aim at reforming the existing institutions; and (iv) radical parties which aim at establishing a new order by overthrowing the existing institutions. In their classification of political parties on the basis of ideologies, the political scientists have placed the radical parties on the left and the liberal parties in the centre and reactionary and conservative parties on the right. In other words, they are described as the leftist parties, centrist parties and the rightist parties. In India, the CPI and CPM are the examples of leftist parties, the Congress of centrist parties and the BJP is an example of rightist parties.

There are three kinds of party systems in the world, viz.,

a) One party system in which only one ruling party exists and no opposition is permitted, as for example, in the former communist countries like the USSR and other East European countries

b) two-party system in which two major parties exists, as for example, in USA and Britain'

c) Multi-party system in which there are a number of political parties leading to the formation of coalition governments, as for example, in France, Switzerland and Italy.

16.3 POLITICAL PARTIES – DEFINITIONS

Edmund Burke defines a political party as a "body of men united for the purpose of promoting, by their joint endeavours, the public interest upon some principles on which they are agreed. From this definition of political party, we observe that there are four main characteristics of political party.

Firstly, a political party must be an organised group of persons. A crowd of menwatching street fight of an electioneering 'propaganda cannot be called a political party; Organisations' of political parties differ. However, all political parties do have organisations. For instance, the organisational pyramid of the Indian National Congress starts with the Mandal Congress at the bottom to the High Command at the top.

Secondly, the members of -a political party must share in common certain principles. However, this does not rule out the possibility of conflict among the Members. But some agreement or consensus on basic issues among the members of a political party is necessary. In India we have the Indian National Congress wedded to the principle of "democratic socialism' in which the members of the Congress have faith.

Thirdly, the motive of a political party should be to capture political power by constitutional means. A party which does not aspire for political power cannot be called a political party. In India there are several organisations, such as the Bharat Sevak Samaj,. which do not aspire to hold the reins of government. These are not political parties.

Lastly, a political party should be motivated by national interest or common welfare. A party that is interested in regional or communal interest does not deserve being called a political party. Thus political parties should be differentiated from factions. Cliques and groups are very often a single political party consists of several factions within it. Factions are groups which are interested in selfish or private trains. Such groups cannot be called parties.

Political Parties – Views of Lenin, Michels and Duverger:

Parties stand between the electorate and the government. Barker rightly compares them to conducts that carry the process of social thought from the voluntary area of society into the area of government. In other words, parties have grown up to turn social thought into political action.

The fact that representational governance cannot operate without political parties is now universally accepted. Surprised enough, however, hundred fivety years ago, the occurrence of the party system was practically unknown. The influence of the parties was detrimental for the founding fathers of the United States of America. The whole population were viewed as one unit. There is no mention to the party government, even in Bluntschli's complete State theory.

Parties only become important in a formal democracy. In a democracy, the public ultimately have the duty to decide on government staff and policies. It makes the social area a large reservoir of political power, which is previously unknown. Social conflicts produce tensions which, in turn, cause political questions. These issues must be used by the parties as "munition for campaigns." Freedom of expression and assembly, along with the norm of universal adult vote, require that voting forces be mobilised and government control elections won. Briefly, the fight for political power is institutionalised in the functioning of political parties by extending the franchise to the bulk of citizens.

16.4 BASIS OF POLITICAL PARTIES

Political parties are usually organised on the basis of political and economic principles. We in India had the Swatantra Party which was dead against economic planning. On the other hand, the Indian National Congress believes in the inevitability of economic planning. The newly formed Lok Dal believes in rural development and decentralisation of power. However, political parties may be organised on communal, racial or other criteria.

A political party is a group operating to secure the control of a government. Obviously, the first important point about political parties is that they are group with some degree of organisation and permanency. Here, they may well be contrasted with the temporary political organisations such as the food price increase and Famine Resistance Committee that are formed for the single purpose of supporting or opposing a particular temporary issue.

Political parties, on the other hand, have some degree of permanence. They live by the strength of their organisation, without which dissemination of their ideas is not possible. Secondly, parties must have definite aim and objectives. The objectives are often a mixture of ultimate and immediate purposes. Party programmes contain ideas about law and government, ideas about the shape of political things to come and each party seeks to focus its own brand of political ideas. Besides, recognition of material advantages that go with the securing of the power of government forms a part of party programme.

In this connection, reference may be made to Hatschek's law regarding English party development which has wider significance. According to Julius Hatschek, party with the definite programme, at first, comes to power. In course of time, portions of its programme appear impossible of achievements and some parts of it are opposed by a section of the party members. Such disintegrating forces lead to the formation of another party, irrespective of whether it has evolved a definite programme of its own or not. Again, the newly formed party, too, is subject to, in course of time, the same process of disintegration. It appears, therefore, that with the growth and development of political parties, programmes and principles become almost a side issue. What is more important is a realistic recognition of material interests.

In a formal democracy parties are organised around constitutional questions. Operating as a part of the functioning process of the constitution, they act as a system of effective restraints. To attain political power by constitutional means is their aim. Sometime organisations that aim at seizing power by violence and suppressing all other opposition groups are wrongly called 'parties'. Parties in a democracy facilitate peaceful change of government by substituting "the conflict of idea" for "the clash of arms." Here, they differ essentially from parties like the Communist Party in Russia. The latter constitute the organised, mono-idea groups whose monopoly of political power does not allow the formation of alternative parties. With these so-called parties, however, we are not concerned. It is significant to note at this point Max Weber's criterion to differentiate parties from authoritarian groups and factions. Parties are fighting groups. They are constantly engaged in retaining or capturing governmental power. Hence they are compelled by circumstances to obey the rules of successful Welfare. The monocratic or at least hierarchical leadership follows naturally from circumstantial pressures. In a party there are the top leaders, the party workers the ordinary members and so on.

16.5 FUNCTIONS OF POLITICAL PARTIES

Political parties perform the following functions in a democratic State. Firstly, political parties educate, formulate, and organise public opinion. In the absence of political parties the ordinary voter will have little knowledge about political, economic "and social issues on fronting the State. Thus, there would be chaos and confusion. Political parties bring order out of the confusion. They put forward their ideas and solutions before the electorate. The major issues are discussed thoroughly in public and various.

Secondly, political parties .conduct propaganda campaign during the general election to capture political power by consti-tutional means. "While doing this, they issue manifestoes depic-ting the policy of their party. They hold public meetings, use audio-visual means to carry on their campaign. Platform speeches and wireless broadcasts are also resorted to in the course of election campaigns.

Thirdly, if the party comes to power, it proceeds to implement the election pledges by implementing the principles advocate. However, parties that do not succeed in- capturing the government also play an important role. Such parties form the opposition bloc in the legislature and keep a vigilant eye over the acts of omission and commission by the party in power.

Fourthly, political parties that capture power maintain continuous control over those members who exercise the functions of government. The ministers are subjected to the control of the party to which they belong. Thus political parties play an important role even in the day-to-day policy of government,

16.6 MERITS OF PARTY SYSTEM

Political parties as an agency of public opinion play an important role. In their absence public opinion would be vague and obscure. Political parties with definite principles and a set of ideas formulate and express public opinion.Modern representative democracy is unworkable without political parties. Parties provide a link between the ruler and the ruled. In their absence the ruler would be unaware of the opinion of the subjects and thus violate the fundamental principles of democratic government.

Political parties make parliamentary form of government workable." They provide political stability and political homogeneity to the members of the cabinet.In a presidential system, political parties bridge the gulf between the executive and legislature and thus make the system majority party vigilant. The former exposes the omissions and commissions of the

party in power. Thus the possibility of the majority party's despotism is cheeked.

Lastly, political parties through their manifestoes, campaigns speeches and broadcasts educate the masses and create in them an interest for political life. They bring "order out of the chaos of multitude of voters".

16.7   DEMERITS OF PARTY SYSTEM

All is not well with the party system, which also has certain defects.Firstly, political parties promote mutual jealousy and bickerings. In the legislature the ruling party ignores even the constructive criticism of the opposition. Similarly the opposition leaves no stone unturned to condemn even the most beneficial legislation introduced by the ruling party. Thus the legislature becomes an area of party conflicts.

Next, the party system endangers national interests. All political issues are viewed in the light of party politics. Often the national interest is completely forgotten. The entire nation is divided into rival groups, each one fighting for supremacy. Thus it encourages division and promotes sectional interests.

The working of the party system is so unwholesome that certain highly capable people shirk party politics and do not enter into the arena of politics. This deprives the State of the services of its best men. Similarly, capable men of the minority parties find no room in government.

The party system results in the subordination of individual views and actions to party discipline. Members of the ruling party who are critical of their government's policy cannot openly disclose their disapproval. Thus they behave as "yes men" 'of the party bosses. The party system is characterised by Alexander Pope as "the madness of the many for gain of the few".

The party system may result in total corruption of political life. Parties resort to false propaganda against rival parties. the running party indulges-in vote catching legislation with complete disregard of national interest. Bribery is resorted to win over the members of the party. After the election -victory, nepotism, favouritism and so-called "spoils system" follow. Often corruption drives the finer sort of men away from politics.

Lastly the party system lowers the moral tone of society by preaching falsehood and suppressing truth. Ordinary people are often perplexed by contradictory views and manifestoes of various parties. Perverted party propaganda cheeks reason and kills independent thought. This often leads to the death of democracy.

16.8 IMPORTANCE OF POLITICAL PARTIES

Merits of the party system far outweigh its defects. Whatever defects the party system may have, it is now considered natural and inevitable in democracy. Leueock has correctly said. "Far from being in conflict with the theory of democratic government, party government is the only thing which renders it feasible". MacIver wrote "Without the party system, the State has no., elasticity, no true self determination." In the absence of political parties the State will either grow autocratic or will be the battle ground of contending factions.

Often there is suggestion for "non-party government" or "party less democracy". Even a man like Jaya Prakash Narayan suggested "party less" democracy for India. In this system the people will be free to" express their political views, according to their individual judgment. But it is still a visionary idea and its advocates totally ignore the realities that every State has to face.

16.9 THE SINGLE PARTY, BI-PARTY AND MULTI-PARTY SYSTEMS

Granted parties are tolerable; the question arises as to which system is preferable. A single-party system is one in which only one party exists and this party controls the entire political and administrative machinery of the State. This system is always identified with dictatorship. Today in communist countries like Russia and -China, one finds the single-party system. As the sys-tem promotes dictatorship, it is a mere travesty of fact to call it a "party system".

A biparty or two-party system is one in which there are only two political parties one is the ruling party and the other is the opposition. England and America are good examples of the two party system. In a two party system the government is truly representative and responsible; the opposition is equally strong and effective and ready to form the alternative government at any moment.

16.10 PARTY SYSTEM IN INDIA

The Indian party system has the following characteristic features:

Multi-Party System: A high number of political parties have been driven by the continental size of the nation, the diverse nature of Indian society, the adoption of the universal franchise for adults, the particular political processes and other reasons. Indeed, India is the world's largest political party. In the country there are six domestic parties, 51 state parties and 1415 unrecognised registered parties. India also has every party

category, including left-wing, center-wing, right-wing, municipal, non-municipal and other parties. Hung parliaments, hung meetings and coalition governments have therefore become regular events.

One-Dominant Party System: The political landscape was controlled by Congress for a long time in India, notwithstanding the multiparty system. Therefore, a renowned political analyst, Rajni Kothari, preferred to refer to the Indian system as one of the dominant parties or Congress. Congress has declined in its main position from 1967 with the establishment of a competitive multi-party system by regional parties and other national parties such as Janata (1977), Janata Dal (1989) and the BJP (1991).

Lack of Clear Ideology: All other parties have no defined philosophy save the BJP and the two Communist parties (CPI and CPM). Ideologically, they (i.e. all other parties) are closer. In their policies and programmes they are closely similar. Almost all of the parties support democracy, laicism, socialism and gandhism. In addition, just one consideration-power grab leads each party and so-called ideological parties. Therefore, rather than ideology, politics has become a problem and pragmatism has supplanted the devotion to ideals.

Personality Cult: The parties are typically organised around a leader who is more significant than the party and its philosophy. Parties are not recognised by their manifesto but by their leaders. Indeed, it is largely the leadership of Nehru, Indira Gandhi, and Rajiv Gandhi that has led to the popularity of Congress. In addition, MG Ramachandran and NT Rama Rao respectively were affiliated with Tamil Nadu AIADMK in Tamil Nadu and TDP in Andhra Pradesh. It is interesting to note that some parties are known by the name of their leader such as Biju Janata Dal, Lok Dal (A). Therefore, it says, "in India, political personalities do not exist."

Based on Traditional Factors: The political parties are created in Western nations on the basis of the socio-economic and political agenda. In India, however, there are a great many parties based on religion, caste, language, culture, race, etc. Shiv Sena, the Muslim Ligue, Hindu Maha Sabha, Akali Dal, Muslim Majlis, Bahujan Samaj, the Gorkha League and so on. These parties are working to promote the interests of communities and sections, undermining the overall public interest.

Emergence of Regional Parties: The development and rising significance of a large number of Regional Parties is another major characteristic of the Indian Party system. In some states, such as BJD in Orissa, DMK or AIADMK in Tamil Nadu, Akali Dal in Punjab, AGP in Assam, J&K, and JD/U in Bihar, they have been ruling parties. They were first restricted exclusively to regional policy. Late, however, the coalition administrations at the centre played an important influence in national politics. The TDP was the biggest opposition party in Lok Sabha during the 1984 elections.

Factions and Defections: The functioning of political parties in India quickly became significant as well as the fctionalism, defections, divisions, fusions, fragmentation and polarisation. The politicians have had a desire to exit their party and join a different party or begin a new party for power and monetary motives. After the fourth general elections, defeats were made more currency (1967). This led to political instability at the Centre, as well as in the States, and to the breakdown of the parties. Two Janata Dals are present; two TDPs; two DMKs; two communist parties; two communist parties; two congresses; three Akali Dals and three Muslim Leagues.

Lack of Effective Opposition: For the efficient operation of parliamentary democracy in India, an effective opposition is needed. It controls the governing party's dictatorial inclinations and offers an alternative government. In the previous 50 years, however, there has never, save in flashes, been an effective, powerful, organised, and sustainable national opposition. There is no unanimity amongst the opposition parties and they quite often adopt contradictory stances on the ruling party. In the political functioning of the body and the process of nation building they have failed to play a positive role.

16.11 RECOGNITION OF NATIONAL AND STATE PARTIES

The Election Commission registers political partiesfor the purpose of elections and grants them recognition as national or state parties on the basis oftheir poll performance. The other parties are simplydeclared as registered unrecognised parties.The recognition granted by the Commission to the parties determines their right to certain privileges like allocation of the party symbols provision of time for political broadcasts on the state-owned the television and radio stations and access to electoral rolls.

Every national party is allotted a symbol exclusively reserved for its use throughout the country. Similarly, every state party is allotted a symbol exclusively reserved for its use in the state or states in which it is so

recognised. A registered unrecognised party, on the other hand, can select a symbol from a list of free symbols. In other words, the Commission specifies certain symbols as 'reserved symbols' which are meant for the candidates set up by the recognised parties and others as 'free symbols' which are meant for other candidates.

A registered party is recognised as a national party only if it fulfils any one of the following three conditions:

The party wins 2 per cent of the seats in the Lok sabha (as of 2014, 11 seats) from at least 3 different states or at a general election to lok sabha or legislative assembly, the party polls 6% of votes in four states and in addition it wins 4 lok sabha seats from any states or a party gets recognition as state party in four or more states.

Parties recognised as such as given unique symbols which only the official candidates of that party can be. The parties that get these privileges and some other special facilities are recognised by the election commission of India for this purpose as recognised parties.

16.12 THE HUMAN NATURE THEORY

Under this category, the first explanation is: what causes parties to rise is the characteristic tendency of human nature towards combativeness. Men form panics to give organised expression to their combative instinct. Such was Sir Henry Maine's theory. To quote his observation, "Party feeling is probably far more a survival of the primitive combativeness of mankind than a consequence of intellectual differences between man and man.

A second explanation of the origin of parties centres upon man's "temperament". Some men are temperamentally radical and seek to change the existing social order while, others are conservative by temperament and like to stick to the present order of things. A refined version of this explanation discovers the bias for a party programme in man's attitude toward government corresponding lo each stage of his progress through life. Thus, radi-calism is connected with boyhood, liberalism with youth, conservatism with middle age, and reactionary attitude with old age.

Another explanation regarding party origins runs in terms of the charismatic traits of political leaders. The dynamic personality of a political leader might inspire thousands to follow him and thus to form a political party.

16.13 ENVIRONMENT AS DETERMINANT OF THE PARTY

Besides these theoretical explanations, socio political factors in the environment have been found to be the determinants of political parties. In the West, the historic roots of the modern Democratic Party can be traced back to two important political factors viz., the limitation of the authority of the absolute monarchy and the widest possible extension of the suffrage. Thus, a protracted battle between monarch and parliament in England, for example, resulted in the limited prerogatives of the king. The electorate thereafter became a source of political power through different election changes. With the expansion of the franchise to almost all adult people, Party activities acquired political importance.

16.14 DUVERGER'S FORMULATIONS

In his seminal work on *Political Parties,* Maurice Duverger has attempted a general theory of parties which can embrace the phenomenon of parties in different political systems and explain (heir life processes in reality among varying political cultures. It is the actual working of parties arid their place in the slate that has attracted Duverger's primary attention. Tracing the interest in the study of ponies under a liberal conceptualization of a party as an ideological group, he points out that such studies have helped understand the impact of doctrines on party structure. But following Hume's observation, he points out that the programmatic character of the party is soon taken over by concern for organization in the party. Even then, he admits that many of the contemporary political panics seek to elevate the doctrine to the level of almost a religion and lends a totalitarian character to party life. He particularly stresses the point that the Marxist conception of party as class has taken the place of the liberal idea of the party as doctrine.

Duverger draws attention to the variety of party organisations in the world. The variations can be noticed in organisation, social composition and in the kind of aims and interests that the party professes to serve.

Some of the interesting aspects of Duvcrger's study can be listed out as follows:

Single member constituencies can be traced historically to the organisation of parties around 'natural leaders' usually members of traditionally respected and powerful families. The switch-over to joint lists and proportional representation is indicative of a trend toward endowing the common man with a voice in politics by offering more political choices than what is permissible in a two party system.

Parties can be usefully divided into 'interior' and 'exterior' parties on the basis of their parliamentary role. The older parties had, historically speaking, been basically parliamentary groupings. The purpose was to get a working parliamentary majority together. Outside the parliament, the party had a marginal existence.

Most English parties, at the beginning, belonged to this category of "interior" parties. Later on, with the emergence of mass parties, parliamentary politics had become only one of the many objectives of the party. Outside parliament, the party came to have a vibrant and variegated life of its own. Exterior parties were born with mass politics and organisational complexity. "The non-parliamentary section of the party might be profoundly suspicious of the parliamentary forces as they always had to compromise, to accept deals, to suppress or ignore party doctrines." This is particularly true of the French Communist Party which has never acknowledged the parliamentary party as the boss of the party.

The most interesting theme in Duverger's analysis is the classification of party structure. The four types of structure suggested by him are: (i) the caucus, (ii) the branch, (iii) the cell and (iv) the militia.

The caucus relies on small membership with emphasis on quality rather than quantity. It remains virtually inactive between elections and its main purpose is to engage in electoral activities. The branch party arose in history with the extension of franchise. Being a mass party, it is interested to enrol as many members as possible. Its activities cover a wide range and are not confined to election periods only. The cell has an occupational basis. It unites all party members who work at the same place such as a factory, a shop, an office etc.

The militia is a kind of a private army whose members are recruited on military lines. They are subjected to the same discipline and training soldiers, wearing badges ad uniforms ready to march in step preceded by a band and a flag and to meet the enemy with weapons in physical combat. Duverger points out that none of these pure types can be found in reality. Parties in actual formations will always be having mixed structures.

As Brogan has observed, Duverger's is a "pioneering" attempt to organise a vast mass of comparative data and to formulate broad gauge generalisation about parties and their role in the political system. There are critics also who point out short coming in Duveger's analysis. For instance, much of the third world political scenario is missing in his work. Particularly Indian experiments in party building have found no place in

his discussion. Still, for an understanding of political parties and for innumerable research cues, Duverger's book is a very useful and informative work.

LET US SUM UP

A bi-party or two-party system is one in which there are only exist. India and France are good examples of the multi-party system. The system broadens the field for the voters' choice and provides for representation of all shades of opinion. But its serious defects are that it makes the government unstable and often confuses the voters. On comparison of the relative merits and demerits of the bi-party and multi-party systems, the bi-party system can be regarded as the best.

CHECK YOUR PROGRESS

1. The modern democratic state has _____ type of Political parties

2. One party system in which only one ruling party exists in countries like the _____

3. Two-party system in which two major parties exists in _____

4. Multi-party system in which there are a number of political parties in _____, _____ and _____

5. The _____ relies on small membership with emphasis on quality rather than quantity.

GLOSSARY

Party   :   An organization unit's principle to contest election.

Bi-party   :   Two Political parties.

Multi Party   :   High number of political parties.

EC   :   Election Commission.

ANSWER TO CHECK YOUR PROGRESS

1. Four

2. USSR

3. USA and Britain

4. France, Switzerland and Italy

5. Caucus

MODEL QUESTION

1. Explain the Merits and Demerits of Party System.

2. Discuss the Merits and Demerits of Political parties.

SUGGESTED READINGS

1. Amal Ray Mohit Bhattacharya, (1998) *Political Theory idea and institutions,*World press, Calcutta.

2. D.C. Bhattacharya, (2001) *Political Theory*, Vijaya Publishing House, Calcutta.

3. R.C.Agarwal, (2009) *Political Theory*, S.chand & company LTD, New Delhi.

TAMILNADU OPEN UNIVERSITY

B.A Political Science (BPSS – 12)

Organs of Government

Model Question Paper

Time: 3 Hrs   Max Marks: 70

PART – A (3 x 3 = 9)

Answer any THREE questions in 100 words each. Each question carries 3 marks

1. What is Legislative?
2. Explain the types of Dictatorship?
3. Define the Unitary form of Government?
4. What is Universal adult franchise?
5. What is Pressure Group?

PART – B (3 x 7 = 21)

Answer any THREE questions in 200 words each. Each question carries 7 marks

6. Bring out the various methods selecting the chief executive?
7. Describe the classification of government by C. F. strong.
8. Explain the different types of federal system of Government?
9. Put your arguments against women suffrage.
10. Describe the various agencies for the formation and expression of public opinion

PART- C (4 x 10 = 40)

Answer any FOUR questions in 500 words each. Each question carries 10 marks

11. Discuss the various functions of the Legislative.
12. How is independence of Judiciary maintained?
13. Examine the features of federation and what are its pre-requisition?
14. Analyse the merits and demerits of Parliamentary form of Government?
15. Explain the different methods of Minority Representation.
16. Discuss the Rights and duties of a citizen.
17. Write are essay about the Party system in India.

Curiginal

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Sources included in the report

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W	URL: http://www.pmv.ac.in/new-web/pdf/lecture/political-science/Indian-Government-and-Politics.pdf	10

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M.A. Political Science & M.A. Public Administration was launched under School of Social Sciences (Non- Semester pattern) in 2004 – 2005. The School Separated into an independent school as School of Politics and Public Administration (SOPPA) in 2008 with the approval of the Academic Council and Syndicate of the University. The activities of the school were promoting education and creating employment opportunities for the learners.

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B.A., POLITICAL SCIENCE

FIRST YEAR – IST SEMESTER

PRINCIPLES OF PUBLIC ADMINISTRATION

SCHOOL OF POLITICS AND PUBLIC ADMINISTRATION

TAMIL NADU OPEN UNIVERSITY

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தமிழ்நாடு திறந்தநிலைப் பல்கலைக்கழகம்

B.A., Political Science

First Year

BPSSE - 11

PRINCIPLES OF PUBLIC ADMINISTRATION

SCHOOL OF POLITICS AND PUBLIC ADMINISTRATION

TAMIL NADU OPEN UNIVERSITY
577, ANNA SALAI, SAIDAPET, CHENNAI - 15

OCTOBER 2021

Name of Programme	**BA Political Science**
Name of the Course Code with Title:	**BPSSE - 11 PRINCIPLES OF PUBLIC ADMINISTRATION**
Curriculum Design	**Dr. R. Arumugam Assistant Professor, SOPPA**
Course Writer	**Dr. Anbu arumugam**
Content Editor	**Dr. Anbu arumugam**
Course Coordinator	**Dr. R. Arumugam**
Translator	**Dr. N. Muthukumar**

BPSSE – 11 – PRINCIPLES OF PUBLIC ADMINISTRATION
Scheme of Lesson

Block I	**CONCEPT OF PUBLIC ADMINISTRATION**
Unit-1	Meaning, Nature, Scope and Importance of Public Administration and Private Administration
Unit-2	Public Administration Art or Science
Unit-3	Public Administration and its relations with other administration
Unit-4	Approaches to Public Administration.
Block II	**ORGANISATION**
Unit-5	Organisation – Bases of organization, types of organisation
Unit-6	Principles of Organisation
Unit-7	Integration Disintegration, Centralisation and Decentralisation
Block III	**LINE, STAFF AND AUXILIARY AGENCIES**
Unit-8	Chief Executive – Types of Chief Executive
Unit-9	Line, Staff and Auxiliary Agencies
Unit-10	Departments and Public corporations
Unit-11	Independent Regulatory commissions
Unit-12	Boards and commissions
Block IV	**NATURE OF MANAGEMENT**
Unit-13	Planning
Unit-14	Decision Making
Unit -15	Communication
Unit-16	Leadership
Unit-17	Public Relations
Block V	**CONTROL OVER PUBLIC ADMINISTRATION**
Unit-18	Legislative control
Unit-19	Executive control
Unit-20	Judicial control

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1. Avasthi, A and Maheshwari, S R (2013), *Public Administration*, Lakshmi Narain Agarwal, Agra.
2. Bhambri,C.P.(2010), *Public Administration Theory and Practice*, Educational Publishers, Meerut, 21st Edition.
3. Tyagi, A.R., *Principles and Practice of Public Administration*
4. Vishnoo Bhagwan, *Public Administration*, S. Chand &Vidya Bhusan Co., New Delhi.
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BPSSE – 11 – PRINCIPLES OF PUBLIC ADMINISTRATION
Syllabus

Professor K.Parthasarathy
Vice Chancellor

18.10.2021

My Dear Beloved Learners!

Vanakkam,

The Tamil Nadu Open University (TNOU) that is marching towards the motto 'Education for Anyone at Anytime' is very much pleased to cordially invite you to join in it's noble educational journey.

It is impressive that every one of you can feel proud yourself for studying in the University which is duly recognised by the UGC-DEB, New Delhi for offering academic Programmes through open and distance mode. As you are aware, the Government of Tamil Nadu vide G.O (Ms) No.107 dated 18.08.2009 have assured that the degrees issued by the University under 10+2+3 pattern are duly eligible for government jobs.

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At this momentous juncture, I wish you all bright and future endeavours.

With warm regards,

(K. PARTHASARATHY)

Block I

Concept of Public Administration

Unit - 1   Meaning, Nature, Scope and Importance of Public Administration and Private Administration

Unit - 2   Public Administration Art or Science

Unit - 3   Public Administration and its relations with other administration

Unit - 4   Approaches to Public Administration.

UNIT 1

MEANING, NATURE, SCOPE AND IMPORTANCE OF PUBLIC ADMINISTRATION AND PRIVATE ADMINISTRATION

STRUCTURE

Overview

Learning Objectives

1.1   Introduction

1.2   Meaning of Administration

1.3   Administration, Organisation and Management

1.4   Defining Public Administration

1.5   Nature of Public Administration

1.6   Scope of Public Administration

1.7   Public and Private Administration

1.8   Importance of Public Administration

Let us Sum Up

Check your progress

Glossary

Answers to check your progress

Model Questions

Suggested readings

OVERVIEW

Aside from the reasons referred to the fast development of populace, present day fighting, expansion in regular and synthetic catastrophes, decrease in friendly congruity, expansion in viciousness because of contentions, mutual uproars, ethnic conflicts, psychological warfare, and so forth have expanded the significance of policy management. It's implied that policy implementation isn't just the employable yet in addition the most clear piece of the public authority. It is an indispensable cycle accused of execution still up in the air, government assistance situated, and formative destinations. In this unit, we will study in detail about the meaning, nature and scope of Public administration.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➤ Understand the definition of Administration and Public Administration
➤ Describe the nature of Public Administration.
➤ Explain the scope of Public Administration.
➤ Know the difference between Private and Public Administration.

1.1   INTRODUCTION

Organisation as a movement is pretty much as old as society itself. Be that as it may, as a space of study it started, with the distribution of Wilson's paper on investigation of Administration in 1887. As an interaction, organisation happens in both public and private associations. It happens in such different establishment as settings as a business firm, worker's guilds, strict or beneficent associations, instructive organisations and so on. Its inclination is influenced by the sphere with which it is concerned. Organisation is ordinarily separated into two kinds, Public and Private Administration. As a part of government action it has existed since the rise of political systems. While policy implementation identifies with the exercises completed by government, private organisation alludes to the administration of personal business undertakings. Comprehend the working of organisation for on this lies the comprehension of the public authority. In this Unit a work has been made to bring the idea of organisation, policy implementation specifically, nearer to you. This arrangement will take you through the whole course of Public Administration. In what follows, we will analyse the importance, nature and extent of policy management.

1.2   MEANING OF ADMINISTRATION

The word 'regulate' is gotten from the Latin word administare, which intends to really focus on or to care for individuals, to oversee undertakings. Organisation might be characterized as "bunch action which includes collaboration and coordination to accomplish wanted objectives or targets". Extensively talking, the term organisation seems to bear something like four unique implications or various faculties relying on the setting wherein it is utilized:

(1) As a Discipline: The name of a part of learning or scholarly discipline as instructed and examined in schools and colleges.

(2) As a Vocation: Type of work/exchange or calling/occupation, particularly one that includes information and preparing in a part of advance learning.

(3) As a Process: The aggregate of exercises embraced to execute Public Policy or approaches to create a few administrations or products.

(4) As a Synonym for 'word' Executive or Government: Such other assemblage of people in incomparable charge of undertakings.

E.N. Encourage "Organisation is a long and marginally grandiose word, however it has an unassuming importance, for it intends to really focus on or take care of individuals, to manage issues not really set in stone activity taken in quest for cognizant reason".

Streams Adams "Organisation is the limit of planning many, and regularly clashing, social energies in a solitary organic entity, so dexterously that they will work as a solidarity.

Felix A. Nigro "Organisation is the association and utilization of men and materials to achieve a reason".

J.M. Pfiffner and R. Presthus "Organisation is the association and course of human and material assets to accomplish wanted finishes".

A short investigation of the definitions recorded above uncovers that organisation involves two fundamentals, in particular (1) agreeable exertion, and (2) quest for normal destinations. One doesn't discover any organisation in case there is just a typical reason without an aggregate exertion or the other way around. Organisation is additionally called a 'innovation of social connections'. Accordingly, organisation is a cycle normal to all collective endeavours, public or private, common or military, huge scope or limited scope.

1.3   ADMINISTRATION, ORGANISATION AND MANAGEMENT

First we have to know about organisation, boards and association in order to understand the public administration. As indicated by William Schulze Administration is the power, which sets out the item for which an association and its administration are to endeavour and the expansive strategies under which they are to work. An Organisation is a blend of the essential people, materials, apparatuses, hardware and working space, appurtenances united in orderly and viable co-connection to achieve some ideal item. The board is what leads direct and coordinates an association for the achievement not really settled article. To put the above in straightforward terms, organisation defines the objective, the board endeavours to accomplish it and association is the machine of the administration for the fulfilment of the finishes controlled by the organisation. A few researchers have an alternate view about the organisation and the executives.

As per Peter Drucker the board is related with the business movement, which needs to show monetary execution, though organisation is related with the non-business exercises like exercises of the Government. The other view is that organisation is related with performing routine things in known settings as per certain techniques, rules, and guidelines. The Management is related with performing capacities like danger taking, dynamic, inventive and creative capacities. A few researchers of Public Administration are firmly connected with the primary view that is, organisation is a determinative capacity. The board, on other hand is a leader work that is essentially worried about doing the wide arrangements set somewhere around the organisation. Association is the apparatus through which coordination is set up among organisation and the board.

1.4 DEFINING PUBLIC ADMINISTRATION

L.D. White sees that albeit policy management fluctuates in structure and protests, and albeit the organisation of public and exclusive issues varies at many focuses, there is a fundamental likeness, if not character. As an essential part of such nonexclusive idea, policy implementation could be identified with that sort of organisation, which works inside a particular environmental setting. It is a way to complete the approach choices made by political chief. To be seen alongside it is the 'Public' part of Public organisation, which credits an uncommon person and concentration to it. 'Public' can be taken a gander at officially to signify 'government'. Along these lines, policy management is government organisation, government in real life, or a financial and politico-authoritative intersection, the emphasis being particularly on open administration. Reference book Britannica characterizes policy management as 'the use of a strategy of a state through its administration.' Public Administration, consequently, alludes to that piece of organisation, which relates to the authoritative exercises of the public authority. Presently we will attempt to investigate the meanings of Public Administration given by different researchers.

Woodrow Wilson Public organisation is the point by point and deliberate use of law. Each specific utilization of law is a demonstration of organisation.

L.D. White "Public administration comprises of that load of activities having for their motivation the satisfaction or implementation of public approach". It incorporates military just as common issues, a large part of crafted by courts, and every one of the extraordinary fields of government action police, training, wellbeing, development of public

works, preservation, federal retirement aide, and numerous others. The direct of public undertakings in cutting edge civilisations requires the work of pretty much every calling and expertise designing, law, medication, and instructing the artworks, the specialized fortes, the workplace abilities, and numerous others.

Nicholas Henry "Public Administration is a wide running and nebulous mix of hypothesis and practice and its motivation is to advance an unrivalled comprehension of government and its relationship with the general public, it administers, just as to empower public arrangements more receptive to social necessities and to organize administrative practices sensitive to viability, proficiency and the more profound human imperatives of the populace".

In total, public administration:

✓   is the non-political working in a political framework;

✓   manages the closures of the State, the sovereign will, the public interests and laws

✓   is the business side of government and as such worried about strategy execution, yet it is likewise worried about approach making

✓   covers every one of the three parts of government, in spite of the fact that it will in general be moved in the presidential branch

✓   Gives administrative and administration capacities to individuals to accomplish great life

✓   contrasts fundamentally from private organisation, particularly in its accentuation on the general population and

✓   Is interdisciplinary like political theory, financial aspects and human science.

1.5   NATURE OF PUBLIC ADMINISTRATION

The Nature of Public Administration has two perspectives as Integral and Managerial. As per the essential view, 'organisation' is the aggregate of the relative multitude of exercises as manual, administrative, administrative, and so on, which are embraced to understand the destinations of the association. In this view every one of the demonstrations of authorities of the public authority from the Attendant to the Secretaries to the public authority and Head of the State establish Public Administration. Henri Fayol and L.D. White are the allies of this view. As per the administrative perspective on organisation, the

administrative exercises of individuals who are engaged with arranging, sorting out, ordering, planning and controlling comprise Public Administration. This view sees organisation as finishing things and not getting things done. Luther Gullick, Herbert Simon, Smithburg and Thompson are the allies of this view. The administrative view prohibits Public Administration from non-administrative exercises like manual, administrative and specialized exercises.

The two perspectives vary from one another from multiple points of view. As per Prof. M.P. Sharma the contrast between the two perspectives is crucial. The essential view incorporates the exercises of the multitude of people occupied with organisation while the administrative view confines itself just to the exercises of the couple of people at the top. The necessary view portrays a wide range of exercises from manual to administrative, from nontechnical to specialize though the administrative view considers just the administrative exercises in an association. Moreover, organisation, as per the indispensable view would contrast starting with one circle then onto the next relying on the topic, however though that won't be the situation as per the administrative perspective in light of the fact that the administrative view is related to the administrative methods normal to every one of the fields of organisation.

The distinction between the two perspectives identifies with the contrast among the board and activity or we might say between finishing things and getting things done. The right importance of the term organisation would nonetheless, rely on the setting where it is utilized. Dimock, Dimock and Koening summarize in the accompanying words: "As a review policy implementation inspects each part of government's endeavors to release the laws and to offer impact to public strategy; as an interaction, it is every one of the means taken between the time a requirement office accepts locale and the last break is set (yet incorporates likewise that organisation's support, assuming any, in the detailing of the program in any case); and as a job, it is coordinating and coordinating the exercises of others in a public office."

1.6   SCOPE OF PUBLIC ADMINISTRATION

By the extent of Public Administration, we mean the significant worries of Public Administration as an action and as a discipline.

Extent of Public Administration as an action:

Extensively speaking, Public Administration accepts every one of the exercises of the public authority. Consequently as a movement the extent of policy implementation is no not exactly the extent of state

action. In the advanced government assistance state individuals anticipate numerous things a wide assortment of administrations and assurance from the public authority. In this setting policy implementation gives various government assistance and federal retirement aide administrations to individuals. Furthermore, it needs to oversee government possessed ventures and control private enterprises. Policy management covers each region and action inside the ambit public arrangement. In this manner, the extent of policy implementation is extremely wide in current state.

Extent of Public Administration as a Discipline:

The POSDCoRB see several journalists have characterized the extent of policy implementation in fluctuating terms. Gullick summarizes the extent of the subject by the letters of the word POSDCoRB which mean: Planning, Organisation, Staffing, Directing, Co-ordinating detailing the Budgeting. Arranging implies the working out in wide layout what to be done, the techniques to be taken on to achieve the purpose.POSDCoRB gives solidarity, assurance, and definiteness and makes the concentrate more orderly. The pundits brought up that the POSDCoRB exercises were neither the entire of organisation, nor even its main piece. The POSDCoRB see overlooks the way that deferent offices are confronted with various regulatory issues, which are impossible to miss to the idea of the administrations, they render and the capacities they performed. The POSDCoRB see thinks about just the normal procedures of the organisation and overlooks the investigation of the 'topic' with which the office is concerned. A significant imperfection is that the POSDCoRB see doesn't contain any reference to the definition and execution of the arrangement. In this way, the extent of organisation is characterized barely, being excessively internal looking and excessively aware of the top administration.

The Subject Matter View:

We as a whole realize that policy implementation bargains with the cycles as well as with the considerable issue of organisation, like Defence, Law and Order, Education, Public Health, Agriculture, Public Works, Social Security, Justice, Welfare, and so forth These administrations require POSDCoRB procedures as well as have significant particular strategies of their own which are not covered by POSDCoRB methods. For instance, on the off chance that you take Police Administration it has its own procedures in wrongdoing identification, support of Law and Order, and so on, which are a lot and more imperative to efficient police work, than the proper standards of

association, faculty the executives, coordination or money and it is something similar with different administrations as well. Subsequently, the investigation of policy implementation should manage both the cycles. We finish up the extent of policy management with the assertion of Lewis Meriam: "Public Administration is an instrument with two cutting edges like some scissors. One cutting edge might be information on the field covered by POSDCoRB, the other edge is information on the topic in which these methods are applied. The two cutting edges should be great to make a powerful instrument".

1.7   PUBLIC AND PRIVATE ADMINISTRATION

The significant worry of organisation is to appropriately sort out men and material for accomplishing wanted closures. As a co-usable gathering movement, organisation is really all inclusive and works in a wide range of public and private associations. All in all, organisation happens in both public and private institutional settings. Its temperament relies on the idea of the laying out and objectives with which it is concerned. Based on the idea of the institutional setting, policy implementation can be generally recognized from private organisation. Policy management is legislative organisation worried about accomplishing state purposes, dictated by the state. Private organisation, then again is, worried about organisation of personal business association and is unmistakable from policy implementation. Allow us to expand this

As per Simon, the qualification among public and private organisation relates predominantly to three focuses:

- Public organisation is regulatory though private organisation is professional;

- Public organisation is political where as private organisation is non-political; and

- Public organisation is portrayed by formality where as private organisation is liberated from it.

Felix A. Nigro has brought up that administration is likewise not quite the same as private association, as no privately owned business can equivalent to it in size and variety of exercises.

As per Paul H. Appleby policy implementation is not quite the same as private organisation. He comment, "In wide terms the legislative capacity and disposition have no less than three reciprocal viewpoints that go to separate government from any remaining establishments and exercises broadness of extension, effect and thought; public responsibility; political

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person. No non-legislative foundation has the broadness of government. Appleby noticed that the political person of Public Administration separates it from private organisation. Policy management is dependent upon political course and control. This is the essential differentiation between the two. He further contends, "Organisation is governmental issues since it should be receptive to the public interest. It is important to accentuate the way that famous political cycles, which are the pith of majority rules system, can just work through legislative association, and that all administrative associations are not simply authoritative substances. They should be political organic entities."

Likenesses among Public and Private Administration:

Researchers like Henry Fayol, Mary P. Follet and L. Urwick don't make a qualification among public and private organisation. The traditional authors held the view that public and private organisations are the undifferentiated individuals from the family organisation. Henri Foyal, for instance, says that there is just a single regulatory science, which can be applied similarly well to public and private areas. In his location in the Second International Congress of Administrative Science, Fayol commented, "The importance which I have given to the word organisation and which has been by and large took on, expands significantly the field of regulatory sciences. It embraces the public assistance as well as ventures of each size and depiction, of each structure and each reason. All endeavours require arranging, association, order, co-appointment and control and to work appropriately, all should notice similar general standards. We are as of now not faced with a few authoritative sciences however with one which can be applied similarly well to public and to exclusive issues".

With this concise characterisation, it very well may be expressed that both public and private organisation are set in various conditions. In any case, this distinction is more evident than genuine. As indicated by Waldo, The speculation which recognize policy implementation from private organisation by unique consideration for fairness of treatment, legitimate authorisation of, and obligation of activity, public support of choices, monetary honesty and carefulness, and so forth are of extremely restricted relevance," indeed open and private organisations are the "two types of similar class, yet they have uncommon qualities and strategies of their own which provide for every its particular person.

1.8 IMPORTANCE OF PUBLIC ADMINISTRATION

The investigation of organisation expected importance, as per Woodrow Wilson, as a result to the expanding intricacies of society, developing elements of state and development of governments on equitable lines. This thorough rundown of capacities made to think with respect to 'how' and in what 'headings' these capacities ought to be adequately performed. To this Wilson proposed that there was a need to change the public authority in the authoritative field. According to Wilson, the object of regulatory review is to find what government can appropriately and effectively does and how it can do these things with most extreme proficiency and the most unconceivable expense both of cash and of energy.

One of the significant reasons is the pragmatic worry that the public authority today needs to pursue the public interest. The above all else objective of policy implementation is to proficiently convey public administrations. In this specific situation, Wilsonian meaning of the subject as proficiency advancing and even minded field was the principal expressly expressed proclamation on the significance of a different discipline of policy management. During the main portion of the first century, quantities of nations have selected advisory groups to investigate the issues of organisation and prescribed appropriate authoritative hardware to react to different public necessities. The Haldane Committee Report (1919) in Britain; the President's Committee on Administrative Management (1937) in the United States; A.D. Gorwala Committee's and Paul H. Appleby's Reports in India are a portion of the instances of the endeavours by different nations to make changes in policy implementation.

During the most recent forty years likewise, various reports, created by advisory groups/commissions delegated by governments in different nations or multilateral organisations, and books distributed by researchers have improved the discipline and given new viewpoints to policy management to tune it to the changing requirements of the occasions. They include: Report of the Committee on the Civil Services (Fulton Committee Report, U.K., 1968); different reports of the Administrative Reforms Commission (India, 1967-72); Reinventing Government (U.S.A., look by David Orborne and Ted Gabler, 1992), Governance and feasible Development (UNDP, 1997) and World Development Report: Building Institutions for Markets (The World Bank, 2002).

Significance of Public Administration as an Activity:

The contemporary age, which has seen the development of 'Regulatory State', policy implementation has turned into a fundamental piece of society and a predominant factor. The capacities it is called upon to perform, have extended in degree and nature, and likewise, are ceaselessly expanding. A large number of them are surer in nature since they care for the fundamental necessities of human existence, be it health, schooling, diversion, disinfection, government backed retirement or others. It is, subsequently, an imaginative factor, with its aphorism being 'human government assistance'. These capacities are far beyond its administrative capacities.

The job of policy management in different features is noted beneath:

1. **Basis of the Government:**

    A Government can exist without a council or an autonomous legal executive. Yet, no Government can exist without organisation.

2. **An instrument for offering types of assistance:**

    Policy management is fundamentally worried about the presentation of different exercises performed by government in the public interest. Felix A. Nigro suitably comments, "The genuine center of organisation is the essential assistance which is performed for the general population".

3. **An instrument for executing strategies:**

    Present day governments go far in detailing and embracing sound approaches laws and guidelines. It ought not to be failed to remember that such arrangements, laws, and so on are not simply printed papers. Such paper presentations of aim are converted into reality by policy management in this way changing over words right into it and structure into substance.

4. **A balancing out power in the public arena:**

    Policy management is a significant power for acquiring dependability society. It has been seen that however government frequently changes; yet savage change is only occasionally experienced by organisation. A component of progression between the old and the new orders is given by policy management. It doesn't remain constant just of constitutional changes of government in equitable nations, but at the same time is reflected when there are progressive changes in the structure and character of government.

5. An instrument of social change and financial turn of events:

Policy management's job as a change specialist is especially vital in non-industrial countries. It is anticipated from the state at present to work for speeding up financial change and not to be an aloof office to keep up with business as usual.

6. Technical Character:

The current day government is relied upon to offer different types of assistance to its populace. The expansion in the quantity of capacities embraced by the public authority requires profoundly specific, expert and specialized, administrations. Present day policy management as a rule addresses a system of the entirety of a country's occupations.

LET US SUM UP

Ensuing advancements in the discipline in light of both pragmatic issues and scholarly inquiries have additionally improved its significance as an energetic and significant field. In the contemporary world, the weight of public obligations on government has been consistently expanding. It appears to be that policy management is basic since contemporary civilisation can't advance without a sound managerial framework. Furthermore, as history has shown, the significance of Public Administration as a discipline has been firmly connected with the expanding extremist job of government all over the place. With regards to the fresher and the more extensive obligations and obligations tossed on the express, the job of policy management is more fundamental and significant than of practically some other part of government. As a developing field of information and practice, Public Administration has endeavoured to address this difficulty".

CHECK YOUR PROGRESS

1. Wilson's paper on investigation of Administration in _____.

2. Felix A. Nigro "_____ is the association and utilization of men and materials to achieve a reason".

3. The Nature of Public Administration has two perspectives as Integral and _____.

4. Gullick summarizes the word _____ means Planning, Organisation, Staffing, Directing, Co-ordinating, Reporting, Budgeting.

5. Appleby noticed that the political person of Public Administration separates it from _____ organisation.

GLOSSARY

Equality : The idea that all persons have an equal claim to life, liberty, and the pursuit of happiness.

Regulation : The totality of government controls on the social and economic activities of its citizens.

Synergy : The enhanced result of two or more people, groups or organisation working together.

Red Tape : The ribbon that was once used to bind government documents.

ANSWER TO CHECK YOUR PROGRESS

1. 1887

2. Organisation

3. Managerial

4. POSDCoRB

5. private

MODEL QUESTIONS

1. Explain the meaning, nature and scope of Public Administration.

2. Describe the importance of Public Administration.

3. Differentiate between Public and Private Administration.

4. Analyse the relevance of Public Administration in the 21st Century.

SUGGESTED READINGS

1. B.L.Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
2. Ramesh K.Arora (2012), *Indian Public Administration: Institutions and Issues*, New age international publishers, 3rd edition.
3. Mohit Bhattacharya (2018), *New Horizons of Public Administration*, Jawahar Publishers & Distributors, New Delhi.

UNIT 2

PUBLIC ADMINISTRATION IS AN ART OR SCIENCE

STRUCTURE

 Overview

 Learning Objectives

 2.1 Introduction

 2.2 Public Administration is a Science

 2.3 Public Administration is not a Science

 2.4 Public Administration is an Art

 2.5 Arts vs. Science – The Debate

 Let us Sum Up

 Check your progress

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OVERVIEW

In the earlier unit, we had highlighted the approaches to the study of public administration. Each friendly discipline ends up defied with the inquiry if it is a science. The discussion has started in light of the fact that science generally represented actual sciences like physical science, science and so forth one gathering of masterminds was included Jacob Winer, Morris R. Cohen, Robert A. Dahl, Dr. Better and other people who denied Pubic Administration the situation with a science. One more gathering of masterminds incorporates C. Neely, Wallace B. Donham, Luther Gullick, Willoughby and other people who guaranteed that Public organisation is a science like different sciences. In this unit, we will discuss about the public administration is an art or science.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Analyse whether Public Administration is an Art.

➢ Understand whether Public Administration is a Science.

➢ Learn about the principles of Art vs. Science.

2.1   INTRODUCTION

At a first look it appears to be simpler to acknowledge policy management as a workmanship. It is only the organisation of Government undertakings and for most part it doesn't adhere to the laws of Science like shortfall of standardizing esteem, consistency of conduct and general application. We will peruse more with regards to the Wilsonian perspective on policy management in the following article, however, he essentially highlighted that the objective of legitimate audit is to discover what government can properly and successfully do and how it can do those things with most outrageous capability with least possible cost of money or energy.

After Wilson another huge conflict came from Frederick Taylor who created a book called The Principles of Scientific Management (1911) in which he proposed to observe one to be most ideal technique for finishing things/action and thusly get a good deal on cost on time and energy. Luther Gulick and Lyndall Urwick aggregately appropriated, Papers on the Science of Administration which reaffirmed its status as a Science. W F Willoughby communicated that strategy execution like Science has certain fundamental norms which can be generally applied and as such it is a Science. Nonetheless, there still stay certain perspectives to be set up before policy management can be really and in genuine terms, be delegated a Science. The spots of regulating esteems in policy management ought to be unmistakably characterized. More endeavours ought to be placed in to understanding the human instinct and elements at play in policy implementation.

Ultimately, the standards of policy management ought to get references from across the universes, societies, sort of states and so on. The happening to the high level government help state itself has added, to the changing method to manage strategy execution. The kind of activities and circle of works have never been more moved and dynamic and there has been an at no other time interest in truly dealing with the capability of the public power.

Taught specialists like Frederick Taylor have opened ways to deal with examination, experimentation, discernment, variety of data and assessment reliant upon which guidelines and laws can be made. There is growing number of authors like Metcalfe, Fayol, Emerson, Follett, Mooney, and even more actually Drucker .etc who have made in regards to the issue out of association. Without a doubt, Drucker made a book called "The Age of Discontinuity" and one of the pieces of the book called The Sickness of Government transformed into the reason of the

New Public Management speculation popular in 1980s which focused available masterminded organisation of the public area. Thus, one can safely say that with the changing events and afterward a few and more assessments finished in the field of social sciences, association and human relations, the subject of strategy execution can by and by don't take the protected place of craftsmanship and would have to emerge more grounded with huge and fundamental principles like that of Science.

2.2   PUBLIC ADMINISTRATION IS A SCIENCE

The base of declaring Public Administration as a science was himself propounded by the Father of Administration Woodrow Wilson when he said that "there should be a science of administration". Woodrow Wilson was of the view that if developed, the science of politics will go a long way in solving the problem of widespread corruption and violence which pervaded the time American society significantly. He said that American administrative practice involved scientific methods also. He also said that the growth of science of administration was slightly slower in America owing to the fact of public opinion. Wilson was of the view that Public Opinion was responsible for slow growth of science of administration in America. Wilson said that the real challenge was not simply how authority would be defined but how it was to be actually used on regular basis by those administrators who must operate the ongoing functions of Government and implement new policies.

There are diverse views regarding the debate about whether Public Administration is a Science or Art. Robert Merton and LD White hold the view that Public Administration is a Science however FW Taylor and Lyndal Urwick say that discipline of Public Administration will become a Science in coming future. Barring these few exceptions it is widely believed that Public Administration is not a Science subject and it cannot be a Science Subject.

Robert Dahl gave his own reasoning explaining why he believed that Public Administration is not a Science. His reasoning is explained later in this article. Most of the scholars, who believe that Public Administration is not a science, hold the view that it is an art subject. Some believe that it can be given the status of a Social Science Subject or Humanity Subject.

Claims to prove Public Administration as science:

1) Some scholars have argued that the Public Administration is science, if science denotes methodical examination of information from experience and observation. Since ancient times, there has been some kind of administration. Over time, considerable information in the form of administrative science has been gathered. Machiavelli's "Prince' and Kautilya's Arthasastra are outstanding public works and not just political philosophy treatises.

2) The government is a science since it can be scientifically examined using scientific methods. Over the years, observations and experiments have supplied material to make new deductions or to verify previously proposed general proposals.

3) The government has been more accurate in recent decades. Experience demonstrates that management professionals provide various forecasts which precisely lead to the consequences as their prediction.

4) Special institutes were created in all sophisticated nations of the globe to enhance the science of public admiration and to find new ways and principles of administration.

5) Research has been started recently to find the location and social context of public administration in diverse administrative environments.

2.3 PUBLIC ADMINISTRATION IS NOT A SCIENCE

No sociology including Public Administration which inspects human direct can guarantee the level of accuracy and trustworthiness like an actual science. Consequently, Public Administration can't be known as a science due to the accompanying reasons:

1) Public Administration needs precision of an actual science. Since will, reason, decision, impulses and qualities assume an indispensable part when a person acts; it is beyond the realm of imagination to expect to achieve consistency in this subject like that of other actual sciences.

2) It is undeniably challenging to separate realities of Public organisation and gauge and group them with precision or confirm authoritative hypotheses so supported by researchers deductively.

3) It has been contended that some concurred standards of Public Administration have not been so far discovered.

4) It's anything but a science as it needs accuracy dependent on widespread legitimacy of laws or standards.

5) Public Administration needs objectivity while unadulterated sciences are unbiased, uniform, precise, unsurprising and irrefutable. They scarcely change with the progressions of time, spot, and climate. Despite what might be expected, the topic of Public Administration is the person who continually changes with the progressions of time and climate.

6) Again, Public Administration is worried about human conduct which isn't dependent upon consistencies of nature like actual sciences.

2.4   PUBLIC ADMINISTRATION IS AN ART

In antiquated Chinese, Egyptian and Indian developments even use it as a craftsmanship. The "Art" implies the demonstration of getting things done to create agreeable outcome. The subject of policy implementation first finds the standards of organisation and afterward places them by and by. The appropriateness of these standards to a specific circumstance makes the director a craftsman. The presentation of the workmanship, as per the set down standards, makes the subject a craftsmanship. Charles Warth says, "Administration is a workmanship since it requires its fineness and authority, energy and grand feelings". As a craftsmanship, the chairman prior to making any move should make up their psyche based on the study of organisation. Ultimately, he is to act, to accomplish the ideal goal. We can, thusly, say that Public Administrator is additionally a workmanship.

From the above conversation we can reach the resolution that Public Administration isn't a science like other actual sciences. It is headed to turning into a science. As indicated by Urwick, "A genuine study of organisation is at last conceivable". However, it is fundamentally sociology of perception as opposed to analyse. Additionally, it is a craft of running the organisation so as to accomplish its objective. We, consequently, infer that the Public Administration isn't just sociology yet in addition a workmanship.

2.5   ART VS SCIENCE – THE DEBATE

Robert Dahl said that for a subject to be taken up in the stream of science it should have three basic conditions fulfilled. These are -

1. Principle of Universality

2. Principle of Impersonality

3. Principle of Predictability

After some time 2 more conditions were added in the above two in order to categorize a subject in the field of science. They are Cause and Effect and Demonstrability.

Now if we talk about Principle of Universality. Different regions of this world have their own unique set of cultures and values and their administrative systems while governing specifically keep in mind the prevalent local conditions and govern accordingly. So it is quite clear that the same set of rules of governing is not applicable to all the regions of the world. So clearly here we can say that in the field of Public Administration it is almost impossible to prove the Principle of Universality owing to the fact that different levels of development, different cultures and values, different languages, different mindset, different geographical conditions etc. create very different conditions which cannot be governed by a single set of rules. So Principle of Universality cannot be present in the case of Public Administration globally.

However, taking a slightly differing view point saying that different countries of the World are ruled in different ways in accordance with the rules that are usually codified in a compact form termed as the Constitution of that particular country. In these Constitutions of various countries there governing procedure, rules, fundamental rights, procedure established by law and many other provisions are mentioned in detail. The gist of all these provisions is almost the same throughout the world hence here we can some up that on a macroscopic level we can say that the Principle of Universality and Principle of Impersonality are satisfied. Hence on the basis of this reasoning we can sum up that it would not totally be correct to declare Public Administration as an Art subject. On a macroscopic level some elements of scientific nature are also found in the study of Public Administration. So far on the basis of first two principles of Robert Dahl it can be said that some part of Public Administration comes under the discipline of art and some comes under the discipline of science.

Coming to the last three principles as Principle of Predictability, Cause and Effect and Demonstrability. Now if in the stream of Science we look at some fields like Space Science, Oceanography, Astrology, Astronomy, Radioactivity etc. there are still a lot of things that are left to be found out and at present it is widely believed that it is almost impossible to find out some of them as they are very much out of the range of human imagination and reach. They are for the time being out of the general ambit of science.

So comparing this situation with present day Public Administration, the cause and effect of the decisions that we make can be predicted and seen. The basis of all of the above points it had been concluded that "Public Administration is Science in theory and Art in practice".

LET US SUM UP

From the foregoing, the summary may be understood to be an art and science also. It represents the administration of government affairs procedure or action. It's practical rather than theoretical. This is why public administration is best identified as an art. It is certainly a specific expertise and it is science in that respect. In the practical world of Public Administration what matters is Good Governance and not whether Public Administration is a Science or Art. This discussion of whether Public Administration is a Science or Art is fully intellectual in nature and is studied in accordance with the views of the various noted Public Administration scholars.

CHECK YOUR PROGRESS

1. Frederick Taylor who created a book called The Principles of Scientific Management in _____.
2. Public Administration as a science was propounded by the Father of Public Administration _____.
3. Public Administration isn't a _____ like other actual sciences.
4. Robert Dahl subject to address _____ conditions to fulfil for art vs. science debate.

GLOSSARY

Enunciation   : Manner of pronouncing.

Unanimity   : Consensus.

Rational   : Agreeable to reason.

ANSWER TO CHECK YOUR PROGRESS

1. 1911

2. Woodrow Wilson

3. Science

4. Five

MODEL QUESTIONS

1. Public Administration is an Art or Science – Elaborate.

2. Explain why Public Administration is considered an Art.

3. Explain why Public Administration is considered a Science.

4. Analyse the debate on whether Public Administration is an Art or Science.

SUGGESTED READINGS

1. B.L.Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
2. Ramesh K.Arora (2012), *Indian Public Administration: Institutions and Issues*, New age international publishers, 3rd edition.
3. Mohit Bhattacharya (2018), *New Horizons of Public Administration*, Jawahar Publishers & Distributors, New Delhi.

UNIT 3

PUBLIC ADMINISTRATION AND ITS RELATION WITH OTHER ADMINISTRATION

STRUCTURE

OVERVIEW

We have read about the dichotomy between the politics and administration in the last unit. Subsequently, we also read about how the later authors and subject matter experts opposed the earlier dichotomy and insisted that politics and administration cannot be viewed in isolation. In this unit, let us try to understand the relationship between the politics and administration. According to the political scientist James Pfiffner, the politics and administration are so closely knit together that it becomes difficult to draw the line where one ends and the other begins. Politics is the study of power which is the latest definition of the term. As per this definition, since, power is kind of omnipresent, it is safe to assume that it has an important say in the matters of public administration as well. In this unit, we will study about the relationship of public administration with other social sciences.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Understand the Public administration with other disciplines.

➢ Learn the differences with other Social Sciences

➢ Know the concepts and issues of Public Administration.

3.1 INTRODUCTION

Another important figure in the field was Dwight Waldo, an American political scientist and a prominent figure in the area of modern public administration. The principal concern of early civil service reformers was not greater administrative efficiency but was cleansing and promoting democracy. The primary issue was not increasing efficiency but was protecting and building moral.

There is no argument regarding the fact that public administration emerged as a discipline of political science, the former deals with the output of the Government machinery and the latter with the input. It can also be put as such that, political science provides the framework within which public administration functions. From the academic perspective, both these subjects share a number of common areas of study like constitutional law, administrative law, delegated legislation, government budgeting and local governments amongst many other. So, a comprehensive understanding of both the subjects is mutually inclusive to each other, to learn one, the other has to be mastered as well.

3.2 PUBLIC ADMINISTRATION WITH OTHER DISCIPLINES

Another important academic field from which public administration heavily borrows and is deeply influenced is the Sociology. It is a branch of study which deals with social order, change, class, conflict, problems, associations and institutions. According to Marshal Edward Dimock, administration takes place in a social setting and it is the society which determines the pattern of administration. He goes ahead and adds that through an administrative leadership however, the society itself can be changed for good. He says that the job of a public administrator is not mere administration but that of a social engineer who can bring about desirable changes in the society. In the modern times, the various activities which the society governed and administered itself like community welfare, health, security etc have been taken over by the Government and public administration departments.

The social control has been replaced by administrative controls and hence, it makes sense for the public administrators to be in sync with societal goals. We have constantly been referring to diverse subjects to understand public administration better; the reader is now in a position to understand the relevance, importance and vastness of this subject which has an immediate and direct interaction with us in our everyday lives.

3.3   PUBLIC ADMINISTRATION AND POLITICAL SCIENCE

Political Science is the investigation of state and frameworks of government. It is worried about force, authority and impact. It guarantees definitive allotment of qualities to the different areas in the public eye. Policy management is intently, if not indistinct, associated with political theory. Though political theory is worried about government, policy implementation is government in real life.

A prominent creator had distinctly noticed the connection between the two disciplines in the accompanying word: "The interface between the two (political theory and policy implementation) turns out to be clear and striking on the off chance that we agree that both arrangement with the political framework however from various positions: Political science enacts and invigorates the state: it manages the info part, while Public organisation manages yield". Being the investigation of state and government, political theory gives the essential structure inside which policy management capacities.

Policy management is government in real life and as such worried about the utilization of force provided to it to accomplish the strategy objectives of government. It frets about the investigation of the idea of issues associated with carrying out the desire of the State. There are numerous normal spaces of study which discloses organisation and Political science even more a sister-sibling association. Public strategy considers established law, managerial law, assigned enactment, government planning, neighbourhood government and so forth are such normal regions which are contemplated in both political theory and policy implementation.

Moreover, there exists one more place of close association between the two disciplines. The world of politics of a country shapes to a great extent the nature and exercises of its regulatory framework. The volume of regulatory exercises is dictated by the extent of government capacities, which is chosen strategically. Public directors work with and under the bearing of lawmakers.

Since Public organisation capacities with regards to legislative issues and administrative framework, its review requires a decent arrangement of starter information on political foundations and administrative exercises. Subsequently, Dimock properly brings up that "a comprehension of legislative issues is the way in to a comprehension of Public organisation".

The Distinction:

The initial architect of Public organisation Woodrow Wilson propounded legislative issues organisation division hypothesis which made a sharp differentiation among governmental issues and organisation. As per this hypothesis, the matter of governmental issues is strategy making and that of organisation is strategy execution. All in all, legislative issues are worried about setting down of approaches, while organisation is worried about executing these arrangements with view to savvy measures. Woodrow Wilson believes that "Organisation lies outside the appropriate circle of governmental issues. Regulatory inquiries are not political inquiries. Despite the fact that governmental issues set the errand for organisation, it ought not to be utilized to control its workplaces. The field of organisation is a field of business; it is taken out from the rush and difficulty of legislative issues; and no more, stands separated even from the easy to refute ground of protected review".

In a word, the different marks of qualification between these two disciplines are written beneath:

➢ The extent of Political science is more extensive than the extent of Public organisation since Public organisation is a part of Political science.

➢ Public organisation is viable, while Political science is to a great extent hypothetical. All in all, Public organisation is this present reality of administration, while Political science is the examination of government.

➢ Public organisation is concrete, while Political science is conceptual.

➢ Political science manages battle for getting and holding power, though Public organisation worries about the utilization of force in understanding the objectives of state strategy.

➢ Political science is moral and thus esteem stacked. Then again, Public organisation is verifiable and specialized.

In any case the differentiations; one can't disregard the cosy connection between these two disciplines. One can contend that political theory was a helpful previous of the field of Public organisation in laying it thoughtful and regulating establishments. We can assert that the connection between Public organisation and political theory comprises in the way that the two disciplines are types of similar family. There is an incredible compromise between the two. Be that as it may, notwithstanding the closeness between them we ought not to disregard the constraints of their fields.

Utilizing the expressions of John M. Gaus, "There is no denying the way that there is contrast between the obligations of political officials and those of authoritative officials, yet the thing that matters is to a greater extent a degree as opposed to of a sort. In the event that we look to the top administrators, we will see that a large portion of what they do is political in nature." To certain researchers, Public organisation and legislative issues resemble light and shade. One follows the other, and each impacts the other.

3.4   PUBLIC ADMINISTRATION AND HISTORY

History is concerned with the study of social progress of mankind everything mankind has thought, done and achieved. It is the study of the past events, movements, their causes and interrelations. History supplies valuable materials for the study of Public administration. Its subject-matter includes economic and social developments, religion, intellectual and artistic movements as well as the growth and decline of States, their organisations, functions, achievements and failures. History is the laboratory of human experiences. All administrative experiences of history are the subject-matter of our experiments. Today this approach has changed because administrative history is being developed as a definite branch of history. First effort to write a detailed history of administration was made in the U.S.A. In his two books, The Federalists (1948) and The Jegersonians (1951) Prof. Leonard D. White describes a detailed history of American Administration in the first 48 years. History guides and counsels administrators by revealing what mistakes were committed by past administrators which ultimately led to their downfall.

3.5   PUBLIC ADMINISTRATION AND SOCIOLOGY

Social science is extensively characterized as the investigation of human social connections in entirety. It is a discipline that orchestrates political, financial, familial, strict, and different connections to show up at a total comprehension of man's public activity. Policy implementation manages the board of man's authoritative issues in the public arena and is worried

about the satisfaction of the shared requirements like security of life, wellbeing, schooling, and so forth to be receptive to the requirements of individuals, the executives ought to be aware of the social objectives of the organisation. To this end, policy management has as of late become firmly connected with human science.

Prof. Dimock appropriately brings up the personal connection between policy implementation and human science in the accompanying words; "organisation exists in a group environment and the example of organisation is dictated by society; however through delicate regulatory administration, society itself might be changed. That the head isn't only a chief; he is additionally a social architect, assisting society with satisfying itself."

Public administration goes about as an instrument of social change, especially in the non-industrial nations of Asia and Africa. Through policy implementation the legislatures of these nations have been attempting to introduce a populist society by achieving the ideal changes in the social connections. Researchers like F. W. Riggs contend that policy management in agricultural nations can be perceived through a comprehension of their social climate alone. In the present regulatory situation even such matters as marriage and family are influenced by policy management as far as government assistance, federal retirement aide and tax assessment. To an impressive degree authoritative controls have supplanted more conventional social control practiced by families, standings and strict associations. Through the commitments made by different sociologists, it is understood that Sociology has extraordinary impact on policy implementation. The recognized German Sociologist Max Weber made the best commitment to the hypothesis of organisation.

Besides bureaucracy, such concepts and terms as authority, organisation, association, alienation and social change are often studied in both the disciplines. The religionists in administration have drawn much on sociology. They have highlighted the significance of informal groups, motivating workers through social rewards and sanctions, and the influence of group norms in the functioning of an organisation. The behaviouralists applied the methods and findings of sociology in order to understand organisational behaviour. Recent behavioural studies in administration have emphasized socio-psychological dimensions, particularly in the areas of leadership and motivation. Despite their close relationship, Sociology and Public administration, however, differ from each other.

Sociologists are widely interested in such matters as family, tribe, mores, and society in totality which do not concern students of Public administration. Sociology is concerned with all forms of social associations both organized and unorganized. Public administration, on the other hand, is concerned mainly with organized political life. Sociology may be considered as a general social science, whereas Public administration is a specialized social science dealing with society's administrative aspects only. Therefore, the sphere of Public administration is narrower than that of Sociology.

3.6   PUBLIC ADMINISTRATION AND ECONOMICS

There is such a huge amount in like manner between Public organisation and financial matters. A financial aspect is worried about individuals and the decisions they make. It is worried about the issue of decision as the truth we are gone up against with because of our pitiful assets contrasted and our limitless wants. Economics, accordingly, manages that parts of human conduct which emerges from the shortage of intends to accomplish a given end. Adam Smith's meaning of financial matters as the specialty of dealing with the assets of individuals and of the public authority unmistakably draws out the cosy connection between Public organisation and financial matters.

An assortment of regions shrouded in Public organisation is financial based. For example, the normal spaces of study incorporate such matters as open money, Planning, Programming and Budgeting System Opens in new window (PPBS), monetary arranging, the board of public undertakings and the like. The detailing and execution of government's advancement plans and strategies are to be assessed as far as their financial results. Accordingly, financial arranging brings Public organisation and financial aspects closer. Participation of the state in the monetary advancement is additionally broad. In many agricultural countries financial arranging has turned into a mainstay of government's social and monetary strategies.

With growing population, and emergence of complexities of trade and commerce, public enterprises as state owned and state-managed industries are increasingly gaining ground. For proper management of these public enterprises, a new administrative device called public corporation and a new economic civil service have emerged. Their management requires knowledge of economics relating to pricing policy, marketing, sales, purchasing. The goal of socio-economic justice forces state to regulate the private business enterprises also.

As a result of the increasing economic function of Public administration, the administrators are urged to run factories, handle agriculture, banking, insurance etc. In today's administrative setting, Public administration is confronted with an avalanche of economic problems such as unemployment, poverty, inflation, depression. Therefore, today's administrators must have a full comprehension of the economic problems of the country. They gain much by having knowledge of economics in solving the economic problems. Notwithstanding the closeness, economics differs from Public administration in certain respects. Economics deals with material things as how they are produced, distributed, exchanged and consumed. Whereas, Public administration deals with the management of human affairs in society. Economics can be neutral between ends, while Public administration cannot maintain such neutrality. Public administration is concerned with values. Despite these differences, Public administration and economics as we have already seen interact with each other in many areas of common interest.

3.7 PUBLIC ADMINISTRATION AND LAW

Law is an arrangement of rules made for the change and requesting of human relations in the general public. Policy management is as firmly identified with law as to political theory. It is a direct result of Public organisation's relationship to law, that Public organisation is educated in the personnel of law in mainland nations like France and Germany and different nations like Japan. Administrative law, assigned enactment, managerial courts, and so forth, are subjects normal to the investigation of law and policy implementation. Probably the most punctual way to deal with the investigation of Public organisation is legitimate methodology which sees Public organisation as saturated with lawful and adjudicatory matters. It is fundamental that Public organisation work inside the system given by law. Different sorts of laws, for example, established law and managerial law will in general surround and impact the activity of Public organisation.

The institutional construction, the forces and elements of authoritative bodies and the constraints set on not really set in stone as far as law. Law not just mentions to an overseer what he can do yet additionally outlines cut off points to his power. He should behave as to consistently act inside the bind of legitimate forces. In the event that he acts outside his legitimate forces, such exercises are pronounced by courts as unlawful and subsequently void. In this manner, courts keep public specialists inside lawful limits.

Administrative law gives the fundamental connection between Public organisation and law. The managerial law is controlled by the regulatory councils comprising of authoritative authorities and specialists. Moreover, the principle capacity of Public organisation, as portrayed by Woodrow Wilson is "point by point and precise execution of public law". Henceforth, every head is, essentially, a police officer. Public managers acquire much by knowing about the predominant overall set of laws, since lawful connections are a critical piece of the authoritative capacity in the execution of strategy.

A public head isn't just an authority of law yet additionally a developer of law. "He is a developer in light of the fact that each time he applies old law to new circumstances he constructs law". The overseers are in a superior situation to know the need of new laws or altering the old laws when they execute the current laws. Along these lines, all the time, Public executives, based on their experience, recommend new laws or altering the old laws which are supported by the law-production authority. The drafting of laws is additionally done by Public chairmen. The executives likewise choose what the law is and what it implies as far as activity by utilizing their optional and rule-production controls under designated enactment.

LET US SUM UP

Public Administration is a complete, interdisciplinary methodology that draws on information sources across the sociologies. Its expanding interdisciplinary nature infers that it draws upon other sociologies and applies in its review the information, experiences, procedures and devices created by them. Subsequently, it is significant that the individual who wishes to concentrate on Public organisation ought to have some information on other sociologies and its relationship with them. As a developing field of information and practice, Public Administration has endeavoured to address this difficulty".

CHECK YOUR PROGRESS

1. According to_____, administration takes place in a social setting and it is the society which determines the pattern of administration.
2. _____ is the investigation of state and frameworks of government.
3. Prof. Leonard D. White describes a detailed history of _____ Administration in the first 48 years.
4. Law is an arrangement of rules made for the change and requesting of _____ in the general public.

GLOSSARY

Sociology   : it is the science of society viewed as an aggregate of individuals.

Political Science   : It is the study of state and government.

Ethics   : Moral values of the community.

ANSWER TO CHECK YOUR PROGRESS

1. Marshal Edward Dimock

2. Political Science

3. American

4. Human Relations

MODEL QUESTIONS

1. Describe the relationships of Public Administration with other disciplines.

2. Analyse the relationship of Public Administration and Social Sciences.

3. Explain the relationship between Public Administration and Political Science.

4. Write an essay between the relationship between History and Public Administration.

SUGGESTED READINGS

1. B.L.Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
2. Ramesh K.Arora (2012), *Indian Public Administration: Institutions and Issues*, New age international publishers, 3rd edition.
3. Mohit Bhattacharya (2018), *New Horizons of Public Administration*, Jawahar Publishers & Distributors, New Delhi.

UNIT 4

APPROACHES TO PUBLIC ADMINISTRATION

STRUCTURE

OVERVIEW

A philosophy is a technique for getting to the cognizance of a subject or a discipline. It suggests a particular method of dealing with the issue. Like different human sciences, in Public Administration too, there are various procedures which have been made since the discipline was recognized as an independent field of enquiry by Woodrow Wilson in

1887. Further, there has been a consistent improvement of the examination of these strategies which successively can broadly be parcelled into three arrangements viz. Standard or Classical, Human Relations Movement or Behavioural, and Modern or System. The current unit deals with the Classical system having Scientific Management and Bureaucratic techniques as its key parts. In this unit, we will discuss about the approaches to the study of public administration.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Understand the origin of the concept, systematic study and analysis of organisation

➢ Know the different approaches to the study of Public Administration

➢ Learn the approaches of different exponents in this field

4.1   INTRODUCTION

Broadly speaking, this approach originated with the systematic study and analysis of organisation in the last decade of the 19th and early years of 20th centuries. It places emphasis on the formal structure of organisation, designing and planning of work. Further, it advocates a body of principles in accordance with which the organisational plan is made out to fit the requirements of selected purpose and then capable persons are selected to get the things done as per the preconceived plan. It aims at improving the organisational structure as a means of increasing efficiency. Further, it views man as an economic man; who is driven by material incentives. The main exponents of this approach are F. W. Taylor, Henri Fayol, Max Weber, Mooney and Reiley, Gulick and Urwick, who put emphasis on the scientific study of organisation.

4.2   APPROACHES TO PUBLIC ADMINISTRATION

There are different ways to deal with the investigation of Public Administration which can be classified from various points. It could be partition under two heads like Normative Approach and Empirical Approach. The regulating approach manages what Public Administration ought to be and observational methodology focuses on depictions and examination of genuine managerial circumstances. From another view point it can be categorized under the following heads such as

 i.   Philosophical Approach

ii.   Legal Approach

iii.   Historical Approach

iv.   The Case-Method Approach

v.   Institutional and Structural Approach

vi.   Behavioural Approach

vii.   Human Factor Approach

viii.   Political Economy Approach to Public Administration

ix.   Structural Functional Approach to Public Administration

x.   Public Policy Approach to Public Administration

xi.   Marxian Traditions and their Approach to Public Administration

4.3   PHILOSOPHICAL APPROACH

The philosophical methodology is the most far reaching and maybe the most established way to deal with the Public Administration as of any remaining sociologies. For instance this methodology is there in the Shanti Parva of Mahabharata, Plato's "The Republic", Aristotle's "The Politics", Hobbes Leviathan, Locks "Treaties on Civil Government" and so on this methodology is additionally upheld by Swami Vivekananda and Peter Self. This methodology covers a wide going domain of managerial exercises which intends to discover the standards of association.

4.4   LEGAL APPROACH

The legitimate way to deal with the investigation of Public Administration was begun after the advancement of philosophical methodology. This methodology has followed its starting point from the European practice of Public Administration in law. This methodology has acquired its ubiquity in European nations like France, Germany and Belgium. It likewise has its promoters in Britain and USA. This methodology was supported by F.J. Goodnow. This methodology in the investigation of Public Administration is a piece of law and legitimately endorsed design and association of public specialists. This is otherwise called legal or juristic methodology, which appeared in the time of Laissez Faire, restricting the elements of the state.

4.5   HISTORICAL APPROACH

The investigation of History is fundamental to capture the present just as what's to come. The investigation of policy management likewise can't be finished without understanding the advancement and progress of civic establishments from the past to the present. The Historical way to deal with policy implementation centres around the managerial frameworks, cycle and approaches rehearsed before and afterward

attempt to decipher them pertinently with regards to introduce times. There are different sides of the coin which the researchers have contended, while this methodology might give rich insights about what worked and what not before yet creators like John Pierre and B Guy Peters say that the investigation of history can't give any usable data which can be utilized now and the understudies of policy implementation ought not have such misinterpreted thoughts.

The significant highlight note is that researchers should realize when to rethink the past and when to disengage from it to draw applicable ways of thinking and suspicions. In any case, the investigation of history of organisation doesn't turn out to be any lesser significant even in the light of above differentiating contention. It stays significant in light of the fact that improvements in the public arena over the long run and ages lastingly affect the quality and amount of public administrations conveyed. This methodology additionally helps the researchers and understudies to comprehend that how the Government changed its organisation and working with changing occasions and what repercussions it had. The investigation of the past likewise gives critical data in regards to why a few techniques, strategies, frameworks and so on were embraced and which needs did they address.

With the significance of verifiable methodology set up in investigations of policy implementation, we will presently see what the lawful way to deal with policy implementation is. Taking the legitimate course to policy management would wander into the impressive lawful construction and association of public bodies. As the name recommends, this methodology related itself with laws, rules, guidelines, codes, official obligations and so on It additionally portrayed the force, limits and optional forces of the power and legal choices. Numerous nations particularly in Europe like Germany, France, Belgium and others have taken on the legitimate course to concentrate on policy management. It functions admirably for these nations as they have two unmistakable divisions of laws, the established and the other authoritative. The protected law chiefly managed the interrelation of force between the authoritative, leader and legal parts of the Government while the managerial part worries about the working of the public associations. Consequently, the chronicled way to deal with the investigation of Public Administration concentrates on the Public Administration of the past inside specific stretches of time, putting together and deciphering the data in a sequential request.

4.6 THE CASE METHOD APPROACH

In the year 1930s this methodology turned out to be exceptionally famous. It manages the portrayal of explicit occasions that lead to a choice of a director. This methodology depends on the managerial real factors and understudies acclimate with them. In 1952, twenty contextual investigations were directed and named by Harold Stein. The Indian Institute of Public Administration in New Delhi and the National Academy of Administration had additionally distributed a few contextual analyses. As per D Waldo "The case approach has been propelled by a guarantee to the targets and techniques for the social sciences, certainly, yet it has been saved additionally by an impressive affectability to customary worries of the humanities and by a viable interest in teaching method as against research".

4.7 INSTITUTIONAL AND STRUCTURAL APPROACH

The institutional way to deal with the investigation of policy implementation perceives itself with the establishments and associations of the State. The centre space of this strategy lies in definite investigation of the construction, the working, rules, and guidelines of the chiefs, law making bodies and the divisions of the Government. The researchers who practice this methodology ponder organisation to be an opinionated and mechanical capacity which lies just in the part of strategy implementation.

The creators like L D White and Luther Gulick amassed their endeavours in unfurling what an institutional design was and did little to construct any hypothesis really. The pursuer might be interested regarding why this exceptional consideration was paid to characterize organisations. The current day meaning of foundation incorporating a wide range of rules, guidelines and associations is contended as erroneous by many creators like B Guy Peters and Jon Pierre. An association continues getting mind boggling by adding casual standards and practices which occurs through its connection with the outer climate and they are as it were autonomous of the people who make an association at a given place of time.

In any case, as indicated by Selznick (1957), any association which is complicated should be imbued with esteem which is past the specialized necessity of the assignments that are performed by that association. This implies that an association has an unmistakable ability to be self-aware and personality and its way and its convictions become significant for the general public also.

It likewise begins addressing the desire of the local area and thusly impacts the local area with own qualities and convictions. A genuine foundation turns into an image for the local area from numerous points of view, similar to the very structure where it is housed. It tends to be strangely clarified and seen all through the History that the repulsive gathering frequently involve the official royal residence or workplaces or the parliamentary structures or represent a danger to the amazing and representative designs.

In this way, examining and understanding their organisation becomes imperative to make them more proficient and result arranged. While the conventional investigation of policy implementation underlines on the information on History and Law however this institutional methodology centers on the hierarchical construction, objectives and standards as essential. Thus, a great deal of consideration was given to the issues identified with the working of an association like designation, coordination and control and administrative construction. In any case, the fundamental disadvantage to this methodology was that almost no consideration was given to the outside sociological and mental impacts. These variables influence the association in manners which are not generally unpretentious; however have solid results on the wellbeing and prosperity of an association.

4.8   BEHAVIOURAL APPROACH

The expanding disappointment against the institutional and primary methodology safeguarded into what has come to be known as the conduct way to deal with the investigation of Public Administration. In 1940s this methodology had arisen centring the real conduct of people and gatherings in association. The heralds of this methodology were Herbert A. Simon and Robert A. Dahl.

4.9   HUMAN FACTOR APPROACH

Policy implementation is intended for individuals. From one perspective it includes the connection among organisation and its representatives and on the other it is implied among organisation and the people who are controlled. Subsequently in current age policy management infers huge associations whose limit can't be drawn without any problem. The proper methodologies are fundamental and surprisingly expected for the association however in the administration technique human factor assumes a plentiful part in working the organisation. As per O.Tead "The focal force to be reckoned with of the persuasive impulsion and soul which makes the establishment drives to fulfil its motivation".

Albeit the huge associations definitely brings about depersonalization, loss of singularity for the part and virtual treatment as a pinion in the machine and in functional levels work of the executives and oversight, human components are dismissed however human factor assumes a significant part. It is additionally examined in the human connection hypothesis created by Elton Mayo.

4.10 POLITICAL ECONOMY APPROACH TO PUBLIC ADMINISTRATION

We have found out with regards to the renowned Wilsonian division of governmental issues and organisation and after the Second World War the reducing pertinence of this polarity. The above reference is essential to be remembered to comprehend this point which unites the study of legislative issues and financial together to acquire a definite comprehension of the organisation of the state and its assets. After the New Public Administration hypothesis of 1968, there was another methodology proposed during the 1970s which discussed financial ways to deal with investigate policy implementation called the Public Choice Theory. We will find a way to comprehend a couple of ideas and improvements of that opportunity to all the more likely break down the Public Choice Theory.

By the centre of the last century, the Pigouvian social government assistance framework was taken on by numerous economies. English financial analyst Arthur C Pigou composed a book called The Economic of Welfare in 1920 and furthermore took a stab at characterizing what government assistance is in monetary terms. The state worked on unexpected drivers in comparison to economy and it was an acknowledged reality.

In any case, the Public Choice hypothesis tested this very reality and proposed the utilization of financial measuring stick to assess the asset allotment in the public area and monetary investigation to recognize the shortcomings in the Government strategy and dynamic cycles. It likewise makes a reason that the administrators and legislators work on a model to expand their own force and impact and wind up detailing arrangements which might be against the bigger public interest. Not, that we required a hypothesis to demonstrate that notwithstanding, it got approval from many creators and well-informed authorities. This hypothesis additionally got a more customer driven methodology in the plan of strategies and the way in which the public authority apparatus should work.

There was a reasonable tendency towards popularity based organisation from administration and a significant viewpoint was underlined that the public authority activity should be in a state of harmony with the qualities, needs and needs of the residents.

4.11 STRUCTURAL FUNCTIONAL APPROACH TO PUBLIC ADMINISTRATION

The underlying practical way to deal with policy management is a term adjusted from human science and human studies which deciphers society as a design with interrelated parts. This methodology was created by the praised anthropologist Malinowski and Radcliff Brown. In this way, as indicated by them, every general public has a construction and capacities. These capacities are standards, customs, customs and establishments and can be analogized as organs of a body, as clarified by Herbert Spencer.

This load of capacities needs to cooperate to make the body work in general. Having clarified the more extensive importance of the term; it bodes well for us to comprehend it according to the viewpoint of policy management which would direct our further investigation of the subject. During his period as a Researcher at the Foreign Policy Association in USA, Fred Riggs ran over a fascinating wonder in regards to the American Public Administration. He viewed them to be incredibly self-retained in their methodology which accepted that the American method of organisation was exceptional with no supplements somewhere else on the planet and that it was equipped for noting every one of the managerial issues arising in the new non-industrial nations.

This methodology gives a system to comprehend social cycles. The capacity is the outcome of examples of activities while the design is the resultant establishment and the pattern of activity itself. It peruses confounded however the hypothesis in itself isn't that hard to comprehend. Social designs can be concrete like Government division and Bureaus or even explicit social orders held together by shared convictions, customs and ethics and furthermore scientific like construction of force or authority. These structures play out specific capacities and as far as primary practical methodology, these capacities have an example between structures. So the initial step is see organisation as a design which has regulatory framework with qualities like order, specialization and so forth the social qualities can be reasonableness, impartiality, polished skill and rule direction. Then, at that point, one can continue to look at the elements of administration.

4.12 PUBLIC POLICY APPROACH TO PUBLIC ADMINISTRATION

We read about the Wilsonian way of thinking of policy management and the popular division of governmental issues and organisation. After Wilson, there were many creators like Frank J Goodnow, L D White and F. W. Willoughby who explained on the theme and reaffirmed the need to isolate the political capacities and authoritative elements of the public authority. Willoughby went to the degree of calling policy implementation as the fourth part of Government after authoritative, leader and legal executive. In any case, this politic-organisation polarity hypothesis lost it pertinence after the Second World War.

The essayists, writers, academicians and educated authorities at last stirred to the way that organisation of an administration can never be liberated from political components. They began challenging the partition of governmental issues and organisation as they could plainly see that both were frightfully interlaced with each other and difficult to isolate both in soul and activity.

After the Second World War, there was a restored interest in the parts of organisation due to the functional experiences and coalitions shaped during the conflict, production of global associations and rise of the agricultural nations. Additionally, after the conflict, the Government re-examined itself from a harmony attendant and supplier of administrations to turn into a Welfare State. The public consumption in many areas of the planet expanded enormously after 1945 as the Governments began taking an ever increasing number of drives for the government assistance of the general public. A great deal of changes was completed in regions with respect to the substance of public arrangement as well as the manners by which they were formed. This new methodology acquired energy after 1970s when a ton of investigation began occurring around the manner in which the public authority strategies influenced individuals.

The Vietnam War and Watergate outrage in US, the Administrative Reforms Commission set up in India in 1966, the drive to lessen public use to decrease direct tax collection under Margaret Thatcher in 1979, the making of the Malaysian Administrative and Management Planning Unit in 1977 in Malaysia were to give some examples. With evolving times, the necessities of the general public have additionally changed thus plays the part of the public authority and nature of its strategies. The increment in the normal age of the populace has made the Government to investigate the annuity approaches in the created nations.

While the youthful uneducated populace of the non-industrial nations has constrained their administrations to concoct strategies like Right to Education in India. The incongruity of this public strategy approach is that it envelops numerous parts of government working. The range has become so wide that; to an understudy of policy management, it seems befuddled and spread everywhere. Different methodologies that have clear isolation between the governmental issues and organisation were plainly discernable and straightforward. Numerous peruses may likewise get discouraged to understand that legislative issues impact the arrangement making just as the organisation parts of the manner in which a Government capacities. Anyway with expanding number of partners and strain gatherings, the legislative issues can be held within proper limits and the job of lawmaker goes under scanner to prevent any sort of essential strategy making to help a couple

4.13 MARXIAN TRADITIONS AND THEIR APPROACH TO PUBLIC ADMINISTRATION

Karl Marx has regularly been referred to as the most impressive character throughout the entire existence of human development. He was a savant while being a market analyst, a communist who was additionally a columnist and an antiquarian who proposed the realist origination of history. His perspectives in regards to his spaces of work and interests are all things considered named as Marxian. Karl Marx was a revolutionary from numerous points of view which additionally added to his capacities to look and comprehend past the self-evident. He immovably accepted that the world can't be changed just by producing thoughts; changes can be gotten, simply by genuine, active work. Indeed, even as s understudy Marx was profoundly impacted by crafted by German scholar G.W.F. Hegel. It was Hegel who roused Marx to change from legitimate investigations to theory; a reality Marx conceded in a letter to his dad, legitimizing his choice.

Is fascinating that, Hegel and his motivation didn't keep Marx from fathoming the lacunae between the normal and the genuine in the ways of thinking of Hegel. One of his significant works was his Critique of Hegel‟s Philosophy of the Right. It would only make sense to point out to the readers at this stage is that Marx wrote very little about bureaucracy as such, and mostly after 1843. However whatever little he wrote gives a clear understanding of his stand regarding the need and relevance of bureaucracy in a modern State. Marx believed that understanding the functionalism and structuralism of bureaucracy was critical because it is the political expression of the division of labour.

In his "The Eighteenth Brumaire" Marx calls France as the abode to bureaucracy as opposed to Germany which in his opinion, up until then was the supreme example of oppressive bureaucratic conditions in the states. He suggests that bureaucracy create conditions which subjects people to gross manipulations.

Another important deviation from the Hegel influence can be viewed in the manner Marx and Hegel understood bureaucracy. According to Hegel public administration was a bridge between the State and civil societies. The state through bureaucracy joined various particular interest to arrive at one general interest. On the other hand Marx viewed that the State did not represent the general interest but the interests of the ruling or the dominant class. And obvious enough, this class was a part of the civil society. He went on to say that in a capitalist economy, the bureaucracy is aligned with the dominant class and it masquerades the interests of this dominant class as the general interest which is subsequently forced on the society.

LET US SUM UP

Policy implementation is a thorough, interdisciplinary methodology that draws on information sources across the sociologies. Plays a significant part in the plan of public approach and is hence a piece of the political interaction. Organisation is the association and heading of human and material assets to achieve a reason. Policy management comprises of that load of tasks having for their motivation the satisfaction and implementation of Public Policy.

CHECK YOUR PROGRESS

1. Public Administration could be partition under two heads like _____ and _____ Approach.
2. The legitimate way to deal with the investigation of Public Administration was begun after the advancement of _____ methodology.
3. The _____ in New Delhi and the National Academy of Administration had additionally distributed a few contextual analyses.
4. The Vietnam War and Watergate outrage in US, the Administrative Reforms Commission set up in India in _____.

GLOSSARY

Philosophical Approach : concentrates on what ought to be.

Structural functional approach : it is understood through description and existing infrastructure.

Ecology : mutual relations collectively between organism and their environment.

ANSWER TO CHECK YOUR PROGRESS

1. Normative and Empirical.

2. Philosophical.

3. Indian Institute of Public Administration.

4. 1966.

MODEL QUESTIONS

1. Describe the various approaches to the study of Public Administration.

2. Analyse the Marxian approach to the study of Public Administration.

3. Explain the classical approaches to the study of Public Administration.

4. Write an essay about the Public Policy approach of Public Administration.

SUGGESTED READINGS

1. B.L.Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
2. Ramesh K.Arora (2012), *Indian Public Administration: Institutions and Issues*, New age international publishers, 3rd edition.
3. Mohit Bhattacharya (2018), *New Horizons of Public Administration*, Jawahar Publishers & Distributors, New Delhi.

Block II

Organisation

Unit - 5   Organisation – Bases of organisation, types of organisation

Unit - 6   Principles of Organisation

Unit - 7   Integration, Disintegration, Centralisation and Decentralisation

UNIT 5

ORGANISATION, BASES OF ORGANISATION AND TYPES OF ORGANISATION

STRUCTURE

Overview

Learning Objectives

5.1   Introduction

5.2   Meaning of Organisation

5.3   Definition of Organisation

5.4   Nature of Organisation

5.5   Bases of Organisation

5.6   Importance of Organisation

5.7   Benefits of a Sound Organisation

5.8   Types of Organisation

Let us Sum Up

Check your progress

Glossary

Answers to check your progress

Model Questions

Suggested readings

OVERVIEW

The term "organisation" implies to arrange structure and put into operation. It refers to an action plan to guarantee that the aims that have to be achieved jointly are fulfilled. According to the Gaus' organisation, the relationship between the endeavours and abilities of individuals and groups involved in a shared work is sought in the ultimate friction to achieve the intended aims and to satisfy them the most. Gladden describes organisation as the "path of interactions between people in a company thus devised to accomplish the functions of the entrepreneur". In this unit, we will discuss about the meaning, nature, significance and types of organisation.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢   Understand the meaning of organisation

➢   Analyse the different types of organisation

➢   Know the various approaches to the study of organisation

5.1   INTRODUCTION

The main outline is the organisation. A collection of individuals working towards a common purpose is a cooperative effort. In order to meet the required administrative objectives, the group must be structured. It is designed to achieve particular objectives by bringing people together, sharing work and action, with a correct understanding over a period of time. It is a key component of management. The right use of persons, materials and money to achieve stated goals is facilitated. So administration is worthless without an organisation. The organisation has two aspects, formal and informal. Thus, Dimock & Dimock noted "the organisation, through which the administrative process is maintained, is the essential instrument." Organisations are therefore essential since many individuals spend a huge amount of time in them.

5.2   MEANING OF ORGANISATION

"Organisation" is derived from "organicism" meaning an organised organisation of autonomous parties which share shared activities. The brief oxford term "organisation" is used for structuring and putting it into operation. The term "organisation" lends itself to three various interpretations, such as Structure and construction as well as Structure itself. In a static sense, an organisation is made up of a collection of people who work together to achieve the shared purpose. It's the way labour is divided. It is necessary to do first of all a job; secondly, division of work is needed if a group of people does the job. The organisation is, in the words of Gaus, the connection between the efforts and abilities of individuals and groups involved in a shared job so as to ensure the intended goals with the lowest friction and the highest satisfaction of those who do the work and who are engaged in the companies." The Gaus definition emphasises the human aspect of an organisation.

According to E.N. Gladden as "the pattern of relationships between people in a company designed to fulfil the activities of the company." An active organisation is a method of linking a framework of roles that may be utilised as a management tool to carry out a company most effectively. It is the process to identify the actions to be carried out, to

arrange, to organise and to allocate them to achieve the objectives. Haimann states that "the organisation is the process by which the operations of the company are defined and grouped and the authority connection between them established." This is an interaction and differentiation process. It separates the task and provides unity of effort between different working units by distinguishing it.

5.3   DEFINITION OF ORGANISATION

"Organisation is the formal authority structure through which work subdivisions are ordered, defined and coordinated for a stated purpose" according to Luther Gullick.

Mooney said that "the organisation, for shared purpose, is the form of every human relationship."

According to Gladden, "the organisation deals with the patterns of interactions among people in a business designed to serve the purpose of the entrepreneur."

Simon states that "By Organisation is a planned cooperative effort system where everyone is acknowledged as playing and performing responsibilities and tasks."

"Organisation consists, according to Pfiffner, of the interaction between individuals and groups so that they create an ordered division of labour," he said.

L.D. White says "The organisation, via assignment of tasks and responsibilities, arranges the employees to facilitate the fulfilling of a certain agreed goal."

5.4   NATURE OF ORGANISATION

From sociology, we learn that organisations are social systems; consequently activities there in are governed by social laws as well as psychological laws. Just as people have psychological needs, they also have social roles and status. Their behaviour is influenced by their group as well as their individual drives. There are two types of social systems exist side by side in organisation. One is formal system and other is the informal social system. The existence of social system implies that the organisational environment is one of the dynamic changes rather than a static set of relations. All parts of the system are interdependent and subject to influence by any other part. Mutual interest is represented by the statement "Organisation need people, and also need organisation." Organisations have a human purpose. They are formed and maintained on the basis of some mutuality of interest among the participants.

People see organisations as a means to help them reach then goals, while organisation needs people to help reach organisational objectives.If mutuality is lacking, it make no sense to try to assemble a group and develop co-operation, because there is no common base on which to build.

There are different organisational features according to Nicholas Henry. Organisations are intentional, sophisticated human collectivities, for example. A) Secondary or intimate relationships are characterised by organisms. B) There are limited aims for organisations. C) Sustainable cooperative action characterises organisations. D) The wider social structure includes organisations. E) Organisations provide their environment services and products. F) Organisations are reliant on environmental interactions.

"Three principal aspects of the organisations, such as individuals, united efforts and joint efforts are in place" says L.D. White.

"The constituents of organisations, according to C.I. Bernard, are common purpose, are ready to communicate and serve," she says.

However, the Organisations have five common components. They are

1. Achieving stated goals

2. Work allocation and subjective specialisation

3. Effective co-ordination and interrelation

4. Hierarchy Principle and command channels

5. Address the Fixed Authority.

5.5   BASES OF ORGANISATIONS

Luther Gullick said that four different organisational bases exist.

1. Resolution or objective - it demonstrates how the organisations work. There are several departments, including Health, Labor, Human Resource, Defense and so on. The purpose means to the organisation the following. (i)Give the organisation an understandable task. (ii)Eliminating job duplication (iii) Facilitate co-ordinate principles growth. (iv) To allow liability fixing. (v)To the common man understandable although the proposal has many drawbacks, such as overlooking the subordinate job type, ignoring new technologies, leading to departmental thinking, etc., the goal does mean the organisation's vital basis.

2. Process of development- It reflects the organisation's particular talents in working. Examples of process based organisations are the Space Department, the Law Department, the Department of Ocean

Development, etc. The procedure is attempting: (i) Facilitating maximal specialisation amounts. (ii) Ensure that up-to-date technological skills are maximally used. iv) To promote coordination in technical work (v) to foster career service development (iv) To assure economy via maximum utilisation of machines for work saving (iv) While there are distinct drawbacks, such as restricted utilisation, which are not relevant to non-technical activity, significance for the means and not objectives, conflicts, disregard of the services of generalist administrators and so on.

3. Personnel management- It refers to the services the company offers its clients (clientele). The customer organisations include the Department of Rehabilitation, Tribal Social Affairs and Women's Welfare, etc. People try to create a single agency accountable for all of the Group's needs (ii) to facilitate the coordination of the many services supplied for the recipients. (iii) Establishing a good connection between the Agency and the target group. (iv) Enabling all solutions to the problem. Furthermore, there are numerous downsides to the principle of customer service, such as the expansion of various tiny departments, competence disputes within the departments and the infringement of the principle of specialisation.

4. Places of organisation- It refers to the territory that the group protects. For example, the place-based organisation consists of foreign affairs and geographical divisions, the Damodar Velly Corporation, etc. The primary advantages of locations are (i) that diverse services are coordinated within the designated region. (ii) Embrace national policies national policies (iii) It is appropriate in the event of distance issues and communication. (iv)The transmission costs are lower and that creates issues. In addition, there are also certain drawbacks to organisations' places, such as counteracting the uniformity of national policies in administration, encouraging localism at the price of national outlook and solidarity, breaking the multifunctional principle of specialisation, making organisations vulnerable to the improper impacts of regional interests and lobbying groups and so on.

5.6 IMPORTANCE OF ORGANISATION

Organisation is one of the basic functions of management. Organising includes establishing an appropriate structure of relationships among the various positions and individuals in the organisation. A sound organisation structure can contribute to the success of an enterprise in more than one ways. It is as a matter of fact the backbone of management.

The significance of sound organisation will be clear by studying the following factors:

1.   It facilitates co-ordination

Organisation is an important means of bringing co-ordination among the various departments of the enterprise. It creates clear-cut relationship between the departments and helps in laying down balanced emphasis on various activities. It also provides for the channels of communication for the co-ordination of the activities of different departments.

2.   It facilitates management

The function of organising is very much necessary for the performance of the other functions of management like planning, staffing, directing and controlling. Poor organisation may result in duplication of work and efforts and some of the important operations may be left out. Good organisation facilitates the performance of various managerial functions by division of labour, consistent delegation or job definition and clarity of authority and responsibility relationship.

3.   It facilitates growth and diversification

Sound organisation helps in the growth and expansion of the enterprise by facilitating its efficient management. Sound organisation helps in keeping the various activities under control and increase the capacity of the enterprise to undertake more activities.

4.   It provides scope for training and development

An effective organisation facilitates delegation of authority which is an important device for training and developing the personnel. Delegation of authority is also an important means of directing the subordinates. It prepares them to take more responsibility whenever need arises.

5.   It provides for optimum use of technological innovations

Sound organisation structure is not rigid but it is flexible to give adequate scope for improvements in technology. It helps in introducing changes in the enterprise by modifying the authority and responsibility relationships in the wake of new development.

6.   It ensures an optimum use of human resources.

Sound organisation matches the jobs with the individuals and vice versa. It ensures that every individual is placed on the job for which he is best suited. This helps in the better use of individuals working in the enterprise.

5.7 BENEFITS OF SOUND ORGANISATION

Organising of people and things is essential for co-ordinated work. Good organisation structure is an indispensable means for better business performance and better achievement of the objectives. A planned organisation outlines the required functions, relates those functions in a systematic manner and assigns requisite authorities and degrees of responsibility to the people performing those functions.

The principal advantages of organisation may be stated briefly as follows:

1. Efficient Administration:

A properly designed organisation facilitates administration. Proper division of work with systematic and specific fictionalization of duties and consistent delegation of authority with well-defined inter-relationship will not only ensure better utilisation of the personnel and their abilities but also smooth the management of business activities.

It avoids confusion and misunderstanding, eliminates delay and inefficiency in the performance of work; it removes all bottlenecks in the flow of work and facilitates quick and correct decisions. It secures optimum use of physical, mechanical and human resources.

2. Prompt Accomplishment:

It adds definiteness to the activities to be accomplished by allocating the duties and responsibilities to the individual members of the enterprise. It, thus, secures certainty and promptness in accomplishment of the task.

3. Growth and Diversification:

It promotes growth and facilitates diversification. Expansion of business and diversification of production process depend on sound organisation. Giant businesses are the outcome of organisational ability of the managers.

4. Optimum Use of Advanced Technology:

Present technical development greatly influences the need for more adequate organisation structure and for understanding the proper form of organisation best designed to accommodate the new factors. The high cost of installation, operation and maintenance of new equipment call for proper organisation.

5. Stimulating Creativity:

Good organisation stimulates independent creative thinking and initiative by providing well-defined areas of work with provision for development of

new and improved ways of doing things. In short, the organisation structure demands creative result from creative people. By establishing clear-cut accountability it provides recognition for the professionals and the specialists in terms of their achievements.

5.8   TYPES OF ORGANISATION

There exist two types of organisations, namely, Formal Organisation and Informal Organisation.

Formal Organisation:

An association which has a proper arrangement of rules and guidelines with obvious designs and methods are called formal association, the approaches and goals still up in the air. There is additionally severe recognition of the standard of co-appointment with progressive division of work. Again in such a sort of association messages are conveyed through scalar chain qualities of formal organisation. In formal associations, the work is dispensed to every single individual related with it. It is normal that everyone plays out their apportioned undertakings to achieve the objectives of organisation. In formal associations, these are co-appointment of the different exercises intended to be performed in order to guarantee successful working of the organisation. The obligations of the individuals in the conventional association are very distinct every one of them has a positive spot in the association dependent on the standard of progressive system and division of work. Formal association guarantees bunch cohesiveness.

Informal Organisation:

Casual associations mean an arrangement of association which doesn't have any conventional arrangement. It is the total of individual contacts and communications and connections are worked among individuals. The interlocking social design which administers the working individuals together through an arrangement of standards, individual and expert associations is the way we characterize casual organisation. It is an association inside the conventional association working with it.

Elements of casual association:

1) Perpetuating social and social qualities: Informal association sustains social and social qualities that the gathering holds to. There are sure normal qualities among the gathering individuals that are casual. Everyday cooperation's support these and helps in saving gathering solidarity and respectability

2) Providing economic wellbeing and fulfilment: Informalism in association adds to individual regard, feeling of being commendable and feeling of fulfilment among the individuals, as they get a chance to work unreservedly, not limiting themselves to formal designs.

3) Promoting correspondence among individuals: The casual gathering develops an arrangement of correspondence in order to keep its individuals educated with regards to the activities of the administration.

4) Providing social control: By method of affecting and managing the conduct of the group informal organisation gives social control.

Attributes of casual association:

1) Informal association is dynamic and responsive and it advances continually.

2) It is grass root arranged

3) Trust and correspondence are the cardinal qualities.

4) It accepts that the dynamic in an association is an aggregate cycle.

5) Its design is generally liquid and rather level.

Contrasts among Formal and Informal Organisations:

1) An association where the job of every part is obviously characterized, and responsibility is fixed is a conventional association. Casual association then again is framed inside conventional association, which depends on relational relationship.

2) Formal association attempts to satisfy the points and destinations of the association. Casual association targets fulfilling the social and mental requirements.

3) Formal association is steady. Casual association isn't steady.

4) In conventional association, the set up is constrained by rules and guidelines. While in casual association, standards, qualities and conviction fill in as control systems.

5) In conventional association, the attention is on work execution. In casual association, the attention is on relational relationship.

6) In conventional association, individuals depend on a various levelled structure. While in casual association, individuals depend on relational connections.

Anyway however formal and casual association are not quite the same as each other, it can't be rejected that both these two sorts of association are between related and they support one another. No association can completely be perceived without the other. While formal association controls the working and conduct of its individuals by rules and guidelines, informalism empowers one to comprehend the idea of the labourer, the real individual with all their inborn characteristics and indecencies.

LET US SUM UP

Casual associations mean an arrangement of association which doesn't have any conventional arrangement. The interlocking social design which administers the working individuals together through an arrangement of standards, individual and expert associations is the way we characterize casual association. It is an association inside the conventional association working with it. While formal association directs the working and conduct of its individuals by rules and guidelines, in formalism empowers one to comprehend the idea of the specialist, the real individual with all their inborn characteristics and indecencies.

CHECK YOUR PROGRESS

1. According to E.N. Gladden as "the pattern of relationships between people in a company designed to fulfil the _____ of the company."
2. Organisation is classified into two as _____ & _____ organisation.
3. Organisation is an important means of bringing _____ among the various departments of the enterprise.
4. Good organisation structure is an indispensable means for better business performance and better achievement of the _____.

GLOSSARY

Clientele   : Clients collectively.

Process principle   : process is to think information over, or a concept.

Formal   : Officially sanctioned or recognized.

Informal   : not according to customized or official way.

ANSWER TO CHECK YOUR PROGRESS

1. Activities

2. formal and informal

3. co-ordination

4. Objectives

MODEL QUESTIONS

1. Define an organisation and explain the two different types of organisation.
2. Describe the meaning of formal organisation.
3. Explain the meaning and functions of informal organisation.
4. Write the differences between formal and informal organisations.

SUGGESTED READINGS

1. B.L.Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
2. Ramesh K.Arora (2012), *Indian Public Administration: Institutions and Issues*, New age international publishers, 3rd edition.
3. Mohit Bhattacharya (2018), *New Horizons of Public Administration*, Jawahar Publishers & Distributors, New Delhi.

UNIT 6

<div style="text-align:center">**PRINCIPLES OF ORGANISATION**</div>

STRUCTURE

OVERVIEW

As administrators, we have various options to structure the organisation, to define the power centre, to fix the various levels of management, to establish the communication channels, and so on. Given all these options to design the organisation, the question is how to place all these factors in combination so as to achieve the organisational objects by the best possible resource management. Various management researchers have given different principles to guide a manager performing organisation function. In this unit, we will discuss about the principles of organisation with hierarchy, span of control, decentralization and centralization.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢   Understand the principles of organisation

➢   Explain the different principles of organisation

➢   Discuss the various principles to the study of organisation

6.1   HEIRARCHY

Hierarchy is one of the most significant principles of organisation and it occupies the prominent place in the writings of classical thinkers. The first part describes the meaning of hierarchy. The second part includes its application and features. The third part explains the advantages and disadvantages of hierarchy. The fourth part explores the measures to overcome the disadvantages of hierarchy and attempt of some organisation to introduce newer form of governance by replacing hierarchical organisation.

6.1.1   Meaning of Hierarchy:

Hierarchy, literally, implies higher rule or control over the lower. In particular, hierarchy denotes a graduated arrangement of sequential stages where the lower level is subservient to the higher level. Oxford English dictionary defines hierarchy as "a body of person or things ranked in grades, orders or classes, one above another". J.D. Millet defined hierarchy as a method whereby efforts of different individual are geared together. Hierarchy creates pyramidal structure which Mooney and Reiley calls the "Scalar Process". In the words of Mooney, scale means a series of steps, something graded.

6.1.2   Feature of Hierarchy:

1. It functions on the principle of "Through Proper Channel". Every proposal or paper has to pass through all channels. No intermediate level in the hierarchy is skipped over in transacting transcending official business either in upward or downward directions.

2. Unity of command is essential feature of hierarchical organisation.

3. Authority is distributed at various levels in organisation.

4. The superior has the right to issue order, commands, instructions and subordinate have obligations to carry out the same. They put suggestions, request and permission regarding work or programmes.

5. Hierarchical organisation is broader at base and goes on tapering towards the top.

6. Authority vested in an official at every level should be commensurate with the responsibility entrusted to him.

7. Status, authority, salary and other privileges go on increasing at successive higher level.

6.1.3 Advantages of Hierarchy:

1. This Principle keeps the various units of organisation integrated or linked together. It clarifies the unity of purpose and fixes the responsibility of various units for the work assigned.

2. It makes the process of communication easy. Everyone in the organisation knows from where the order and instructions will come and who will report to whom.

3. It distributes authority and responsibility at various levels. Consequently various decision making centres are created. It makes the process of delegations of authority easier.

4. There is division of labour among the various units of organisation which bring the specialization among the members of organisation and increase the efficiency of organisation.

5. It helps define each role inside the company in its relative position and responsibilities.

6. In a hierarchical organisation policy matters are decided at higher level. The middle levels exercise control and supervision over lower levels to ensure that they function to achieve the desired purpose and lower levels perform the operational work

7. This Principle clearly specifies the authority and responsibility. Consequently there is no conflict of jurisdiction among the member of organisation.

8. In a hierarchical organisation every communication takes place through proper channel. It keeps the members of organisation informed and saves time

9. Hierarchy facilitates detailed examination of papers and helps the Chief Executive through the process of filter and funnel. Only the essential information reaches the higher level while the non-essential and unnecessary remain at lower levels which save time.

10. Hierarchy enforces discipline in organisation. Officials are duty bound to follow the orders and directives of their immediate boss. It keeps the organisation disciplined.

6.1.4 Demerits of Hierarchy:

1. The Principal defects in the hierarchical organisation are that is causes considerable delay in the disposal of work. A file, proposal or communication has to pass through all the channels. In this process, it may cause delay of days weeks or even months.

2. It promotes superior- subordinate relationship among the members of organisation which is neither conducive for team work nor development of dynamic human relationship among its members.

3. Confirm to rigid procedure and formalities involve red tape.

4. It promotes corruption as it involves delay in disposal of work.

5. It discourages the initiative and participation of lower participants in the organisation. They have to follow and carry out orders & instructions of their superior in a mechanical manner.

Hierarchy occupies a central theme in the discussion on organisational structure. Classical theorist emphasized the significance of hierarchy in their writings on organisation theory. This principle helps to fix the duties, authority and responsibility of officials at different levels of organisation. However it has also been subject of criticism due to red- tapism and delay in the transaction of officials business. Newer modes of governance are tried by organisation by replacing hierarchical system to ensure participative governance, team building and for development of better human relations.

6.2   SPAN OF CONTROL

Under this approach, supervisory range shows the amount of personnel that can be efficiently managed and controlled by a single manager. In accordance with this idea, a manager should be permitted to decide on the number of staff. This choice may be made by selecting either a large or a restricted range. There are two types of span of control:-

Wide span of control - It is one in which a manager can supervise and control effectively a large group of persons at one time. The features of this span are:-

  i.   Less overhead cost of supervision
 ii.   Prompt response from the employees
iii.   Better communication
 iv.   Better supervision
  v.   Better co-ordination
 vi.   Suitable for repetitive jobs

According to this span, one manager can effectively and efficiently handle a large number of subordinates at one time.

Narrow span of control- According to this span, the work and authority is divided amongst many subordinates and a manager doesn't supervises and control a very big group of people under him. The manager according to a narrow span supervises a selected number of employees at one time. The features are:-

i. Work which requires tight control and supervision, for example, handicrafts, ivory work, etc. which requires craftsmanship, there narrow span is more helpful.
ii. Co-ordination is difficult to be achieved.
iii. Communication gaps can come.
iv. Messages can be distorted.
v. Specialization work can be achieved.

6.2.1 Factors influencing span of Control:

Managerial abilities - In the concerns where managers are capable, qualified and experienced, wide span of control is always helpful.

Competence of subordinates - Where the subordinates are capable and competent and their understanding levels are proper, the subordinates tend to very frequently visit the superiors for solving their problems. In such cases, the manager can handle large number of employees. Hence wide span is suitable.

Nature of work - If the work is of repetitive nature, wide span of supervision is more helpful. On the other hand, if work requires mental skill or craftsmanship, tight control and supervision is required in which narrow span is more helpful.

Delegation of authority - When the work is delegated to lower levels in an efficient and proper way, confusions are less and congeniality of the environment can be maintained. In such cases, wide span of control is suitable and the supervisors can manage and control large number of sub- ordinates at one time.

Degree of decentralization - Decentralization is done in order to achieve specialization in which authority is shared by many people and managers at different levels. In such cases, a tall structure is helpful. There are certain concerns where decentralization is done in very effective way which results in direct and personal communication between superiors and sub-ordinates and there the superiors can manage large number of subordinates very easily. In such cases, wide span again helps.

6.3   DELEGATION

A manager alone cannot perform all the tasks assigned to him. In order to meet the targets, the manager should delegate authority. Delegation of Authority means division of authority and powers downwards to the subordinate. Delegation is about entrusting someone else to do parts of your job. Delegation of authority can be defined as subdivision and sub-allocation of powers to the subordinates in order to achieve effective results.

6.3.1   Elements of Delegation:

1.   **Authority** - in context of a business organisation, authority can be defined as the power and right of a person to use and allocate the resources efficiently, to take decisions and to give orders so as to achieve the organisational objectives. Authority must be well- defined. All people who have the authority should know what is the scope of their authority is and they shouldn't misuse it. Authority is the right to give commands, orders and get the things done. The top level management has greatest authority.

Authority always flows from top to bottom. It explains how a superior gets work done from his subordinate by clearly explaining what is expected of him and how he should go about it. Authority should be accompanied with an equal amount of responsibility. Delegating the authority to someone else doesn't imply escaping from accountability. Accountability still rest with the person having the utmost authority.

2.   **Responsibility** - is the duty of the person to complete the task assigned to him. A person who is given the responsibility should ensure that he accomplishes the tasks assigned to him. If the tasks for which he was held responsible are not completed, then he should not give explanations or excuses. Responsibility without adequate authority leads to discontent and dissatisfaction among the person. Responsibility flows from bottom to top. The middle level and lower level management holds more responsibility. The person held responsible for a job is answerable for it. If he performs the tasks assigned as expected, he is bound for praises. While if he doesn't accomplish tasks assigned as expected, then also he is answerable for that.

3.   **Accountability** - means giving explanations for any variance in the actual performance from the expectations set. Accountability cannot be delegated. For example, if 'A' is given a task with sufficient authority, and 'A' delegates this task to B and asks him to ensure that task is done well, responsibility rest with 'B', but accountability still rest with 'A'. The

top level management is most accountable. Being accountable means being innovative as the person will think beyond his scope of job. Accountability, in short, means being answerable for the end result. Accountability can't be escaped. It arises from responsibility.

For achieving delegation, a manager has to work in a system and has to perform following steps

1. Assignment of tasks and duties

2. Granting of authority

3. Creating responsibility and accountability

6.3.2 Delegation of authority:

Delegation of authority is the base of superior-subordinate relationship, it involves following steps:-

1. **Assignment of Duties -** The delegator first tries to define the task and duties to the subordinate. He also has to define the result expected from the subordinates. Clarity of duty as well as result expected has to be the first step in delegation.

2. **Granting of authority -** Subdivision of authority takes place when a superior divides and shares his authority with the subordinate. It is for this reason; every subordinate should be given enough independence to carry the task given to him by his superiors. The managers at all levels delegate authority and power which is attached to their job positions. The subdivision of powers is very important to get effective results.

3. **Creating Responsibility and Accountability -** The delegation process does not end once powers are granted to the subordinates. They at the same time have to be obligatory towards the duties assigned to them. Responsibility is said to be the factor or obligation of an individual to carry out his duties in best of his ability as per the directions of superior. Responsibility is very important. Therefore, it is that which gives effectiveness to authority. At the same time, responsibility is absolute and cannot be shifted. Accountability, on the others hand, is the obligation of the individual to carry out his duties as per the standards of performance. Therefore, it is said that authority is delegated, responsibility is created and accountability is imposed. Accountability arises out of responsibility and responsibility arises out of authority. Therefore, it becomes important that with every authority position an equal and opposite responsibility should be attached.

Therefore every manager i.e., the delegator has to follow a system to finish up the delegation process. Equally important is the delegate's role which means his responsibility and accountability is attached with the authority over to here.

6.3.3 Relationship between Authority and Responsibility:

Authority is the legal right of person or superior to command his subordinates while accountability is the obligation of individual to carry out his duties as per standards of performance Authority flows from the superiors to subordinates, in which orders and instructions are given to subordinates to complete the task. It is only through authority, a manager exercises control. In a way through exercising the control the superior is demanding accountability from subordinates. If the marketing manager directs the sales supervisor for 50 units of sale to be undertaken in a month. If the above standards are not accomplished, it is the marketing manager who will be accountable to the chief executive officer. Therefore, we can say that authority flows from top to bottom and responsibility flows from bottom to top. Accountability is a result of responsibility and responsibility is result of authority. Therefore, for every authority an equal accountability is attached.

6.3.4 Differences between Authority and Responsibility:

Authority	Responsibility
It is the legal right of a person or a superior to command his subordinates.	It is the obligation of subordinate to perform the work assigned to him.
Authority is attached to the position of a superior in concern.	Responsibility arises out of superior-subordinate relationship in which subordinate agrees to carry out duty given to him.
Authority can be delegated by a superior to a subordinate	Responsibility cannot be shifted and is absolute
It flows from top to bottom.	It flows from bottom to top.

6.4 SUPERVISION

'Supervision' comprises two words, namely 'super', that is, superior or extra, and 'vision', that is, sight or perspective. The literal meaning of the term 'supervision' is to 'oversee' or 'to inspect the work of other persons'. Thus, 'supervision' refers to an act by which any person inspects or supervises the work of other people, that is, whether they are working properly or not. In business organisations, there are 'supervisors' and 'subordinates'. According to M. S. Vitoles, supervision refers to the direct, immediate guidance and control of subordinates in the performance of their jobs. Thus, the activity of supervision is concerned with the direction, guidance, control and superintendence of the subordinates. A supervisor performs these tasks. R. C. Allan has called it a 'responsibility job', which is above 'work job'. Supervision is direction, guidance and control of working force with a view to see that they are working according to plan and are keeping time schedule. Further, they are getting all possible help in accomplishing their assigned work.

Supervision is a Latin Word. Super means 'from the above' and vision means 'to see'. In ordinary sense of the term, supervision means overseeing the activities of others. In management supervision means "Overseeing the subordinates at work with authority and with an aim to guide the employees, if he is doing wrong."Overseeing is to be done at all levels of management from top to bottom; Lower-level management or first-line supervisors oversee the work of operative staff, while middle and top management remain busy in overseeing the work of their subordinate management members. But in the ordinary sense of the word, supervision is concerned with directing and guiding non-management members of the organisation.

6.4.1 Kinds of Span of Supervision:

(1) Selection of Ideal Span of Control a Difficult Task:

It is not easy to pick up an ideal span of control. It depends on a number of considerations. However, it is not that difficult to evaluate the strong and weak points of each type of supervision span to know what span of supervision will be ideal for an organisation.

(2) Wide Span of Supervision:

If a number of different and unrelated jobs are placed under a single manager for supervision, it will indeed become too difficult for him to manage and control all of them equally efficiently. He will face this problem even if the jobs are of an identical nature.

(3) Functional Supervision:

F.W. Taylor, widely regarded as the father of Scientific Management, introduced a new pattern of supervision. Functional supervision is based on the assumption that a foreman cannot deal with all the technical problems which come up in a day's work. So, Taylor divided the foreman's job into a number of different functions and provided a separate supervisor for each function. Thus, under functional supervision, operating workers have five supervisors, four of them being responsible for planning, and one "gang boss" to look after execution.

In addition, there are clerks to look after the administrative work that goes with the activity of production. But functional supervision is beset with many problems. Because there are several supervisors, each having authority over the same group of subordinates and each supervisor holding them accountable for jobs performed by them individually, misunderstandings among supervisor are bound to crop up. There will also be differences among them as regards job-specifications and timeline for completion of jobs.

(4) Line and Staff Supervision:

Under line and staff supervision, there is only one supervisor in charge of a particular group of subordinates. But he is aided and advised by specialists (staff executives) in various fields. Staff executives do not carry any authority and cannot give orders to subordinates, i.e., operative workers. They can only offer advice to line supervisors who may or may not accept it.

This kind of supervision has a number of plus points. First, operative workers are only accountable to a single supervisor, so there is no multiplicity of command. Second, the line supervisor can benefit from the expert advice of staff executives who are specialists in their respective fields of work. Last, the supervisor, being the man on the spot, is under no obligation to accept the advice offered by specialists. But its main demerit is that it does not give due importance to specialists who are given casual treatment.

(5) Supervision in 'Tall and Narrow Structure' of Organisation:

In a tall and narrow structure of organisation, there are too many links in the chain of authority. This creates problems in respect of communication, decision-making and human relations. A lot of time is spent on relaying messages which, in any case, may take long to reach the subordinates concerned.

Multiplicity of levels also demoralizes supervisors because they have no say in decision-making. Workers also do not view it with favour because while they are denied recognition for good work done by them, they are promptly held accountable for below-standard performance.

(6) Supervision in 'Flat-Topped' Structure of Organisation:

This kind of organisation is the best for ensuring balanced supervision. Under it, the man at the top has a number of deputies, each of whom looks after a particular activity or department. Such span of supervision gives the organisation chart a flattened or "spread out" appearance.

LET US SUM UP

A principle is a basic statement or a fundamental truth that provides understanding and guidance to thinking and practice. Organisation should facilitate the achievement of enterprise objectives in an efficient way. An efficient organisation structure operates without wastage of resources, allows maximum utilization of human resources, offers clear lines of authority and responsibility and provides a means for personal development.

CHECK YOUR PROGRESS

1. Hierarchy creates pyramidal structure which Mooney and Reiley calls the "_____".
2. Newer modes of governance are tried by organisation by replacing hierarchical system to ensure _____ governance.
3. According to span, one manager can effectively and efficiently handle a large number of subordinates at _____ time.
4. _____ of authority can be defined as subdivision and allocation of powers to the subordinates to achieve effective results.

GLOSSARY

Principle of authority : Subordinates must enjoy enough authority to carry out work at lower levels.

Principle of scalar chain : A scalar chain refers to the unbroken line of authority from the top level to the bottom of an organisation.

Delegation : Decision-making power should be placed nearer the scene of action.

Span of Control : A limit to which a manager can manage effectively the number of subordinates.

ANSWER TO CHECK YOUR PROGRESS

1. Scalar Process

2. Participative

3. One

4. Delegation

MODEL QUESTIONS

1. Write an essay on Hierarchy.

2. Explain the principles of centralisation and decentralisation.

3. Discuss briefly the various principles of organisation.

SUGGESTED READINGS

1. B.L.Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
2. Ramesh K.Arora (2012), *Indian Public Administration: Institutions and Issues*, New age international publishers, 3rd edition.
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UNIT 7

INTEGRATION, DISINTEGRATION, CENTRALISATION AND DECENTRALISATION

STRUCTURE

OVERVIEW

Every organisation requires proper base in order to be constructed. After the organisation is organised successfully, it starts functioning in order to achieve the goal. Every organisation government or private, have their own style of functioning. However, there are also certain broad principles which are universally valid and found to have been the corner stone of the administrative organisation, whether private or government, large or small. Thus, 'principles' are the basic idea on the basis of which the organisation runs. This unit explains the various principles such as integration, disintegration, centralization and decentralization.

LEARNING OBJECTIVES

After reading this unit, you should be able to

➢   Know the concept of integration and disintegration

➢   Analyze the merits and demerits of centralization

➢   Understand the meaning, advantages of decentralization

7.1 INTRODUCTION

Integration means unification of different parts. An integrated administrative system is one where a single person wields all executive authority. On the other hand, a disintegrated administrative system is marked by distribution of executive authority. Administrative system of all shades exhibits the characteristics of both integration and disintegration. The difference between the two is of degree rather than of kind. While India offers a good example of integrated system, United States has a disintegrated administrative system.

The orthodox approach to Public Administration addresses the question of centralization versus decentralization from the perspective of efficiency and economy. The issue is essentially a problem of relationship between higher and lower levels of organisation in the matter of making decision. Thus it relates to organisational structuring. To centralize or decentralize seems to be the dilemma facing the government today. The compulsions of a planned economy, need for strong defence in view of multiple threat perception and urge for national integration makes the argument for centralization while the democratic decentralization of grass root democracy and demand for regional autonomy and planning from below makes the strong case for decentralization.

7.2 INTEGRATION VERSUS DISINTEGRATION

An administrative system is called integrated in which all the executive authority is conferred by law or constitution on one single person who thereupon becomes the Chief Executive. The opposite of it is a disintegrated system where executive authority is distributed by statute or constitution among a number of coeval bodies or agencies or persons. Closely allied to this concept is the idea of area administration versus functional administration.

In the former system, there obtains at any given level of administration an authority superior to all others with the power to coordinate their activities and resolve contradictions and conflicts. A good example of area administration was the District in the olden days with the Collector at the apex of departmental officials at that level. District today has ceased to perform that role and the area administration has given place to functional administration in which all departmental authorities at the district level have coeval status and run along parallel lines resulting in a disintegrated and uncoordinated administrative system.

India offers a good example of an integrated administrative system. All the executive authority of the Union Government is vested by law in the President. Each Department of Government is under the charge of a Secretary or Additional/Special Secretary, and each Ministry has at its head a Minister. Above the Ministers stands the Cabinet of which the head is the Prime Minister. In practice, however, the system is not so well integrated. The Constitution itself has provided for authorities or agencies which are independent of executive control, for example, Union Public Service Commission, Comptroller and Auditor-General and Election Commission. In addition, there exist a number of autonomous Commissions and Boards, Public Enterprises and Corporations which fall outside the regular administrative organisation.

The United States of America, on the other hand, offers a good example of a disintegrated administrative system. This country has, with a federal form of governmental set up a strong deep rooted tradition of local self-government, basing its government on the twin principle of separation of Powers and Checks and Balances, having a system of directly elected officers, combined with a host of uncoordinated departments, commissions, bureaus, boards and other agencies. The lack of unity is visible even at the national administrative headquarters. It is true that the Constitution has attempted to bring about administrative unity by vesting the entire executive authority in the President, but it has done very little to help the President evolve a unified administrative structure.

7.3   CENTRALISATION AND DECENTRALISATION

The concepts of Centralisation and Decentralisation are familiar in the literature on organisation structure. They are extensions of delegation usually found in all types of organisations. These concepts are used with reference to the patterns of distribution of management authority in organisations.

7.4   CENTRALISATION

Centralisation refers to systematic reservation of authority at central points within the organisation. It implies that a majority of the decisions regarding the work are made not by those doing the work but a point higher up in the organisation. Centralisation means retention or concentration of managerial authority in a relatively few key managerial positions at the nerve centre of an organisation, viz., at the top level. In short, everything that goes to reduce the subordinate's role in decision-making is Centralisation.

7.4.1 Advantages of Centralisation:

General prudence dictates that every manager must reserve certain authority for overall planning, organisation, command, motivation and control. Advantages claimed for centralisation are as follows;

i.   It facilitates personal leadership. Personal leadership is a potential influence in the success of a small company. Under a talent leader, centralisation results in quick decision, enterprising and imaginative action and high flexibility. The small company is thus enabled to meet successfully the competition of big rivals. Really speaking, when a large company decentralizes, it is only attempting to re-establish such small entrepreneurial units for successful operation.

ii. It provides for integration. Central direction is necessary to unify and integrate the total operation of the enterprise. If decentralisation is carried too far, such integration becomes difficult.

iii. It promotes uniformity of action. In some matters (e.g., buying, personnel and advertising in a multi-unit company), it is desirable that all the units should act, in the same way. Such uniformity can come only when the major management decisions are made by central authority administratively higher than the operating units.

iv. It makes possible successful handling of emergencies. Centralisation of decision-making is very desirable when emergency decisions have to be taken and such decisions affect all units.

7.5   DECENTRALISATION

Decentralisation refers to the systematic efforts to delegate to the lowest levels all authority except that which can only be exercised at central points. Decentralisation is concerned with the placement of authority with reference to responsibility. The placement of responsibility is not a primary concern because work must be assigned to the place where it is to be done, or its accomplishment becomes a physical impossibility. In the words of Henry Fayol, "everything that goes to increase the importance of the subordinate's role is decentralisation; everything that goes to reduce it is centralisation'. Really speaking, decentralisation is open to a number of interpretations; it may be used to refer of (i) departmentation of activities, (ii) location of actual performance (iii) the dispersal of the centres of authority and decision-making at various levels in the organisation.

Authorities (i.e., powers) that may be used as standards in determining the degree of decentralisation are the following: (i) Hiring and firing employees, (ii) Approval of wage and salary increases. (iii) Approval of travel expenses, (iv) Promotion of personnel, (v) Approval of purchase commitments, (vi) Acquisition of capital equipment, (vii) Employment of outside consultants, (viii) Leasing property or equipment, (ix) Sale of capital equipment, (x) Approval of price quotations, (xi) Acceptance of sales orders, (xii) Approval of transportation contracts etc.

7.5.1 Delegation vs. Decentralisation:

The distinction between delegation and decentralisation is highlighted in the following points:

i.   Delegation is a process while decentralisation is the end-result of a delibrate policy of making delegation widespread in the organisation.

ii. Delegation takes place between a superior and a subordinate while decentralisation is company-wide delegation as between the top-management and the departments or divisions of the organisation.

iii. In delegation, the delegator exercises supervision and control over the delegate, while in decentralisation top management exercises broad and minimum control

7.5.2 Degree of Decentralisation:

According to Allen, the extent of decentralisation is determined by (i) what kind of authority is delegated; (ii) how far down in the organisation is it delegated; and (iii) how consistently it is delegated.

7.5.3 Factors affecting the Degree of Decentralisation:

The nature and extent of decentralisation in any organisation will be generally influenced by the following factors:

i.   History of the organisation and management philosophy: If a company has grown-up from a small group of persons, there is a tendency of centralise. If the philosophy of the top management is not to decentralise authority, centralisation will prevail.

ii. Large-sized flat topped organisation: Decentralisation is unavoidable in a large enterprise with numerous managers having a long chain of command. In a flat-topped organisation, the man at the top has a number of deputies each of whom is put in charge of a distinct activity or a department.

iii. Costliness and significance of decisions: Strategic decision involving higher cost of mistake are always made by top management and do not encourage decentralisation of authority.

iv. Uniformity of policy: Only centralised authority can ensure uniformity of policies (e.g., policy regarding price, quality, service, etc.)

v. Availability of competent subordinate managers: Decentralisation necessitates the services to competent subordinate managers; hence, efficient training for management development becomes a must to provide many managers under decentralisation.

vi. Dynamic condition: In a static organisation centralisation will work successfully, but under conditions of uncertainty or when technology and markets are in a constant state of change, decentralisation would be preferred.

vii. Dispersal of operations: If the different operations of the organisation are mostly concentrated at one place or in a region, centralisation would be feasible; but if they are dispersed over different territories, decentralisation would be a must.

7.5.4 Advantages of Decentralisation:

i. It cases the burden of chief executive: Too much centralisation puts the full weight of problems and pressures from all parts of organisation upon the chief executive with the result that he finds no time to plan ahead. Proliferation of personal staff and over-dependence upon committee are other signs of such over-burden. In such cases decentralisation is the only remedy.

ii. It facilitates diversification: The division's structure facilitates diversification of products or markets. Decentralisation helps this process a step further. The capacities of top management are not over-taxed and senior executives to attend only the major problems.

iii. It provides product and market emphasis: A competitive market requires an enterprise to offer as new a style as low a price and as high a quality as its competitors are able to offer. A centralise management cannot be so much omniscient, with the result that the company losses its markets.

iv. Capable managers can be developed: If suitable persons are given management jobs, capable managers can be developed. It is only a decentralised organisation which can offer such opportunities to the would-be managers without involving the company in heavy losses through their mistakes.

v.   Improvement of Morale and Motivation: Research findings show that decentralisation stimulates the formation of small cohesive groups. With high degree of participation, constant effort to communicate and continuing interest in the welfare of the members of the group, these managers (under decentralisation) are able to motivate the subordinates extremely well and secure a high degree of morale among them.

7.5.5   Drawbacks of Decentralisation:

Although decentralisation is very much commendable, yet it has the following disadvantages;

(i)   It becomes a handicap in case of quick emergency decisions.
(ii)   It is not suitable for the development of specialised services like accounting, personnel, statistical departments, etc.
(iii) It creates problems of co-ordination.

7.5.6   The Techniques of Decentralisation:

Decentralization has a special technique by which it can be effectively accomplished. The main steps in the establishment of this technique are discussed below:

I. Establishment of appropriate centralisation

This is the first step in decentralisation. A small centralised headquarter will act as a nerve centre of the enterprise. Here plans will be formulated and communicated for the guidance of each part of the company. It will also plan an adequate organisation structure within which individual operating components can be permitted considerable latitude of action. Without such an administrative harness companies may find the individual members of the team going in all directions at once to the detriment of the enterprise.

II. Development of manager

In decentralised concerns, critical decisions have to be made at a large number of centres. This requires people who have mastered the technique of management and not simply of supervision. This poses the problem of how to develop effective managers. Another thing to be kept in mind is that management is an art made up of identifiable skills. Hence, it is essential to reinforce training in classes by coaching them on jobs, by allowing them to make decisions and they learn through committing mistakes.

III. Provision for communication and co-operation

Under decentralisation there is a tendency to independence. This poses the problem of preserving the integrated character of the enterprise as a whole. Thus, provision ought to be made for communication and co-operation through co-ordinating executives and committees.

IV. Establishing adequate controls

Autonomous managers can be given free rein only so far as it will not jeopardize the purpose and integrity of the enterprise as a whole. A major problem in decentralisation, therefore, is that of establishing effective controls.

7.6   CENTRALISATION AND DECENTRALISATION

The statement that centralisation and decentralisation are mutually dependent needs to be understood properly. Many organisations, whether large or small, have a highly centralised authority structure. So far as such organisations are concerned, the question of mutual dependence of centralisation and decentralisation does not arise since decentralisation is practically non-existent in them. However, a large number of other organisations, which are generally large and dynamic in nature, have adopted decentralised authority structure in one form or the other in a formal and conscious manner. In such organisation, the processes of centralisation and decentralisation are co-existent and mutually dependent on the basis of the following considerations:

1. There is to be a workable balance between centralisation and decentralisation. Determination of major goals, strategies and policies of the organisation is the responsibility of top management. The latter is the central organ responsible for strategic direction of the organisation and for coordinate control of the decentralised operating units. Authority and autonomy for making operating decisions and for handling related activities are vested in the managers in charge of operating units.

Top management divests itself of authority for making operational decisions, so that it can concentrate on overall organisational wide matters. Similarly, operating units are free from the responsibility of making major strategic decisions so that they can given undivided attention to the 'nuts and bolts' activities of revenue generation.

2. Management may be broadly divided into two mutually dependent stages. The first is strategy management which is the responsibility of the central management. From the strategy management, it flows to the operations management. The latter is the

responsibility of the managers of the decentralised operating units. Managers at strategic centres of the organisations rely on the operating managers at lower levels to translate strategies into operational decisions, action plan and results. Similarly, managers at the operations level have to function within the framework of corporate strategies, policies and other constraints. All their subsystem goals and activities should sub-serve the overall corporate strategic goals and orientations.

3. Centralisation of authority is meant to promote corporate unity and identity, overall consistency and uniformity of decisions and movers, achievements of economics in staff services and facilities and so on. Decentralisation of authority is effected in recognition of the diversity of environments of various operating units and the need for relating decisions to the nature of problems, information, situations, knowledge and points of action. Centralisation and decentralisation are mutually dependent since they ensure fusion of corporate unity and diversity, freedom and control, creativity and conformity, economies of large sized organisation and the informal simplicity of small-sized operations.

4. Centralisation does not mean totalitarianism. The central management should adopt an open systems approach while making decisions affecting the operating units. It should strive to allow the operating units to become strong and effective. This can be done by granting real autonomy to managers of these units, by serving as a tower of inspiration for them and by wisely guiding their operations in a broad manner. It is a matter of elementary knowledge that the centre cannot remain strong if the operating units are weakened.

Similarly, operating units derive their strength from the top management. It is in own interest to look for a strong centre. They may ensure this by exercising their autonomy in a restrained manner. They have to understand that their autonomy is coupled with accountability to the top management. They should actively co-operate with the top management in the pursuit of corporate goals and subsystem goals with minimum conflict. If sub-system diversity is not harnessed, it may lead to corporate disunity and eventual disintegration.

5. When the span of control is narrow and management levels are many organisations tend to highly centralised but when the span of control is wider and we have only a few levels of management, organisations are decentralised.

Apart from the above mentioned principles, the other principles of organisation are:

Unity of objective: It means that every part of the organisation and the organisation as a whole should be geared to the basic objectives determined by the enterprise.

Efficiency: The organisation should be able to attain the mission and the objectives at the minimum cost, and if it does so, it satisfied the test of efficiency.

Division of work: Proper departmentation is an important principle of sound organisation.

Functional definition: The duties and authority relationships in a good organisation must be properly and clearly defined so that there may be no confusion or over-lapping.

Exception principle: According to this principle only exceptionally complex problems are referred to the higher level of management and the routine matters be dealt with by executives at lower levels.

Unity of direction: There should be only one plan for a group of activities directed toward the same end.

Balance: A proper balance between centralisation should be maintained.

Flexibility: A sound organisation must avoid complicated procedures, red tape and excessive complication of control so that it may adapt itself easily and economically to business and technical changes.

LET US SUM UP

Centralization and decentralization depend on situation and these are not absolute terms. Centralization is preferred for effective control and co-ordination. Decentralization is favored for access, citizen participation and political responsiveness. Centralization and decentralization are really matter of degree. As an organisation grows in size and complexity, decentralization is generally considered to be efficient and effective. Paul H. Appleby pointed out nothing can be decentralized until first it has been centralized. An organisation can be both centralized and decentralized, it may have uniform policies that field official are required to follow, but discretion may be given them to develop solution for local problems within the framework of headquarters directives.

CHECK YOUR PROGRESS

1. _____ offers a good example of an integrated administrative system.

2. _____ offers a good example of a disintegrated administrative system.

3. _____ refers to systematic reservation of authority at central points within the organisation.

4. Authority and _____ for making operating decisions and for handling related activities are vested in the managers.

GLOSSARY

Organisation : Action of planning something.

Interpretation : Action of explaining the meaning of something.

Uniformity : State of being same or consistency.

Decentralized : controlled by several local offices or authorities rather than one single one.

ANSWERS TO CHECK YOUR PROGRESS

1. India

2. USA

3. Centralisation

4. Autonomy

MODEL QUESTIONS

1. Analyse the concept of integration versus disintegration.

2. Explain the principles of centralisation and decentralisation.

3. What do you mean by centralisation and decentralisation of authority?

SUGGESTED READINGS

1. Avasthi, A and Maheshwari, S R (2013) *Public Administration*, Lakshmi Narain Agarwal, Agra.

2. Vishnoo Bhagwan, (1994) *Public Administration*, S. Chand & Vidya Bhusan Co., New Delhi.

3. Bhambhri, C.P. (2002) *Public Administration – Theory and Practice*, Jain Prakash, Nath & Co., Meerut.

Block III

Line, Staff and Auxiliary Agencies

UNIT 8

CHIEF EXECUTIVE - TYPES OF CHIEF EXECUTIVE

STRUCTURE

Overview

Learning objectives

8.1   Introduction

8.2   Features of the chief executive

8.3   Merits of the chief executives

8.4   Demerits of the chief executives

8.5   Types of the chief executive

8.6   Qualities needed for a successful executive

Let us sum up

Check your progress

Glossary

Answers to check your progress

Model Questions

Suggested readings

OVERVIEW

Administration has to do with getting things done. It thus implies both the structure and functions. The primary function of administration is to devise or build up the Organisational structure through which the goal is to be achieved. As such the administrative organisation consists of the superior, the subordinate and their relationship. The administrative structure resembles a pyramidal structure i.e. broad at the base and tapering towards the top, till it ends at a single point-the apex. The superior remaining at the apex of the administrative hierarchy is called the Chief Executive. In this unit, we will discuss about the chief executive, types and qualities of chief executive.

LEARNING OBJECTIVES

After studying this unit, you should be able to

➢   Understand the meaning and features of the chief executive.

➢   Know the types of the chief executive.

➢   Analyse the qualities needed for a successful executive.

8.1 INTRODUCTION

The Chief Executive is essentially a predominant feature found in the governmental departments. However, it does not mean that there is no apex level superior in private enterprises which is organised in business or profit motive. But the term 'General Manager' is preferred to Chief Executive in a private concern. The Chief Executive in a departmental concern is a single person. But in case of public corporation, it is called the "Board of Directors". Therefore, Chief Executive is only the predominant feature of a governmental department. Chief Executive may be regarded as that person in the apex of the administrative hierarchy who is responsible for carrying out the functions successfully for which the organisation is created. In India, the President is the Chief Executive whereas in Britain, it is the Queen who acts as the Chief Executive.

By chief executive we mean the person or the body of persons at the head of the administrative system of a country. The administrative hierarchy of a country resembles a pyramid, broad at the base and tapering towards the top till it ends at a single point, the apex. The chief executive is the apex of the administrative pyramid. In India the President (or speaking more realistically, the Cabinet) is the chief executive of the Union, and the Governors, of the stages. In Britain the monarch is the chief executive, in the U.S.A. the President, and in Switzerland the Federal Council. It should be noted that every level of government has its chief executive, so that in a federal country like India or U.S.A. there is a chief executive of the national government and also the chief executives of several states.

Similarly, at the level of local government, we have mayors, presidents, chairmen, city managers, burgomasters, etc. who are the chief executive of their several jurisdiction. The chief executive of the national government is, of course, the chief executive par excellence, but what is said about him also applies, with obvious differences of setting and detail, to the chief executives at the lower levels.

8.2 FEATURES OF THE CHIEF EXECUTIVE

(i)   Scalar System: In the cabinet system of government where the official cannot be even referred to in the parliament but the minister has to shoulder the entire responsibility of his subordinates.

(ii) Chief Executive, the Master of Civil Service: It means that all members of civil service are under the direct control of the Executive.

(iii) Control over Institutional Activities: The Executive exercises fall control over institutional activities of the administrative services, i.e., it prescribes and controls the methods in which the several operating services perform their duties. The legislature does not interfere in these matters.

(iv) Control over Administrative Reports: All administrative reports are submitted to the legislature through the executive.

(v) Generating Ethics and Moral Values: Public services develop the normative linkages, i.e., they develop professional standards, which should help them in their best performances.

8.3   MERITS OF THE CHIEF EXECUTIVE

The Chief Executive, as the head of the administrative hierarchy has to perform the following functions:

(i) It executes the administrative decisions as arrived at and decided by the legislature.

(ii) It exercises general supervision over the activities of the administrative organisation.

(iii) It appoints and removes the staffs of the organisation.

(iv) It gives directions to be subordinates through administrative orders, rules and regulations for the enforcement of Public Policy.

(v) It coordinates the activities of various parts of the organisation to achieve the object fulfilled.

(vi) It implements the budget of the organisation.

(vii) It investigates into and collects information on any irregularity in the administrative organisation and punishes the convict.

(viii) It maintains public relations in the organisation and as such acts as the chief liaison officer between the organisation and the legislature.

8.4   DEMERITS OF THE CHIEF EXECUTIVE

The dysfunctions of the Chief Executive refer to those functions which the Chief Executive does not perform. The Chief Executive does not perform the following functions:

(i) It does not formulate the executive policy which is the function of the legislature. It only executes the formulated policy.

(ii) It does not make planning for the creating of new administrative structures. It can be done only with legislature's approval.

(iii) It cannot change the functions of the organisation. It can only supervise the functions as determined by the legislature.

(iv) It cannot formulate the budget and authorize expenditures unless it is sanctioned by the legislature.

(v) It cannot act independently of the legislature. It is responsible to the legislature either directly or indirectly for each and every activity of his own, as well as in his collective capacity.

8.5 TYPES OF THE CHIEF EXECUTIVE

In the countries which have the parliamentary form of government, a distinction has to be made between the titular or nominal chief executive and the real one. In these countries, according to the letter of the law, all executive power is vested in the titular chief executive, the King or the President who, however, can exercise his powers only on the advice of the ministers and not independently. In effect, the legal powers of the titular executive pass, for all practical purposes, into the hands of the Cabinet or the ministry which thus becomes the real chief executive.

In England the Queen and in India the President of the Republic are titular or nominal chief of this type, and in both countries, the real executives is the Cabinet headed by the Prime Minister. It is the same with the governors in the states of India. Of course, the Queen in England and the President in India are not bereft of power altogether. It would be a mistake to regard them as mere cyphers, for, from the very nature of things, a residue of discretionary power must inhere in them to enable them to act in times of political crises or dead-locks, but normally their functions are ceremonial and advisory rather than executive. It would simplify the discussion in the present context, if they were left out of the picture altogether.

In countries like the U.S.A., the position in different in the presidential form of government prevails. They have no titular or nominal executive. There is only the President who is the real chief executive, and the powers legally vested in him are exercised by him personally and independently. He is under no legal obligation to act on the advice of anyone else. This distinction between the parliamentary and the president types of the chief executives is of fundamental importance and colours the whole organisation and functioning of the respective administrative systems. Its implications have, therefore, to be grasped clearly and in detail.

The Parliamentary and Presidential Types of the Chief Executive:

Taking into consideration only the real chief executive under the parliamentary and the presidential forms of government, we find a number of crucial points of differences between them. First, the real chief executive in the parliamentary countries is a plural body, the Cabinet, which consists of a Prime Minister and a number of other ministers, while in the presidential countries, the chief executive, the President, is a single individual. It is true that in the U.S.A. also the President has secretary's in-charge of the twelve great administrative departments but their status is materially different from that of the Cabinet ministers. They are the subordinates of the President to whom they are individually responsible and who can dismiss them at will.

The Cabinet ministers, on the other hand, are colleagues of the Prime Minister and influential members of the party in power and of Parliament, so that the Prime Minister cannot lightly offend or overrule them without the risk of a split in the party and the possibility of loss of office. In recent years, the power of the Prime Minister in countries like England and India has considerably increased due to the peculiar play of the political forces and Prime Ministers of outstanding ability and influence like Nehru and Churchill may dominate their Cabinet colleagues, but still there is a real difference between their position and that of the President of the U.S.A. in the matter.

The Cabinet with its plural composition is less troubled with the problem of the 'span of control' than an individual head like the President. With trusted colleagues of the same party, 20 or 22 in number, the task of even the higher level initiative, supervision, and control, gets distributed among them, and comparatively few problems need go to the Prime Minister. It also makes a difference in the psychological attitude of the people towards administration. The people know that even the strongest Prime Minister cannot have things entirely his own way.

The second crucial difference between the two types is related to the legislative-executive relationship. Under the parliamentary type of members of the chief executive body, the Cabinet, are drawn from among the members of the majority party in the legislature. They sit in the Parliament, lead it, initiate and pilot legislation and the budget, and assume responsibility before Parliament for the entire administration. Technically, the Parliament can turn them out of office at any time when they lose its confidence. Thus under the parliamentary type there is close collaboration between the legislature and the executive and the

latter by virtue of its legislative leadership is in a position to carry through whatever legislative, financial, or administrative policy it thinks to be necessary.

In a presidential country like the U.S.A. on the other hand, there is separation of powers and a system of checks and balances. The President is elected by the people for a fixed term of 4 years during which he is irremovable except by impeachment. Neither he nor his secretaries can sit in the legislature or participate in its proceedings. They are not responsible to the Congress. The consequences are that legislative & executive relations are difficult. To get the necessary legislation and the financial provision for its policies from the Congress, the executive has to resort to indirect and often back door methods, and even then, sometimes it does not succeed.

The third difference between the two types is that the parliamentary executive is continuously and more or less effectively responsible to the legislature for all its policies and acts while the presidential executive owes no such responsibility to the legislature. In theory, it is responsible to the people, but there is no effective way of enforcing this responsibility. The result is a certain amount of distrust of the executive on the part of the legislature and the people and unwillingness to grant it additional function and powers even where necessary. In the U.S.A. it is this which has been mainly responsible for the creation of agencies like the independent regulatory commissions which are free from the President's control. It is also shown by the refusal of the Congress to grant to the President the power to reorganize the executive branch of the government, except on a temporary and restricted scale.

The Reorganisation Acts of 1939 and 1945 were both hedged in by numerous limitations and restrictions. This may be contrasted with the Ministers of Crown (Transfer of Functions) Act, 1949, in Britain which empowered the executive to dissolve a department and transfer its functions elsewhere or to transfer functions between departments as found necessary. In India the reorganisation of ministries and departments is entirely left to be determined by rules of business made by the President at the Centre and the Governor in the States. In these and numerous other matters, the executive in the parliamentary countries has a free scope because the Parliament and the people know that it is subject to their continuous control and cannot turn autocratic.

It would of course be incorrect to think that the executive in presidential countries is left uncontrolled or is his own master or conversely that in parliamentary countries the Cabinet is subject to dictation by Parliament in matters of detail. The President in the U.S.A. is subject to considerable pressure from the Congress exerted through legislation, voting the supplies, confirmation of appointments, approval of treaties, and investigations and enquiries, which are constantly being made by the committees of the Senate or the House of Representatives.

The technique of this pressure is, however considerably different from that of the legislature over the executive in parliamentary countries. Briefly speaking, we may say that the Congress in the U.S.A. controls the executive by legislatively regulating the details of the governmental organisation, procedures and expenditure while in a parliamentary country it has general power of dislodging the government of the day, and being conscious of that ultimate power, it is content to accept the leadership of the executive and leave it unhampered in matters of detail. In so far as legislative regulation of details results in the rigidity of arrangements and undue circumscribing of the executive discretion in matters where it ought to be allowed, we may say that a parliamentary executive is more adequately equipped with the means of meeting its responsibilities than the presidential type.

Lest is should be though that all the advantages lie on the side of the parliamentary executive, it should be mentioned that the presidential type too has some merits of its own. Since it consists of a single individual it makes for greater unity of direction and command, and quicker decision than the plural parliamentary executive. it is free from the distraction of constantly appearing before the legislature to keep it in good humour. It is also free from the instability and frequent changes which mar the working of the parliamentary government in certain countries like France. Having a fixed term during which it is practically irremovable, it can act with greater vigour and confidence than the Cabinet executive and tenure of which is dependent on its command of the majority in the legislature. Instability is not, however, an inherent defect of cabinet government. It suffers from instability only under pathological or unhealthy conditions such as the existence of a multiple party system or absence of the tradition of party discipline.

Comparing both the type of the executives at their best, it would seem that the residue of advantage lies on the side of the parliamentary type. Even in the U.S.A. thoughtful critics, like the late President Wilson, advocated the modification of the presidential system along

parliamentary lines. The change made in the budget procedure by the Budget and Accounting Act, 1922, was an attempt to make that procedure approximate within possible limits to its British counterpart. The schemes of reorganisation of the executive branch of the government recommended by the President's Committee on Administrative Management (1936) and the Hoover Commission (1949) emphasized the need for integrating the federal administrative system under the supreme direction and control of the President. The Congress has, however, been unwilling to give to the President the necessary powers for the purpose. All this shows the inherent difficulties of the presidential type of the executive.

The Collegial Executive of Switzerland:

Besides the parliamentary and the presidential, there are also other types of executive, e.g., the collegial type of Switzerland, and the Soviet-type of the U.S.S.R., not to speak of the autocratic types should under absolute monarchies and dictatorships. The collegial executive of Switzerland represents a mixture of some of the basic principles of the parliamentary and the presidential types. Like the former, it is a plural body consisting of 7 members. It is truly collegial because in it there is nobody like the Prime Minister holding a position of primacy. All its members are truly equal in rank. These members have seats in the legislature, participate in its proceedings and even lead it, though they have no right to vote. They are also responsible to the legislature. These are the points of similarity between the Swiss executive and the Cabinet. But unlike the members of the Cabinet and like the U.S. President, the Swiss executive-the Federal Council-is elected for a fixed term, and is irremovable during that period.

The responsibility of the members of the Swiss executive to the legislature does not entail their resignation when the latter disapproves of their policy. They merely change that policy in accordance with the wishes of the legislature and continue, term after term, for many years. Again, just like the presidential executive the Swiss Federal Council has no power to dissolve the legislature and appeal to the people. Under the Swiss system, thus, the main advantage, the parliamentary type-close executive-legislative collaboration and responsibility, and the principal merit of the presidential system, fixity of tenure, are both secured while the disadvantages of both are eliminated. This would appear to be an ideal arrangement, but it is unrealizable in other countries where the special conditions of its success which characterize Switzerland do not exist.

The Various Types of Local Executives:

The types of executives discussed so far as found at the national or state levels. Besides these there are also various types of local executives which may briefly be noticed. The differences among local executive hinge on four fundamental points. The first of these is whether it consists of single individual or of a plural body like a committee, commission, or board. Examples of single or individual executives are the French and American mayor, the German Burgomaster, the American city manager and the president, Chairman, executive officer etc. in India's local bodies. The plural type is illustrated by the commission plan of the city government in the U.S.A and the Committee System of executive under the English local bodies. Secondly, local executives differ in regard to the concentration of the executive power. They have no rivals or co-sharers.

On the other hand, in case of the English and the Indian local bodies the executive power is dispersed among several agencies - the council or the board, the various committees, and sometimes also one or more individual functionaries like the chairman or president, or the executive officer as in India. Where the single type of executive exists, the local council confines itself merely to laying down broad policy through regulations, by laws, and the budget, while where the executive is plural, the council has a share in administration itself. Thirdly, local executives are either of the responsible or non-responsible, e.g., independent, type. The examples of the former are the American city managers, the Indian presidents, chairmen or executive officers, etc. who can be removed by the council whenever it finds their administration unsatisfactory, while the independent or the non-responsible type is illustrated by the American mayor and the German burgo-master who are irremovable by their councils. Finally, local executives differ in being political or lay on the one hand, and non-political, official or expert on the other. The American mayor, the commission members under the commission plan, the committees of the English local bodies, and the Indian presidents and chairmen are political and laymen while the American city manager, the German burgomaster, etc., are examples of non-political expert type of local executives.

It should be noted that national and state chief executives are everywhere political. The reason for this appears to be that a non-political or expert executive is rather weak in initiative and leadership. It cannot have that strength and dash which comes to the political executive from the consciousness of his representative capacity and

popular support. The advantages of expertness in administration are, therefore, more than counterbalanced by the weakness of initiative and leadership.

The Chief Executive as the Head of the State:

The Chief executive at the national level is the head of the state and in that capacity has far-reaching legislative, executive, and judicial powers granted by the constitution and the laws of the country. We are not, however, concerned here with powers peculiar to the head of the state and not shared by chief executives at other levels. The head of the state is certainly the chief executive of the country, but besides him there are numerous lesser chief executives at the head of lesser governmental units like the states and the local bodies. They are not the heads of state in the sense in which the national chief executive is and do not possess his prerogative and powers in matters of defence, foreign relations, etc. We consider the chief executive here, therefore, as only the political and the administrative head of his jurisdiction.

8.6 QUALITIES NEEDED FOR A SUCCESSFUL EXECUTIVE

Writers on administration often raise the question as to what qualities are needed for a successful executive. Obviously, there can be no finality or universal agreement about the list of such qualities, but there are a few of them which are generally accepted as indispensable. The first requisite is strength and balance of personality. Strength implies intelligence, firmness of purpose, continuous interest in the work, and energy. Without these, whatever the formal or legal powers of the executive may be, he would fail to make his mark. If he is slack, slothful, dull of understanding, or indifferent, those below him would be doubly so. Balance is rather difficult, to define; negatively it may be described as the opposite of lopsidedness. It is the quality that induces people to repose trust in you and your judgment. Irritability, display of undue enthusiasm, a single tracked mind, vindictiveness, unwillingness to face unpleasantness or fear of giving offence to any one one-these are so many deviations from balance of personality, and the more free from them an executive or administrator is, the more suited to his work he is. Experience shows that a successful administrator tends to be an extrovert than an introvert.

A second requisite is the quality of leadership. This again is something which it is not easy to define. It has been variously described as the 'capacity to lubricate human relationships', to 'recreate and retain enthusiasm', or as one writer puts it, 'to make men feel two inches taller

in your presence'. Great leaders whether in administration or elsewhere are found to possess two traits in common? They identify themselves perfectly with the objective in view. This is the source of the enthusiasm they experience and are able to transmit to others. Also, they have an attitude of generosity towards those working under them and usually overstate rather than understate the merits and good work of their subordinates. Nothing inspires people more to better effort than a word of recognition and praise when there is an occasion for it. Besides these, another element of leadership is a talent for ideas and the power to express them lucidly and eloquently in speech or writing. All great leaders have been men of ideas. This quality enables them to find solution of problems in hand, and to lay down the objectives and goals to which people are to be led.

Finally, there must be administrative ability in the successful executive. According to Pfiffner, the essence of this quality is to get things done well and economically by others. The good administrator is a person endowed with the capacity to plan big projects, to create the necessary organisation for it to keep that organisation working smoothly and efficiently, and to achieve the objective within the limits of the funds, materials, personnel and the time allotted for the purpose. There is an unending discussion among theorists about the source or basis of administrative ability. Some say that it is a natural endowment or inborn quality, and cannot be acquired or made. Others maintain that training and experience can go a long way in creating or, at least improving it. Without dogmatising on the point, it may be said that for success in administration, generally the same qualities are required as in other walks of life. Pfiffner lists them as an agreeable personality, ability to get along with people, initiative, ability to make a high percentage of correct decisions without undue delay, hesitation, etc. The occupants of higher positions in public administration must also be able to get on with their politician bosses. It should be noted that each of these qualities is highly complex and easier to state than to recognize or assess in an untried man. This constitutes the crux of the problem of recruitment of administrative services.

C.Rajagopalachari, a successful administrator himself and former Governor-General of India enumerated six fundamental requirements of a good administrator. First, he must be a man of character. "Character is as important for the administrator, at every level, from the chief secretary down to the last grade servant", said he, "as sunlight is to every form of life". Secondly the top administrator must have the capacity to judge upon relevant advice and to decide promptly and rightly in executive

matters. Thirdly, the good administrator must inspire confidence among his subordinates who have to carry out his decisions. Those whose function is to carry out the decision, says he, "should be sure that they will be supported through every difficulty or unpleasantness and will not be let down at the first hurdle under pressure from some powerful quarter". For successful and good administration in any department in a democratic set-up, this is most important. 'Fourthly, when a decision has been taken every-one should thereafter feel that there will be no vacillation". Fifthly, the administrator must be "even tempered". "Bad temper is not a substitute for firmness. It does not pay. It leads to being surrounded by worthless people "who can stand bad temper". Finally, the administrator should be able "to bring into being a sense of social purpose among his staff of all ranks". He should see to it that his men understand what the work they are doing is for, and how its purpose is good and laudable.

LET US SUM UP

The most important quality on which the chief executive's actual role would depend is the integrity of the Chief executive. The most important quality on which his actual role would depend is the integrity of the chief executive. In this context, Peter Drucker rightly observes that a person who does not have the integrity of character is unfit to be a manager and a gentleman. The success of the organisation depends to a great extent upon his personality, interest, ethos, perception and attitude. Therefore, there is a need to appoint a chief executive after great care and forethought.

CHECK YOUR PROGRESS

1. In India, the President is the Chief Executive whereas in Britain, it is the _____ who acts as the Chief Executive.

2. Chief Executive executes the administrative decisions as arrived at and decided by the_____.

3. _____ is close collaboration between the legislature and the executive and the latter by virtue of its legislative leadership.

4. In USA, The President is elected by the people for a fixed term of _____ years during which he is irremovable except by impeachment.

GLOSSARY

Liaison   : Connection.

Moral   : Capable of knowing right and wrong.

Ethics   : Rules of behaviour.

ANSWERS TO CHECK YOUR PROGRESS

1. Queen

2. Legislature

3. Parliamentary

4. 4

MODEL QUESTIONS

1. Discuss the various types of the chief executive.

2. Examine the qualities needed for a successful executive.

3. Describe the functions of Chief Executive.

SUGGESTED READINGS

1. Avasthi, A and Maheshwari, S R (2013) *Public Administration*, Lakshmi Narain Agarwal, Agra.

2. Vishnoo Bhagwan, (1994) *Public Administration*, S. Chand & Vidya Bhusan Co., New Delhi.

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UNIT 9

LINE, STAFF AND AUXILIARY AGENCIES

STRUCTURE

OVERVIEW

Every administrative organisation operates to fulfill the goal - the goal to serve the people. On the basis of functions which an organisation performs, there can be three broad classifications of administrative organisation the line, the staff and the auxiliary one. The distinction between these three organisational units lies in the nature of work done by them. The line agencies directly work for the achievement of the organisational purpose, the staff agencies advice and assist the line agencies in their activities and the auxiliary agencies provide common house - keeping services to the line agencies. In this unit, we will discuss about the line, staff and auxiliary agencies.

LEARNING OBJECTIVES

After studying this unit, you should be able to

➢ Understand the characteristics and functions of line, staff and auxiliary agencies.

➢ Analyse the differences between line, staff and auxiliary agencies.

➢ Know about the different types of organisation.

9.1 INTRODUCTION

Chief Executive is the person or body of persons at the head of administrative system of a country. To carry out his onerous administrative responsibilities, he is assisted by numerous agencies and organisations. These agencies are divided into three categories namely (I) Line Agencies (II) Staff Agencies, and (III) Auxiliary Agencies, depending on the nature of work performed by them.

The administrative agencies which perform the functions that directly contribute to the achievement of primary or main purpose of Government organisation, directing, making decision, command, control and supervision are "Line agencies". Staff agencies assist advice and help the Line agencies to carry out their functions. Auxiliary agency provides common housekeeping services to all other agencies.

The major "Line" departments in the Government of India are those of Health, Defence, Education, Labour, Railways, Transport, Communications, Commerce and Industry. Planning Commission, National Development Council, Cabinet Secretariat, are examples of Staff Agency. Central Public works department, Union Public Service Commission and Directorate General of Supply and disposal in the Government of India are examples of Auxiliary agencies.

9.2 TYPES OF ORGANISATIONS

1. Formal Organisation Structure: The organisation structure of jobs and positions, with specified activities and relationships, is known as formal organisation structure. It is created by management, to attain the objectives of the company.

Line Organisation: Line organisation is the oldest and simplest pattern of organisation, wherein the supervisor has outright supervision over the subordinate. The flow of authority is from the top level executive to the person at the lowest level of the organisations.

Functional Organisation: As the name suggests, functional organisation structure is one in which the thorough task of managing and derestricting the employees, is grouped as per the functions or type of work involved.
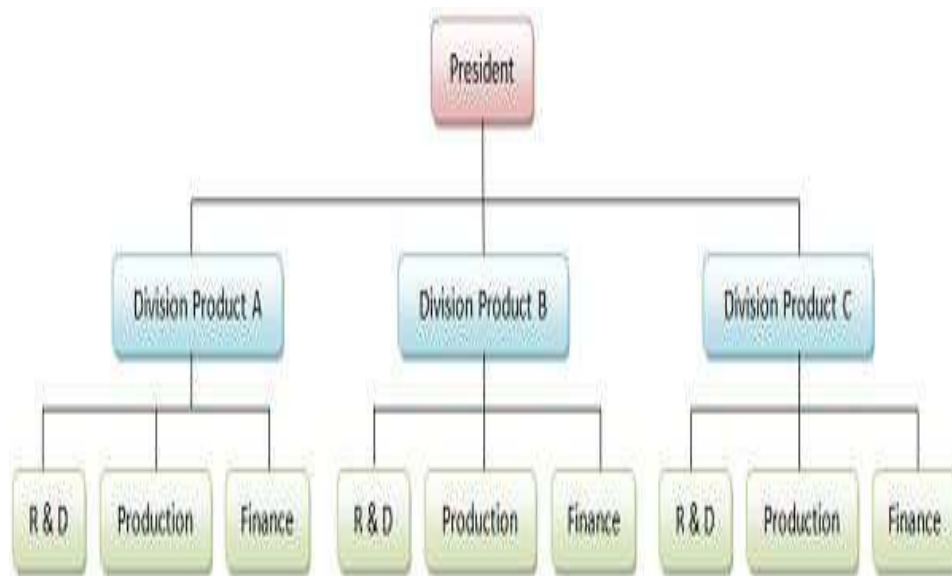
Line and Staff Organisation: This type of organisation structure is an improvement over the traditional line organisation. In line and staff organisation primary and supportive activities are related to the line of supervision by appointing supervisor and specialist, who are linked to line authority.

Project Management Organisation: Project Organisation is not an independent organisation, like the organisation structure discussed above. Instead it is a set up within an organisation, so as to accomplish a project or firm's objectives. It is led by project manager, who is responsible for project objectives.

Matrix Organisation: Matrix organisation is the emerging structure of the organisation, which is a combination of functional organisation and project organisation. In such an organisation, the functional departments such as production, accounting, marketing, human resource, etc. constitute a vertical chain of command, while project division constitute horizontal line of authority.

2.   Informal Organisation Structure: The relationship between the employees, that relies on personal attitudes, prejudices and interests rather than procedures. It is system of personal and social connection, whose creation is not needed by formal organisation. The organisation structure is a basic idea, which depends on the activity authority relationship in the company. It is designed in such a way to realise business objectives.

9.3   LINE AGENCY

The term 'line" is derived from the military vocabulator which means 'command'. In administrative usages, the term "line' refers to those administrative agencies which are connected with the primary function of the organisation. For example, the ministries of Education, Railways, Labour, Health, Defense, Transport, Communications, Commerce and Industry of the Government of India are called the line organisations.

9.3.1 Types:

There are four types of line agencies in public administration.

i.   Government Department

ii.   Public Corporations

iii.   Government Companies

iv.   Independent Regulatory Commissions (IRC)

The first three are found in all the countries of the world while the last one (i.e. IRC) is a special feature of the administrative system of U.S.A. Department is the largest and most prevalent form of administrative organisation. The public corporation is a organisational device imported in public administration from private business administration. Government Companies running purely on commercial and industrial bases, chiefly through civil servants. Its capital is contributed by the government and the management is headed by the board of directors appointed by government either from amongst its own officials or from outside. It includes various forms of joint enterprises shared between the state and private interests. The latter may be national or foreign. They may represent the shares of individual forms participating in the venture or the subscriptions of members of the public at large. The independent regulatory commission is a mixture of the departmental as well as corporation system. At the top it has a Corporate Character, but internally it has a departmental structure.

9.3.2 Characteristics:

The line agencies have the following characteristics features.

i.   They directly carry out the function of accomplishing the substantive objectives of the organisation.

ii. They are given authority to make decisions and issue orders and directives.

iii. They directly come in contact with the people and provide them various services, regulate conduct, and collect taxes.

Thus, the line agencies are executive in nature and are subordinate divisions of operating responsibility working under the direct control, direction, and supervision of the chief executive.

According to L.D. White, major functions of the line agencies include:

i.   Making decisions

ii.   Taking responsibility

iii.   Interpreting and defending policy and operations

iv.   Maintaining production and seeking efficiency and economy

Thus the line agencies are organised on the basis of major substantive purpose and concerned with the provision of services for the people or regulating their conduct in particular fields. They are concerned with the primary objects for which government exists. From top to bottom a single 'line' of authority extends downwards from secretary through the Deputy Secretary, Under Secretaries, Superintendents and Clarks. The task of line agencies lie outside in the complex society in which and for which they perform their respective functions.

9.4   STAFF AGENCY

The staff organisations are the broad divisions of governmental organisation whose main function is to assist the 'line agencies' in achieving their goal. Thus, they are only the helping verbs which carry out the secondary or institutional activities of the government. The staff agencies act as a means to an end, but not an end in itself. These are the organisations which help the line organisations at large.

Like 'line' the term 'staff' has also its origin in military vocabulary. Literally, 'staff' means a stick which is carried for support. In public administration, the term 'staff' thus refers to such activities in an organisation which assist the head of the departmental organisation in the performance of his duties.

9.4.1 Types:

According to Pfiffner, staff agencies are of three kinds, viz.

i.   The General Staff, which assist the chief executive in his administrative work, generally by advise, collection and information, research, and so on. The fundamental purpose of general staff is to act as a 'filter and funnel' to the chief executive.

ii.   The Technical Staff, which advises the chief executive in technical matters and exercises functional supervision. It is also known as special staff or functional staff.

iii. The Auxiliary Staff, which provide common housekeeping services to the line agencies.

However, L.D. White to Willoughby does not include the auxiliary agencies under the category of staff agencies (i.e. auxiliary staff) and consider them as a separate and distinctive unit. White calls them as "auxiliary services", while Willougby refers to them as "institutional or

housekeeping services". John Gaus calls them "auxiliary - technical staff services".

9.4.2 Characteristics:

The staff agencies have the following characteristics features.

i.   They perform secondary or supportive functions, that is, assist the line in the accomplishment of organisational purpose.

ii. They do not have the authority to make decisions and issue orders and directives. Their role is advisory in nature and they exercise some influence rather than authority.

iii. They do not come in contact with people directly. They function anonymously. According to the Browlow Committee of USA (1937), the staff should have a passion for anonymity.

9.4.3 Functions:

However, a general question may arise, if the staff assists or supports the line organisations, then what is the nature of function that they have to perform? Whether the 'staff' have to perform the whole body of activity that relieve the 'line' officer of his burden or it carry out only a limited number of activities which are very essential for the 'line' officer, leaving the rest to be performed by the officer himself? The answer is obvious. The staff organisation, as the name suggests, does not perform the whole activity as to relieve the executive of his duties and responsibilities. Rather they only confine themselves to the task of advising, planning and suggesting to the chief executive in matters of policy formulation; they never take on the manual functions which is the main function of auxiliary organisations.

According to Prof.L.D.White, the staff organisation has to perform the following functions: (i) to ensure that the chief executive and other officials at the top are adequately and correctly informed. (ii) To assist him unforeseen the problems and planning future programmes. (iii) To ensure that the matters for his decision reach his desk promptly. (iv) To protect him against hasty or ill-considered judgements. (v) To exclude every matter that can be settled elsewhere in the system. (vi) To protect his time; and (vii) To secure means of ensuring compliance by subordinates with executive, policy and directions.

According to Pfiffner, the staff organisations has to perform the following broad functions: (i) Advising, teaching and consultation, (ii) Coordination through plans and human contacts, (iii) Fact finding and research, (iv) Planning, (v) Contact and liaison, (iv) Assisting the line; and (vii)

Sometimes, exercising delegated authority from the line commander.

J.D.Mooney, on the other hand, held that the staffs have to perform three general functions such as (i) informative; (ii) advisory; and (iii) supervisory. The information function of staff organisation is to collect all relevant information for the chief executive on which his decisions may be based. It includes research, study and inequity.

The advisory function means to advise the chief executive, as to what, in its option, the decision should be. The supervisory function means to see that the decision taken by the chief is duly communicated to, and implemented by the subordinates in the line organisation. The examples of staff agencies in India are the cabinet secretariat including the prime minister's secretariat, the cabinet committees, the national development council etc. Thus, the staff agency has to furnish all relevant information to the executive regarding the case, to put up at the proper time and to offer its own advice on the matter. But it should not go beyond that. The staff agency stands outside the main line of administrative hierarchy. The line agency is concerned with the primary functions of the organisations for which it came into existence. On the other hand, the staff agency is concerned with function of planning, organisation and advice. Although these two agencies are having different functions, yet they have a systematic relation between them. Theoretically there is a distinction between the line and staff functions.

9.5   RELATIONSHIP BETWEEN THE LINE AND STAFF AGENCY

The relationship between the line and staff agency is one of prime importance in organisation. Earnest Dale held that indeed, it is the 'staffs' that exerts greater influence on 'line' at least in five ways.

i.   Staff men are generally skilled in persuading others to accept their ideas.

ii.   The staff specialists have technical skills and knowledge which is not possessed by line. Thus his advice is accepted by the line as legal counsel;

iii.   The staffs normally consist of senior experienced specialists who have high status in the management hierarchy. This enables them to secure the acceptance of their advice;

iv.   If a line executive do not agree with the staff proposal, the staff may appeal to his superior and get his proposal accepted;

v.   The line agencies may authorize the staff specialists to reach agreement in view of their knowledge and ability.

9.6 DISTINCTION BETWEEN LINE AND STAFF

The line and staff organisations, being two separate agencies, have the following major distinctions between them:

i. Line agencies issues command whereas staff agencies issues advice to the line.

ii. Line is an end in itself but staff is a means to an end.

iii. Line agencies come in direct contact with the people but the staff agencies dies behind the screen.

iv. Line agencies are executing agencies, staff agencies are advisory and consultative agencies.

v. Line agencies are issues orders down the line, but staff agencies do not enjoy that power.

vi. Communication, in line agency is vertical in down ward, but communication, in staff agency is horizontal i.e. from 'staff to line' as against' in between' the line.

vii. The line agency is endowed with responsibility but the staffs do not have such responsibility.

Though line and staff units are indispensable in all government organisations and are meant to complement each other, the relationship between them is not always cordial and happy. The relationship in practice between line and staff are characterized by conflicts, clashes, tensions, suspicions, and so on. The reasons for such a conflicting situation are as follows. The staff agency, being close to the chief executive, tends to usurp the authority of line agency. The differences between line and staff officials in terms of age, status, outlook, experience, technical competence, and so on. The staff people usually adopt 'ivory - tower' approach, that is, they suggest unrealistic plans and ideas to the line people who are more practical in their approach. Consequently, they do not care much to such suggestions, leading to misunderstanding and tension between the two. The staff officials tend to discover the deficiencies in the work and procedure of line authorities.

9.7 AUXILIARY AGENCY

Besides the broad two categories of administrative organisation - the line and the staff, there is another organisation called the auxiliary organisation. These are the organisation which helps both the line and staff organisations in performing their duties effectively. The term 'auxiliary' as the name suggests means 'to help' or 'to aid'. Therefore, in

administrative terminology, auxiliary organisations refer to those broad groups of administrative organisation exists for the sake of aiding and helping the line and staff organisations in achieving their goal. However, the peculiarity in the auxiliary agency lies in the point that it helps not to any particular line organisation but to all of them, in different situations. Their main purpose is to recruit, to train and to help the personnel in collection of data as well as to do all the major manual and clerical functions in the organisation, examples of Auxiliary organisation in India are the Planning Commission, the printing and stationary division of the government etc. The auxiliary organisation serves the line and staff organisations instead of service the public at large.

9.7.1 Functions:

The auxiliary organisations perform the following functions:

i.   They render certain services of housekeeping in nature i.e. essential for management to all the line organisations.

ii.   It relieves the 'line' officers of those duties which do not pertain to their activities. i.e. recruitment, training, data collection etc.

iii. It assists the 'staff' officers in formulating policies by providing them, with all the relevant information, data, fact and figures etc. which are necessary for policy formulation.

The important auxiliary agencies of the Government of India are:

i.   Central Public Works Department

ii.   Law Ministry

iii. Finance Ministry

iv.   Information and Broadcasting Ministry

v.   Union Public Service Commission

vi.   Parliamentary Affairs Department

vii. Director - General of Supply and Disposal.

9.7.2 Advantages of auxiliary agencies:

The organisation of these separate organisational units called Auxiliary Agencies has the following advantages:

i.   The officers in line agencies who have the responsibility of performance of primary activities are relieved of the duties not directly pertaining to the performance of such activities and will be in a position to devote themselves exclusively to their duties.

ii. This system ensures specialisation of functions and it is but desirable that if they are to be effectively performed, they should be put under the charge of those persons who are expert in those fields.

iii. It secures economy in administration as it avoids duplicity of work. A single auxiliary agency does a particular work common to all the department and thus saves time and money, e.g., the printing and Stationery does all the printing work for all the departments.

iv. The system secures the advantages of closer supervision of the auxiliary functions. Improved methods may be rapidly introduced as each agency is concerned with only one type of activity.

v.   It will have the advantage of increased scope of operations and reduced unit costs, such as in large-scale purchasing, common godowns, etc.

9.7.3 Disadvantages of Auxiliary Agencies:

Auxiliary agencies have been criticized on the following grounds:

i.   The establishment of auxiliary agencies means tearing the department which tends to weaken the responsibility of the line agencies.

ii. The auxiliary agencies may make encroachments upon the responsibilities of the line agencies and thus conflict may ensure between them.

iii. The auxiliary agencies tend to consider their mission superior to the objects sought by the line agencies and hence happen to subordinate questions of welfare to economy or mere symmetry.

iv. Sometimes undue results in getting the required services or goods on account of long negotiations with the auxiliary agencies, e.g., the students may not get a lecturer for a very long time who is to be selected by the Public Service Commission or the college office may not get stationery for a long time that the amount sanctioned for a building by the Finance Department lapses because the Public Works Department does not undertake work in time.

9.8 DISTINCTION BETWEEN LINE AND AUXILIARY

Lines agencies are those who perform services in order to accomplish the purpose for which the organisation exists, auxiliary are those which perform the services in order to assist the line agencies. However, the distinction between the line and auxiliary agencies are as follows:

i.   While line agencies are an end in itself, the auxiliary agencies are a means to an end.

ii.   Line agencies are concerned with the primary objectives of the organisation; Auxiliary agencies are concerned with the secondary objectives of the organisation.

iii. Line agencies have 'functional basis'; auxiliary agencies have 'institutional' basis.

iv.   Line agencies come in direct contact with the public; auxiliary agencies do not have direct access to them.

v.   Line agencies implement the public policies; the auxiliary agencies do not.

vi.   Line agencies are primarily concerned with the functions; Auxiliary agencies are primary concerned with how economy can be maintained in the performance of those functions undertaken by the line agencies.

vii. The efficiency and success of line agencies depend on the performance of proper functions by the staff and Auxiliary members; the efficiency and success of auxiliary agencies depends on the successful transaction of its responsibilities.

9.9   DISTINCTION BETWEEN STAFF AND AUXILIARY AGENCIES

The distinction between staff and Auxiliary agencies are as follows:

i.   Staff exists to advise the line; Auxiliary exists to assist the line in other ways except advice.

ii.   Staffs are planning and advising body; auxiliary agencies are the operating bodies that main function is to purchase materials, recruitment of personnel and maintenance of accounts.

iii. Staffs are concurred with policy formulation; Auxiliary agencies are not concerned with policy at all.

iv.   Staff laid stress on improvement in the line; auxiliary agencies laid stress on 'strengthening' the line agency.

v.   Particular staff agency is linked with particular line agency and therefore, there are a number of staff agencies tending to advise the equal number of line agencies. Only one auxiliary agency is linked with many line agencies.

vi.   Staff agency is dealing at the top levels of the line; Auxiliary agency is dealing with the bottom levels of the line agency.

vii.   Staff agency carried on research and consultative work and therefore, is not concerned with the operational responsibilities, Auxiliary agency carried on operational work and is not concerned with research and consultative work.

LET US SUM UP

In conclusion it may be remarked that the case for establishing an auxiliary agency regarding any matter should be adjudged on the exigencies of the situation. While the auxiliary agencies have ample justification under favourable circumstances, there is a point of marginal utility beyond which the unity and sense of full responsibility of the line department becomes the greater good. We should never forget that the nature of an auxiliary agency is primarily facilitating rather than controlling. This unit explains that line; staff and auxiliary agencies are the broad nomenclatures of administrative organisation. Each has specialization of authority in their sphere. The efficiency of organisation depends on their sphere. The efficiency of organisation depends on the successful coordination and cooperation between and among these agencies.

CHECK YOUR PROGRESS

1.   _____ is the person or body of persons at the head of administrative system of a country.

2.   _____ Organisation is the emerging structure of the organisation, which is a combination of functional organisation and project organisation.

3.   Independent Regulatory Commissions (IRC) is a special feature of the administrative system in _____.

4.   Union Public Service Commission is the _____ agency of the government of India.

GLOSSARY

Line Agency	: Functions of an organisation which contribute directly to the creation of the organisation's output.
Auxiliary	: To help for to aid.
Approach	: It means unrealistic plans and ideas.
Staff functions	: Activities which contribute indirectly to the operation of the organisation's output.

ANSWERS TO CHECK YOUR PROGRESS

1. Chief Executive

2. Matrix

3. USA

4. Auxiliary

MODEL QUESTIONS

1. Assess the role of staff agency in an organisation.

2. Explain the differences between line, auxiliary and staff agencies.

SUGGESTED READINGS

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UNIT 10

DEPARTMENTS AND PUBLIC CORPORATIONS

STRUCTURE

OVERVIEW

Public Corporation is a hybrid organism having features of both government departments as well as of a business company and is created through the statute of legislature. It runs the service on behalf of the government but as an independent legal entity with funds of its own and largely autonomous in management. It possesses independent corporate personality and is a body corporate having perpetual succession and a common seal. There is no regular form and no specialised function of a public corporation. Since public corporation is

created by or under statute hence it falls under the definition of "State" and is subject to WRIT jurisdiction. In this unit, we will discuss about the departments and public corporation.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Understand the concept of department types of organisation.

➢ Know the merits and demerits of public corporation.

➢ Analyse the various public corporation in India.

10.1 INTRODUCTION

Organisation refers to a collection of people, who are involved in pursuing defined objectives. It can be understood as a social system which comprises all formal human relationships. The organisation encompasses division of work among employees and alignment of tasks towards the ultimate goal of the company. It can also be referred as the second most important managerial function that coordinates the work of employees, procures resources and combines the two, in pursuance of company's goals. Organisation is a goal oriented process, which aims at achieving them, through proper planning and coordination between activities. It relies on the principle of division of work and set up authority and responsibility relationship among the members of the organisation.

10.2 BASES OF DEPARTMENTATION

The line agency in its traditional form exists as departments. Departments are the fundamental unit of administrative organisations and carries out all the functions. There are different shortcoming and problems associated with this structure as well but before we dwell into that, we shall make an attempt to understand the basic principles on which the organisation of departments is based.

The organisation of departments is based on four principles:

▪ **The Functional Principle:** When the administrative business if organized on the basis of the nature of function or the purpose of the work, then it is known as the financial principle. A simple example to elaborate that would be the creation of a Department of Commerce to regulate the trade and commerce within the country.

▪ **The Process Principle:** When the organisation of business is done on the basis of the process of the nature of nature of activity. This principle is also called the Professional Principle, basically the business transactions are carried out based on the target profession,

like the Law Department or the Health Department for legal and medical activities of the government.

- **Clientele or Commodity Principle:** In this case the business of organisation is based on the set of people for whom its services are meant for, or its clients. For e.g. the Department of Scheduled Casts and Tribes.

- **Geographical Principle:** As the name suggests, it has the geographical area as its basis to determine the organisation of business.

The above mentioned principles are not the sole criteria for the basis of organisations, aspects like traditions and history also play a role. Generally, the governments look at a combination of one or more principles and considerations to base the departments on. The most relevant however has been the functional principle or the Scientific Principle of Organisation.

With increase in specialization of functions, it only makes sense to have organisations based on them. Let us read about some of the features of this principle:

- Specialization of functions and division of labor are two important aspects.

- Economical and efficient administration with speedy decision making

- Expedient in approach

- Concentration of the responsibility and power in the hands of single individual usually the head thus ensuring appropriate accountability

The departments are further divided into divisions which is the vertical division based on the broader functions to be performed by the department. The horizontal division is done for other specific activities to be carried out under that division. The horizontal method of dividing the work within the organisation is preferred in comparison to the vertical segregation. The arguments given for the same are:

- It helps achieve specialization and ensures the prevention of duplicity of work

- It makes delegation easy and therefore eases out the work load of the Head of the Department

- It also helps the HOD focus on supervision and control rather than bothering about minor details thus saving his time and effort

There are four different principles or bases on which a department is organised. These principles are:

1. Functional Principle

2. Process Principle

3. Clientele Principle

4. Geographical Principle.

10.2.1 Functional Principle:

Where the department is organised on the basis of the nature of function or purpose, it is said to have been organised on functional principle. Examples of such departments are: Health, Human Resource Development, Labour and Employment, Transport and Information and Broadcasting, Community Development, Defence, Commerce and Industry, etc.

Advantages:

The Haldane Committee Report 1919 in Britain summed up the advantages of functional basis in the following words: "Upon what principles are the functions of the Departments to be determined and allocated? There appear to be only two alternatives which may be briefly described as distribution according to persons or classes to be dealt with, and distribution according to the services to be performed. Under the former method each minister would be responsible to Parliament for those activities of the government which would affect the sectional interests of the particular class of persons, and there might be, for example, a ministry for paupers, or a ministry for the unemployed. Now, the inevitable outcome of this method of organisation is a tendency to Lilliputian administration. It is impossible that the specialized services which each department has to render to the community can be of as high a standard when its work is at the same time limited to a particular class of persons and extended to every variety of provision for them, as when the department concentrates itself on the provision of one particular service only by whomsoever required, and looks beyond the interests of comparatively small class."

a. It will facilitate the performance of the given task because all the administrative units concerned with the job are within the same department and under the same direction.
b. It will eliminate the waste of time and energy which would occur if the relevant units were scattered. It will thus be economical.

c. Responsibility for failure can be fixed, e.g., if there is no peace and order in the country the Home Affairs Department can be held responsible for it

d. It reduces overlapping and duplication of work the minimum.

Keeping in view these advantages, Hoover Commission commended organisation by major purpose. It remarked, "The numerous agencies of the executive branch must be grouped into departments as nearly as possible by major purposes in order to give a coherent mission to each department."

The Study Team of Administrative Reforms Commission (1966-1970) called this principle as principle of rationality. According to the Commission's Report "The criterion of rationality is not applicable everywhere but where it is the grouping of subjects according to this principle can lead to the most effective type of coordination"

Defects:

(i) Function is an elastic term and can be interpreted too narrowly or too broadly and the problem of striking the correct balance between the two extremes becomes often difficult. Should health, education, public welfare be treated as separate functions and organized into separate departments, or should they be integrated into one Department of Public Welfare. If the term function be interpreted too broadly, perhaps the whole work of the government would appear to be a single function, or if too narrow interpretation were placed on it, every bureau or division might be given departmental status.

(ii) Subordinate type of work may be neglected or ignored, e.g., the education department may not give the same importance to the health of the children as the health department would.

(iii) It may lead to departmentalization. The departments exaggerate the importance of their own work and are unable to see their department as a part of the larger whole.

10.2.2 Process Principle:

The word 'process' denotes a more or less specialised method or core talent, such as engineering, accountancy, stenography, legal counsel, etc. Based on the technical skills associated with the work performance, departments might be established. Thus there are Department of Law, Department of Electronics, Department of Space and Department of Ocean Development.' Departmentalization according to process brings together in a Department all those who have had

similar professional training or who make use of the same or similar skill or equipment.

Advantages:

1. It facilitates the maximum amount of specialization and the best utilization of the up- to-date technical skill.

2. It secures economy by avoiding unnecessary duplication of personnel and equipment which would result if every department would maintain its technical services. Economy also results from the extensive use of labour-saving machinery which can be used with advantage only if there is adequate volume of work. Small and widely scattered units cannot afford such costly equipment.

3. It facilitates uniformity and coordination, e.g., if all engineering services are grouped together under one department, this would bring about uniformity in budgeting, operational plans, coordination and control.

4. It makes cost analysis and calculation of unit costs easier, and thus furnishes necessary data for budgeting and accounting.

5. The process system is most advantageous for the development of career service.

Defects:

(i) It would make coordination difficult to achieve. Gulick has said that failure in one process department affects the whole enterprise and a failure to coordinate one process division may destroy the effectiveness of all of the work that is being done.

(ii) Good administration is not simply a matter of skill in the various technical processes. The government is concerned with the general welfare of the community, and for that purpose, it has to look after the economic, social and cultural interests. Much of the work of the government has to be done, therefore, in the Social Welfare, Economic, and Educational, Home department than in the Engineering or Legal departments.

(iii) It attaches more importance to the means than to the ends. The object of public welfare gets lost in the process principle.

(iv) It may lead to financial extravagance than to economy.

(v) It may create the attitude of professional arrogance and lead to inter-departmental conflicts and rivalries.

10.2.3 Clientele Principle:

Some social groupings may have certain specific challenges that demand the government's especial attention. When a department is set up to address a specific problem of a community sector, clients or individuals serviced are considered to be the foundation of such department. The department so constituted deals with all the problems of that particular section. Thus the Department for Scheduled Castes and Tribes is a department organised on clientele basis. In the U.S.A., the Veterans' Administration, the Office of Indian Affairs and the Children's Bureau are three good examples of clientele departments.

Advantages:

1. It greatly simplifies relationship of the groups concerned with the administration, e.g., if there be a farmers' department, the farmer has to go to only one department to get any of his problems solved. He will not have to go to different departments for seeds, fertilizers, loan, cement, tube-wells, and tractors. All his needs will be looked after by one department.

2. It facilitates the coordination of several services provided for the beneficiary groups because such services are under the same department.

3. The staffs of a clientele department develop the capacity to understand and solve whole problems instead of dealing with them in a fragmentary way.

4. It would develop behind the departments the support of the pressure groups because all the people who derive benefit from that department will belong to the same pressure group.

Defects:

(i) It is incapable of universal application. The number of people served is vast and it will be difficult to divide them into groups or it may create thousands of groups. This will produce a multiplicity of departments. Haldane Committee therefore termed it 'Lilliputian administration'.

(ii) It would be a difficult job to clearly demarcate the jurisdiction of the various departments because the interests of one group may overlap those of others.

(iii) It militates against the principle of specialization. Being multi-functional each department will deal with heterogeneous problems of a group.

(iv) The pressure groups may make the department serve their own demands at the cost of the interests of the other groups. The vested interests may make the administrative reform difficult.

10.2.4 Geographical Principle:

Where the region or geographical area forms the basis for a departmental organisation, it is referred to as a departmental organisational geographical principle. The Department of Foreign Affairs is therefore based on geography. Then, within the Foreign Affairs department there are different territorial divisions, e.g., the European Division, the American Division, the South East Division, Near Eastern Affairs, and Far Eastern Affairs. Likewise the Ministry of Railways in India has over ten territorial zones. Even the Zonal Councils were organised on the basis of this principle.

Advantages:

a. It facilitates the greater adaptation of policies to the needs of the areas concerned.

b. It is conducive to a better expression of the needs and aspirations of the people of various regions than any other.

c. It is the most suitable basis where long distance and the difficulties of communication are involved, e.g., in the administration of colonies by Imperial powers. The British Government had India Office to deal with all the problems of Indian administration.

d. In large countries having vast stretch of land and difficult communication, the territorial principle can be adopted for domestic administrative organisation. It leads to better coordination and more effective control over the services provided within the geographical area.

T.V.A. in USA and D.V.C. in India are the illustrations based on the recognition of this advantage. However, they are Corporations and not Departments.

Defects:

(i) It stands in the way of uniformity of administration of national policies. Different policies may have to be adopted for different areas.

(ii) It encourages localism at the cost of nationalism.

(iii) It sets up multifunctional departments and thus militates against the principle of specialization and division of labour.

(iv) It is likely to give birth to regional interests and pressure groups to the detriment of the national interest.

10.3   PUBLIC CORPORATION

Public Corporation is a body corporate created by an Act of Parliament or Legislature. Its name is notified in the official gazette of the Central or State Government. It is an artificial person with the flexibility of the private sector and the powers of the government. They are set up with the objective of carrying out a specific type of commercial activity. The powers and functions of public corporations are well defined and they are financially independent. These organisations are formed for administering nationalized industries or undertakings. Many service organisations of the government are set up in the form of corporations.

Examples of Public Corporation

LIC, Food Corporation of India (FCI), ONGC, Air India, Indian Airlines, State Bank of India, Reserve Bank of India, Employees State Insurance Corporation, Central Warehousing Corporation, Damodhar Valley Corporation, National Textile Corporation, Industrial Finance Corporation of India (IFCI), Unit Trust of India (UTI), Tourism Corporation of India, Minerals and Metals Trading Corporation (MMTC) etc are some of the examples of Public Corporations.

10.4   DEFINITIONS OF PUBLIC CORPORATION

In the words of Prof. Robson, "It is to be found in one form or another in many different countries all over the world. Public authorities enjoying various degrees of autonomy have existed for centuries; but the public corporation of today has special characteristics which distinguish it from older bodies. It was specially devised as an organ of public enterprise and it has become the chosen instrument for this purpose in many lands."

10.5   CHARACTERISTICS OF PUBLIC CORPORATIONS

Public corporations have certain basic differences with departmental managements. These differences have given a separate entity to public corporations.

Some of the salient features of public corporations are discussed below:

1. Public corporations can sue and also be sued in the courts of law and thus have their own name and legal personality.

2. It is created by an Act of Parliament which also defines the scope of its activities. It also defines the powers, privileges and immunities of its members.

3. Public corporation is wholly owned by the government and the entire equity capital is held in the name of the government.

4. The corporations usually have considerable autonomy in shaping their policies. These have also sufficient financial independence. But at the same time general principles and policies are laid down and decided by the government.

5. The management of the corporation is appointed by the government. Generally, a Board is nominated to manage public corporations.

6. Public corporation is generally not subject to budgetary accounting and audit-controls applicable to government department.

7. The objective of public corporation is to provide goods and services to the people at reasonable prices.

10.6   FEATURES OF PUBLIC CORPORATION

Following are the salient features of a public corporation:

(i) Special Statute:

A public corporation is created by a special Act of the Parliament or the State Legislature. The Act defines its powers, objectives, functions and relations with the ministry and the Parliament (or State Legislature).

(ii) Separate Legal Entity:

A public corporation is a separate legal entity with perpetual succession and common seal. It has an existence, independent of the Government. It can own properly; can make contracts and file suits, in its own name.

(iii) Capital provided by the Government:

The capital of a public corporation is provided by the Government or by agencies controlled by the government. However, many public corporations have also begun to raise money from the capital market.

(iv) Financial Autonomy:

A public corporation enjoys financial autonomy. It prepares its own budget; and has authority to retain and utilize its earnings for its business.

(v) Management by Board of Directors:

Its management is vested in a Board of Directors, appointed or nominated by the Government. But there is no Governmental interference in the day-to-day working of the corporation.

(vi) Own Staff:

A publication corporation has its own staff; whose appointment, remuneration and service conditions are decided by the corporation itself.

(vii) Service Motive:

The main objective of a public corporation is service-motive; though it is expected to the self-supporting and earn reasonable profits.

(viii) Public Accountability:

A public corporation has to submit its annual report on its working. Its accounts are audited by the Comptroller and Auditor General of India. Annual report and audited accounts of a public corporation are presented to the Parliament or State Legislatures, which is entitled to discuss these.

10.7   ADVANTAGES OF PUBLIC CORPORATION

Following are the advantages of a public corporation:

(i) Bold Management due to Operational Autonomy:

A public corporation enjoys internal operational autonomy; as it is free from Governmental control. It can, therefore, run in a businesslike manner. Management can take bold decisions involving experimentation in its lines of activities, taking advantage of business situations.

(ii) Legislative Control:

Affairs of a public corporation are subject to scrutiny by Committees of Parliament or State Legislature. The Press also keeps a watchful eye on the working of a public corporation. This keeps a check on the unhealthy practices on the part of the management of the public corporation.

(iii) Qualified and Contented Staff:

Public corporation offers attractive service conditions to its staff. As such it is able to attract qualified staff. Because of qualified and contented staff, industrial relations problems are not much severe. Staff has a motivation to work hard for the corporation.

(iv) Tailor-Made Statute:

The special Act, by which a public corporation is created, can be tailor-made to meet the specific needs of the public corporation; so that the corporation can function in the best manner to achieve its objectives.

(v) Not Affected by Political Changes:

Being a distinct legal entity, a public corporation is not much affected by political changes. It can maintain continuity of policy and operations.

(vi) Lesser Likelihood of Exploitation:

The Board of Directors of a public corporation consists of representatives of various interest groups like labour, consumers etc. nominated by the Government. As such, there is lesser likelihood of exploitation of any class of society, by the public corporation.

(vii) Reasonable Pricing Policy:

A public corporation follows a reasonable pricing policy, based on cost-benefit analysis. Hence, public are generally satisfied with the provision of goods and services, by the public corporation.

10.8   LIMITATIONS PUBLIC CORPORATION

A public corporation suffers from the following limitations:

(i) Autonomy and Flexibility, Only in Theory:

Autonomy and flexibility advantages of a public corporation exist only in theory. In practice, there is a lot of interference in the working of a public corporation by ministers, government officers and other politicians.

(ii) Misuse of Monopolistic Power:

Public corporations often enjoy monopoly in their field of operation. As such, on the one hand they are indifferent to consumer needs and problems; and on the other hand, often do not hesitate to exploit consumers.

(iii) Rigid Constitution:

The constitution of a public corporation is very rigid. It cannot be changed, without amending the Statute of its formation. Hence, a public corporation could not be flexible in its operations.

(iv) Low Managerial Efficiency:

Quite often civil servants, who do not possess management knowledge and skills, are appointed by the government on the Board of Directors, of

a public corporation. As such, managerial efficiency of public corporation is not as much as found in private business enterprises.

(v) Problem of Passing a Special Act:

A public corporation cannot be formed without passing a special Act; which is a time consuming and difficult process. Hence, the scope for setting up public corporations is very restricted.

(vi) Clash of Divergent Interests:

In the Board of Directors of public corporation, conflicts may arise among representatives of different groups. Such clashes tell upon the efficient functioning of the corporation and may hamper its growth.

Some of the important public corporation established by the Union government is:

(1) Reserve Bank of India (1935)

(2) Damodar Valley Corporation (1948)

(3) Industrial Finance Corporation of India (1948)

(4) Indian Airlines Corporation (1953)

(5) Air India International (1953)

(6) State Bank of India (1955)

(7) Life Insurance Corporation of India (1956)

(8) Central Warehousing Corporation (1957)

(9) Oil and Natural Gas Commission (1959)

(10) Food Corporation of India (1964)

Some of the important public corporations established by state governments are:

(1) State Financial Corporations

(2) State Road Transport Corporations

(3) State Land Mortgage Banks

(4) State Electricity Boards

A public corporation is wholly owned by state, that is, its entire capital is provided by the government. It is created by a special law of legislature which may be enacted by Central or state governments. This special statute defines its objectives, powers, duties and privileges and also prescribes the form of management and its relationship to the government departments as a corporate body. It is generally

autonomously financed with the exception of allotments to give capital or to cover misfortunes. It acquires its assets from getting which might be from the depository or from the general population and from incomes got from the offer of its labour and products. It is approved to utilize and reuse its incomes.

The public enterprise are for the most part absolved from administrative and prohibitory resolutions pertinent to the consumption of public assets and are not liable to spending plan, bookkeeping and review systems which are appropriate to non-corporate offices. The representatives of corporate bodies are not government workers. They are enlisted and compensated under agreements which are controlled by the actual partnership. All the more altogether enterprise appreciates practical independence and isn't liable to coordinate control of the top of the office in its typical activities. Aside from the proper strategy bearings gave to it by a pastor, it is directed by the resolution which made it. It is overseen by a directorate selected by the public authority. One of the chiefs is selected to work as the director of the board.

A public company type of association works with independence in its everyday administration and gives independence from political impacts and sectarian contemplations. It accommodates a sound blend of business effectiveness of a private venture with public responsibility of an administration office and gives independence from unsatisfactory principles, guidelines and controls of the public authority. The organisation design works with a serious level of monetary adaptability and individual versatility and fills in as an important instrument for social control of financial life. Yet, the pundits keep up with that it is intrinsically unbending and inappropriate to meet the necessities of changing occasions in light of the fact that the progressions in its design or system can be influenced exclusively by a legal alteration. This reality brings about the issues of accommodating managerial independence with public accountability.

Normally this doesn't work with clear differentiation between the "matters of strategy" and "matters of everyday organisation". The organisations place critical political force in the possession of a little unrepresentative and a self-sustaining bunch which controls and oversees it. In real practice they don't work with adaptability and independence in both monetary and regulatory angles. The services in India view the enterprise as their wings or branches and issue requests and headings comparably. The Estimates Committees (Second Lok Sabha) in its 80th

report saw that no clear cut standards had been continued in deciding the type of association of public endeavours.

The board proposed that completely possessed government endeavours ought to customarily be coordinated as legal corporations. The departmental administration was found advocated for extraordinary reasons like protection, key or security needs or for motivations behind financial control and the organisation structure ought to have been an exemption for associations of explicit nature. The Krishna Menon Committee Report on State Undertakings in India tracked down the more fragile side of enterprise structure in the departmental techniques for acquisition of crude materials and offer of items. Their long-lasting staffs have been liable to rules and guidelines appropriate to government workers. Putting of money receipts into government account has brought about late methods of masterminding assets, and assents for consumption.

The procedure for bookkeeping and review has been awkward and late. Still the public company as a hierarchical gadget for the organisation of public undertakings, has won recognition both in India and abroad. In Britain, the majority of the nationalized ventures like British Broadcasting Corporation, British Overseas Airways Corporation, Overseas Food Corporation, and so on, have been coordinated as open companies. Nations like France, Canada, Italy, and the United States have additionally embraced this type of association for their public undertakings. Free India has followed this pattern. The Damodar Valley Corporation, Indian Airlines Corporation, Air India, Life Insurance Corporation, Central Warehousing Corporation, Food Corporation of India, Industrial Finance Corporation, and so forth, are the notable models in point. Likewise, state governments have set up their own organisations, the most significant of which are the power board and the state streets transport partnership. The Public Corporations structure IS satisfactory to all ideological groups, directly just as left, as fitting instruments for working broadly claimed endeavours.

The Study Team on Public Sector Undertakings of ARC inspected the whole issue top to bottom and noticed: "The departmental structure is one that is for the most part respected reasonable just for undertakings that offer types of assistance influencing the entirety of the local area. The endeavours that require a serious level of opportunity, intensity and undertaking in administration should be liberated from the circumspection and lumbering, tedious and vexatious systems of departmental organisation. Both the organisation structure and the

Public Corporation structure can accommodate this flexibility and independence. It isn't, subsequently, conceivable to endorse one of these structures as relevant for a wide range of endeavours and under all conditions. Therefore, we propose that the public authority embrace the public organisation structure as the overall guideline for modern and business endeavours in the Indian public area."

LET US SUM UP

Public corporate law is related to contract and commercial law and deals with the operations and formation of a corporation. A corporation is a separate legal entity that's created through the state laws in which it was incorporated. It's treated as a legal person that has the ability to sue and be sued, definitively distinct from its shareholders. Registration laws require all corporations that incorporate in foreign states to request permission to do in-state business. A public purpose corporation is a company that's been formed and chartered by the state to fulfil a government function. It may also be referred to as a public benefit corporation. Some states will define a public purpose corporation as a charitable or a non-profit, even if it's created with private funds.

CHECK YOUR PROGRESS

1. The public corporation can be divided broadly into _____ categories.
2. Public Corporation is a corporate body created by an Act of _____ or Legislature.
3. The _____ of a public corporation is provided by the Government or by agencies controlled by the government.
4. A public corporation accounts are audited by the _____ of India.
5. Where the department is organised on the basis of the nature of function or purpose, it is said to be _____ principle.

GLOSSARY

Departments : a division of a large organisation such as a government, university, or business, dealing with a specific area of activity.

Act of Parliament : A bill is the draft of a legislative proposal, passed by both houses of Parliament and assented to by the President, becomes an act of Parliament.

Public Corporations : A public corporation is that form of public enterprise which is created as an autonomous unit, by a special Act of the Parliament.

ANSWER TO CHECK YOUR PROGRESS

1.   Four

2.   Parliament

3.   Capital

4.   Comptroller and Auditor General

5.   Functional

MODEL QUESTIONS

1.   Explain the principles in department type of organisation.

2.   Describe the meaning and features of public corporations.

3.   Analyse the various merits and demerits of public corporations.

4.   Write an essay on the issues related to public corporations in India.

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1.   B.L.Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.

2.   Ramesh K.Arora (2012), *Indian Public Administration: Institutions and Issues*, New age international publishers, 3rd edition.

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UNIT 11

INDEPENDENT REGULATORY COMMISSIONS

STRUCTURE

OVERVIEW

Regulation by government has always been directly controlled through its own departments or agencies. A distinct kind of regulatory systems has emerged in the last century as the independent regulatory agencies. These agencies differ from the traditional regulatory structure, because they are detached from the government executive wing and are autonomous to a certain degree. In the United States the notion of separate rules was born. Many Federal Agencies were established up in Congress Acts on the fundamental assumption of creating these agencies that a market based economy should be controlled to ensure that everyone is equitable and that the wider public and national interest should be guaranteed. In this unit, we will discuss elaborately about the independent regulatory commission and its functions.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Understand the concept of regulation.

➢ Discuss the different regulatory authorities in India.

➢ Learn the functions of independent regulatory commissions.

11.1 INTRODUCTION

Today, we see public-private partnership in almost all sectors of the economy. This is primarily because of the need for financial and skilful manpower resources. Government has now to provide the citizens with a choice friendly market and also incorporate reforms to effectively regulate the performance and quality of services being provided by the private sector. This Unit will now discuss about the regulatory commissions in India. Also it will discuss the three regulatory authorities later in the sections.

11.2 NATURE OF REGULATION

Delicensing of industries, permissible private entry in to the public sectors, liberalization of taxes and tax holidays to privately owned firms and corporate marked the coexistence of public and private sectors in the Indian economy since the late eighties. In order to ensure a level playing field and to safeguard public interest, the policy makers formalized the incorporation of three types of regulations:

1) Economic Regulation:

These are regulations targeting economic or market failures; rules that proscribe and punish market distorting behaviour. The Foreign Trade (Development and Regulation) Act, 1992 enables the Director General or any other officer authorized for the purpose to suspend and cancel the importer-exporter code number and the certificate/ license to import and export, if the person has contravened any of the provisions of the Act. The firms may resort to anti-competitive practices, by charging a price more than the assigned, product hoarding, and abuse of dominant or monopoly power. Legislations have been enacted that empower authorities to prevent such practices. Thus, regulation through a set of transparent, consistent, and non-discriminatory rules can create a competitive and dynamic environment that can prevent negative practices by market players.

2)   Regulation in Public Interest:

Some of the major regulations pertain to ensuring affordable pricing, transparent public distribution system, free distribution of potable water, and free power supply to agriculture, free schooling, free health system, etc.

3)   Environmental Regulation:

The protection of environment is an imperative for the society, as a clean and healthy environment enables economic and social development. Good health of the soil, forests, mineral resources, water resources, mountainous areas, flora, and fauna are markers of a healthy future for Mother Earth and her weather and climate. The Environmental Protection Act, 1986 lays down standards of economic and social responsibilities of doing business in India and that are to be upheld by the business community. Furthermore, the initiatives taken up by Ministry of Environment, Central and State Pollution Control Boards, and National Green Tribunal act, as a deterrent to the misuse of green environment and entails punitive actions.

11.3   REGULATORY COMMISSIONS IN INDIA

Other elements that have favoured autonomous regulation development have been more complicated and technological advances necessary to deal with difficulties by specialists; in particular areas, a policy of political involvement serves the public interest best through isolated decision-making. In India the government removed numerous activities, which had until now been monopolized, as the process of economic liberalization began in the early 1990s. The introduction into the business sector required specific steps to enhance the competence of investors and to protect the public interest. The creation of independent regulators was one such step.

Moreover, the conventional government department structure was less suitable for the dual duty of policy makers and regulating the sector concerned, especially because there were public sector units in many sectors competing with corporate organisations. The foregoing factors have led to the establishment in the power, telecommunications, financial, insurance, etc. of numerous independent statutory regulatory bodies. The roles of self-regulatory bodies may be: (i) professional educational matters: curricular development, establishment of teaching standards, institutional infrastructure, degree recognition and so on; and (ii) problems relating to licensure and practitioners' ethical behavior.

With the coming of liberalization, privatization, and globalization, the New Economic Policy liberalized the economy for entry of private companies including the international and multi-nationals ones in public sectors. Telecom, power distribution, pension, food, construction of highways and toll roads, and such others were opened for investment of the private players. This brought in the concept of regulation. Regulation refers to a rule or order issued by an executive authority or regulatory agency of a government and having the force of law. Regulation entails rules covering all activities both private and public in nature. Regulation, thus, is an attempt to control and monitor private behaviour in a desired direction with the implications of certain rules and regulations. These were the public private projects that operated under build, own, operate model (BOO); and build, own, operate, transfer mode (BOOT).

Regulatory mechanism ascertains economic efficiency, as the government can Regulatory Commissions now ensure and monitor that the private sector companies adhere to the guidelines and standards laid down by the regulating agency, thereby prohibiting monopolistic, restrictive, and unfair trade practices; provide citizens with a choice friendly market, and finally, promote effective and efficient utilization of resources and modernization of services. These objectives are in tune with Article 39 (c) of the Indian Constitution, which states the detriment of the common wealth and means of production is not the outcome of the functioning of an economic system.

On the whole, regulatory commissions were set up with the underlying objectives.

1. Safeguard the consumer interest by securing quality and reliable facilities at affordable prices.

2. Arrive at a negotiation, as conflict resolution mechanism, among various stakeholders involved.

3. Foster competition, plurality, and investment.

4. Strike equilibrium in meeting the social welfare objectives based on viability of funds.

11.4 INDEPENDENT REGULATORY COMMISSIONS IN USA

They are posterity of the division of force and the Congress' significant doubt of the forces of the United States Presidency. Because of the expanding industrialization and advancement of the country in the nineteenth century, when the state thought of it as vital for control private monetary action, obviously such commissions were important. At

present, there are eleven such commissions in the Federal Government of U.S.A., which are as follows:

(i) The Inter-State Commerce Commission, 1887.

(ii) The Board of the Governors of the Federal Reserve System, 1913.

(iii) The Federal Trade Commission, 1914.

(iv) The Federal Communications Commission, 1934.

(v) The Federal Power Commission, 1930.

(vi) The Securities and Exchange Commission, 1934.

(vii) The National Labour Relations Board, 1935.

(viii) The United States Maritime Commission, 1936.

(ix) The Civil Aeronautics Board, 1938 and 1940.

(x) The Nuclear Regulatory Commission.

(xi) The Consumer Product Safety Commission.

11.4.1 Features of Independent Regulatory Commissions:

The roles of the boards must be administrative, quasi-legislative and quasi-judicial in a hybrid character. They establish rules and regulations implement those policies and hear appeals against judgments of their own. Their diverse functions have caused them to be termed the "fourth part of the government" since they do not match any of the three conventional branches of government, legislature, executive or legal. These committees are made up of specialists and are rather tiny. The Chief Executive, i.e. the Chairman, are largely autonomous from the CEO. They're not accountable to him or notify him. Their constitution and functions are established up under a legislation approved by Congress.

Though the members are appointed by the President with the approval of the Senate, they are not answerable to him. The overlapping or staggered terms of the members strengthen the independence of the members from the President all the more. Though appointed by the President, the latter cannot remove the members except on grounds specified in the statute creating the commission. The position was established in Humphrey's executor's case. They are in reality beyond the scope of the President's departmental organisation and correctly referred to in the American administration as the "Islands of Autonomy." Due to the presence of these commissions, the U.S. federal government is 'disintegrated.'

Independence of these Commissions not absolute:

However, it is possible to note the relative and not total independence of those regulatory commissions. Why is that? The question emerges. First of all, the personnel administration is monitored by the Civil Service Commission. Secondly, the budgets of the Bureau of Budget are subject to examination, which is the American President's employee agency. Third, their acts can be deemed null and invalid and subject to court scrutiny. The judiciary examines their actions from three principal aspects.

In conclusion, they have the ability to order an inquiry into their actions and try to control the Congress. Congress can alter and even abolish its constitutions, even if the ultimate step has never been accomplished. Indeed, Congress power is merely general in nature, and these committees are seen as 'the arms of Congress.' It is not out of place to note that the administration's regulatory job lies in most nations in the globe and is typically carried out by the different departments of administration, companies, local authorities, etc. Even in the USA the departments, local authorities etc. carry out much of the regulatory job. In India, we are well aware of the buildings, zoning etc. rules and regulations, which are created by city councils. The characteristic of these entities is their positions and status beyond the authority of the chief executive officer, separating them from the independent regulator committees.

11.4.2 Functions of Independent Regulatory Commissions:

In order to understand their importance in the American administrative setup, it is essential to have a working knowledge of their functions. A brief description of the functions of some of the commissions is given below:

1. The Inter-State Commerce Commission:

The main functions of this commission are to develop, co-ordinate and preserve a transport system by rail, water, road and by other means. It has to promote safe, adequate and efficient transport service and to fix up reasonable charges for the same. It has also to prevent discrimination or unfair competitions among the various agencies of transport.

2. The Board of the Governors of the Federal Reserve System:

The Board determines and controls monetary conditions, credit, and operating policies. All the national banks and Federal Reserve banks of

the U.S.A. are the members of this body and are supervised by the Board.

3. The Federal Trade Commission:

It has the duty to prevent unfair methods of competition in trade, control false advertisement of food, drugs, etc. The Commission safeguards the entire economic system so as to maintain conditions of free competitive enterprise.

4. The Federal Communication Commission:

It regulates inter-state and foreign wireless, radio and television communication.

5. The Federal Power Commission:

It was originally set up in 1920 as an agency for licensing hydro-electric projects but was later on reorganized as an independent regulatory commission in 1930. At present, its functions extend to the licensing of hydro-electric projects, transmission and sale of electric energy and natural gas.

6. The Securities and Exchange Commission:

The main function of the commission is to protect the interest of the investors against mal-practices in the securities and financial markets.

7. The National Labour Relations Board:

The Board was set up by the National Labour Relations Act, 1935. It investigates unfair labour practices by the labour unions and victimization of the employees by the employers.

8. The United States Maritime Commission:

It encourages the development and maintenance of a merchant marine for commerce and national defense.

9. The Civil Aeronautics Board:

The main functions of the commission are to develop air transport, prescribe safety standards, investigate air crashes, assist development of international transport, etc. It may be mentioned here that these federal level commissions have jurisdiction which extends throughout the territory of the U.S.A.

According to Pfiffner, the functions of the commissions are three:

(i) To inform the industry and other regulated groups as to the objectives of public policy in so far as regulation is concerned;

(ii) To discover and promulgate the rules and regulations which will ensure that this policy is achieved;

(iii) To enforce such regulations either by adjudicating controversies arising between the public and the interest regulated or by prosecuting acts which violate established policy.

According to Willoughby, "The two main functions of these bodies are the formulation of rules and regulations with force of law in determining the rates and conditions of service of public utility corporations, as well as the transmission of questions affecting public and private rights under those rules and regulations or the law allowing them to be formulated and enacted."

The economic activities are regulated by:

(a) By rule-making, by elaborate and define broad standards as put down in parent laws, (b) by administrative practices such as permitting, inspecting, advertising, etc. and (c) by case-by-case decisions on complaints against the law or standards established.

The Commissions may, on their own motion or by a private party, listen to cases and award rulings on a regular petition. The key characteristic which distinguishes the committee from the conventional courts is this last initiative. As we all aware, ordinary tribunals are not allowed to initiate legal actions themselves.

11.4.3 Advantages and Disadvantages of Regulatory Commissions:

Advantages of Regulatory Commissions:

Regulation of private business activities is not an easy job particularly in America where big business magnates have high purchasing power. Under the circumstances, it is extremely difficult for any organisation to manifest complete impartiality to all the parties concerned. There are serious dangers of corruption, nepotism and unfairness. To sum up, the advantages of independent regulatory commissions are:

(i) It creates a device which makes it possible to exclude the quasi-legislative and quasi-judicial activities from the hands of bureaucracy.

(ii) It puts the activities of national importance and of a technical nature outside the bane of party politics.

(iii) It is a good device of harmonizing the generalist and specialist administrators' relationships which are hard to achieve in a Departmental system of organisation.

(iv) It brings different shades of opinions and interests together to shoulder a national problem.

(v) It insulates the process of business from partisan political forces by making it plural- headed.

Disadvantages of Regulatory Commissions:

With all the above advantages of the commissions, they have been subjected to severe and varied criticism. The main indictments are:

(i)   It is stated that any established authority owes no liability to the regulatory commissions. They work outside the president's administrative structure and were appropriately referred to as 'headless.' The President has no ability to reject any Member, so that the effective and inclusive administration of the Chief Executive Officer can be readily impeded.

The Brownlow committee (1937) commented. "They (independent regulatory commissions) are in reality independent governments set up to deal with the rail road problem, the banking problem, or the radio problem. They constitute a 'headless' fourth branch of the Government, a haphazard deposit of irresponsible agencies and un-coordinated powers. They do violation to the basic theory of the American Constitution that there should be three branches of the government and only three. The Congress has found no effective way of supervising them, they cannot be controlled by the President, and they are answerable to the courts only in respect of the legality of the activities." This Committee further added that "though the commissions enjoy power without responsibility they also leave the President with responsibility without power."

(ii)   The Commissions merge the responsibilities of the legislature, the public prosecutor and the court in them, threatening the people's rights and rights. The commissions establish extremely significant commercial and industrial policies and can easily act arbitrarily with these combined responsibilities.

(iii)   These committees have been a major "disintegrating factor" in the US government as they are beyond of the President's authority. They can impede effective coordination of national policy by failing to work with the other federal government agencies.

Moreover, jurisdictional issues generally develop between such commission and other departments since the two organisations share some regulatory duties. All this can result in 'a decentralized and chaotic administration'.

(iv) It is also said that the commissions are unwilling to make use of the auxiliary services such as statistical, economic, legal services, etc., of the other departments. This results in high expenditure and duality of personnel, etc. Perhaps, this is on account of the superiority complex which the commissions want to show off to the other departments.

(v) It is also argued that these commissions have not served the purpose for which they were established. Neither they have been able to protect the public interest nor they have assured the long-term progress of the industry.

(vi) It is also said that these regulatory commissions suffer from undue laxity and slackness in the performance of their functions. This is on account of the fact that they are neither responsible to the President nor accountable to the Congress in any effective manner. The fact that their decisions can be reversed by the courts makes them, in the words of Arthur M. Macmahon, 'timid'.

11.5 PROBLEM AREAS

The regulatory commissions have brought in a shift in the Indian Economy by enabling a level playing field for both the public and private sector enterprises. However, these commissions seem to face certain problems that impose certain bottlenecks in their effective performance. These are:

2) Lack of clear demarcation in the roles of government, regulatory authority, and the judiciary.

3) Quality of service is impacted due to absence of well-established service benchmarks, performance standards, and trained technical manpower.

4) Consumer participation in planning and decision-making process is not there.

5) A generalist approach prevails in the absence of a specialist approach in personnel matters.

6) There exists a constant political interference in the functioning of regulatory

LET US SUM UP

Thus, the regulatory commissions are under fire from two camps the administrative and the judicial. The administrator condemns them because their existence creates difficulties in integration and coordination. The lawyer is opposed to them because their procedure and methods in adjudication do not satisfy the canons of judicial propriety.

CHECK YOUR PROGRESS

1. The Foreign Trade (Development and Regulation) Act, _____ enables the Director General or any other officer authorized for the purpose to suspend and cancel the importer-exporter code number.

2. _____ refers to a rule or order issued by an executive authority or regulatory agency of a government and having the force of law.

3. Article _____ of the Indian Constitution, which states the detriment of the common wealth and means of production is not the outcome of the functioning of an economic system.

4. The scope of the President's departmental organisation and correctly referred to in the American administration as the "_____".

GLOSSARY

Regulatory Commissions	: Regulatory agency, independent governmental body established by legislative act in order to set standards in a specific field of activity, or operations.
IRC	: Independent regulatory agencies are federal agencies created by an act of Congress that are independent of the executive departments.
Autonomy	: the quality or state of being self-governing especially the right of self-government

ANSWER TO CHECK YOUR PROGRESS

1. 1992

2. Regulation

3. 39 (c)

4. Islands of Autonomy

MODEL QUESTIONS

1. Explain the meaning and features of regulatory commissions.

2. Analyse the various merits and demerits of independent regulatory commissions.

3. Write an essay on the issues related to regulatory commissions in India.

4. Describe the various types of independent regulatory commissions in India.

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1. B.L.Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
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UNIT 12

<div align="center">BOARDS AND COMMISSIONS</div>

STRUCTURE

OVERVIEW

A Board is a group of people elected or appointed to discharge collectively some public function. If the head of a department is a body of persons jointly responsible, it is called the 'Board' type of organisation. There are many board of the Union and state levels to carry out assignments entrusted to them. In a general way it may be said that where the services do purely administrative work, the bureau type of organisation should be adopted, but if they do purely semi-judicial or semi-legislative work the board type would be better. In this unit, we will discuss in detail about the boards, advantages, disadvantages and various commissions in India.

LEARNING OBJECTIVES

After studying this unit, you should be able to

➢ Know the meaning composition, purpose of Boards and commission.

➢ Discuss the kinds of Board and commissions.

➢ Explain the advantages and disadvantages of Board and commissions.

12.1 INTRODUCTION

We are at the next level of understanding departments within the organisations. In the earlier article we understood about the line staff and auxiliary agencies and the organisation of business in departments based on the four principles of finance, process, clientele and geography. This article shall look at the distribution of authority within the department. Based on the distribution of authority, there are two main systems namely Bureau System and the Board or Commission system within departments. When all the administrative authority is invested in a single individual within the department then the system is Bureau. When a plural body is vested with all the administrative power then the system is known as Board or Commission. Now, the next obvious question that comes into the mind is how to decide which system to use.

According to author Raj Kumar Pruthi, in his book Administrative Organisations, there are conditions that determine the choice of systems:

• If the department is to carry out work of administrative character, the Bureau system is more appropriate. He further explains that for the administrative functions the speedy decision making, unity of command and promptness is required for efficient performance and it can be achieved only when the responsibilities and power are invested in a single individual.

• When the nature of work is such that a lot of discretion and care is to be maintained with respect to information which affects a large number of people, like the drafting of policies, rules and regulations, the Board or Commission kind of system works best. Also, when an organisation has to perform both kinds of functions, then in such cases as well, the Board systems works better. To sum up, for services and functions that require collective intelligence, holistic view points, mature decision making, a Board system works well as there are more members to arrive at balanced decisions.

The Board or Commission system is followed under following conditions:

- Organisations that perform quasi-judicial and quasi- legislative functions like the Railway Board of the Government of India
- Organisations which exercise large discretionary powers to perform their duties like the Public Service Commission
- Organisations which need representation from different groups to be able to function objectively like the Arbitration Board of Industrial Dispute
- In countries like USA, where representation of the opposition party is also included. The e.g. is the Tariff Commission of the USA

There has been a lot of debate amongst the scholars regarding whether the public organisations and their structures inherently differ from those of private organisations. Some support the argument saying that it does and some say that through the difference is there but it is only in the presence of red tapes in the public organisations. Those who oppose the statement argue that, the public organisations are very different from the private organisation in terms of lack of flexibility, excessive government control, lack of clear performance indicators like profit and loss and a lot of emphasis on rules and hierarchy. Some researchers like Pugh, Hickson and Hinnings pointed out that the size of the organisation and technological developments are other important determinants of the structures and hierarchy of any organisation.

12.2   BOARDS

A board is a body of members who are required to act collectively. A 'Commission' is also a body of members, but they act in two capacities. First, the members act collectively like those of a board; and secondly, each member also acts individually as head of a distinct branch of organisation. The common examples are those of a municipal board, and commission type organisation of a local body as in the USA. According to Graves the term 'Commission' is to be used when the body is charged with important regulatory duties relating to public utility enterprises. Where the duties are primarily administrative or where, if regulatory in character, they relate to matters other than public utilities, the 'board' is in general use.

12.3   COMPOSITION OF BOARDS AND COMMISSIONS

They may be composed of (i) members serving full time and entitled to compensation like other similar government servants; (ii) private members receiving no compensation as they are required to give only a small part of their time; (iii) ex-officio members, holding other offices. When duties are numerous part-time members should not be

appointed. There are usually three to nine members. All the members may be appointed simultaneously for a fixed term normally of three to five years or, one-half, or one-third retiring, and new ones being appointed in their places every alternate year or so.

12.4 PURPOSE OF A BOARD AND COMMISSION

(a) To provide plural leadership

(b) To provide autonomy and flexibility

(c) To execute the decisions promptly.

(d) To avoid political interference.

(e) To develop expertise in a particular area

(f) Those services which are of a quasi-judicial and quasi-legislative character, e.g., public utility corporations which perform two principal functions, viz.,

  (a) quasi-legislative formulation of rules and regulations for determining the rates and conditions of services:

  (b) Quasi-judicial decisions of judgements on issues affecting public and private rights arising under such rules and regulations.

(g) Those services whose duties call for the exercise of wide discretionary powers of general control, for example, a Public Service Commission.

(h) Organisation in which different interests are to be represented, e.g., commodity promotion board or conciliation board for the settlement of labour disputes.

12.5 KINDS OF BOARDS

The Minister is usually the head of a number of departments like Education, Defence, Home, etc. But some of our departments are headed on the administrative side by boards or commissions, e.g., Central Board of Revenue which controls Income-Tax, Customs and Excise Departments. The Railway Board is the administrative head of the railway department. In the states also we have boards of revenue, electricity boards, etc. In Britain the departments of Inland Revenue, Customs and Excise, Trade, Industry etc., are headed by boards. In the U.S.A. also there are boards like school boards, public health boards, etc.

The boards are of various types:

(1)   The Administrative Board:

Where the board is the head of the department it is known as administrative board, for example, the Railway Board, the Central Board of Revenue. Administrative Boards are created in Municipal administration, for various activities concerning health, library, recreation etc. These Boards administer and exercise control over the unit which is entrusted to them.

(2)   Advisory Board:

To advise the departmental head on important policy or technical matters, Advisory Boards are created outside the hierarchy of the Departmental head. Their advice is not binding on the head. These boards bring technical knowledge and information to the Departmental head. Every government department makes use of such kinds of advisory boards.

The advisory boards generally consist of technicians or experts. They stand outside the hierarchical organisation of the department and do not share the responsibility for doing the work of the department or the formulation of policy. These boards may also be called Committees. In India there are Central Advisory Board of Education, Railway Advisory Board, and University Grants Commission etc.

(3)   Board Tied into Hierarchy:

A part of work of the department may be entrusted to the Board. This Board performs quasi-legislative and quasi-judicial function with regard to the function entrusted to it. An office of the administrative hierarchy is appointed to administer the affairs of the Board. He is not responsible to the Board.

The best example of such Board which are tied into departmental hierarchy, are Secondary Boards of Education found in the various states of India. These Boards are connected with the Education Department through the Director of Education of the State.

(4)   Bipartisan Boards:

Sometimes boards are created consisting of representatives of the leading parties in order to eliminate party politics.

(5)   Central Social Welfare Board:

Central Social Welfare Board (CSWB) was conceived as an institution to be instrumental in bringing the neglected, weak, handicapped and

backward sections of society into the national mainstreams. Established in August 1953, the Board initiated several programmes for delivering welfare services to the most backward, marginalised and deserving sections of society. As a follow up, the State Social Welfare Advisory Boards were set-up with the task of implementing and monitoring different programmes of the CSWB.

Over the years, the Board has not only widened the scope of its programmes, but has also moved in policy approach from welfare and development to empowerment. Today, it is the largest national level organisation in the field of development and empowerment of women in the country. The CSWB was also envisaged as an interface between the Government and the voluntary sector for social development in the country. It has made a signal contribution in encouraging, assisting and promoting the growth of nearly twenty thousand voluntary organisations for reaching neglected women and children in the country.

12.6 ADVANTAGES OF BOARD

The board type is considered appropriate in the following cases:

(ii)   Where the duties are of a quasi-legislative or quasi-judicial character

(iii) Where the duties call for the exercise of wide discretionary powers or are of a general control character

(iv) Where it is desirable to have a number of different interests represented

(v)   Where the administration is required to be saved from any kind of external pressures and

(vi) Where the policies and techniques are not yet fully settled and deliberations are necessary to discover the right course of action.

L.D. White favours a Board or Commission type:

(i)   If the discovery and formulation of policy is desired;

(ii)   If it involves the exercise of wide discretionary or controlling powers affecting important private interests of property or powers;

(iii) If the exercise of coercive power in controversial areas is desired; and

(iv) If the protection of administrative integrity against hostile outside pressure is vital.

12.7 DISADVANTAGES OF BOARD

The disadvantages of the Board type are the following:

(iv) It leads to disintegration and lack of responsible directorship. When many persons head a department, there cannot be any unity of command.

(v) When many persons work collectively, individual responsibility cannot be fixed. Everybody's responsibility is nobody's responsibility.

(vi) The board decisions are generally compromise decisions among different interests. The compromise decisions are not always rational. It may be a compromise among the selfish interests of all the members.

(vii) It leads to delay in action. It cannot act promptly. Time is lost in consultation and discussion.

(viii) It may lead to party politics among the employees.

(ix) Dissensions and lack of team spirit among the Board members may lead to indiscipline in the organisation.

(x) The board is generally constituted of mediocre personnel or is packed with safe individuals.

Alexander Hamilton states, "Boards partake of a part of the inconvenience of larger assemblies. Their decisions are slower, their energy less, their responsibility more diffused. They will not have the same abilities and knowledge as an administration by a single man. Men of the first pretensions will not so readily engage in them; because they will be less conspicuous, of less importance, have less opportunity of distinguishing themselves. The members of Boards will take less pains to inform themselves and arrive to eminence because they have fewer motives to do it."

12.8 TYPES OF COMMISSIONS

1. Constitutional:

These commissions are of great significance as these are not under the control of the normal structure of Government. They can carry out their work impartially and independently. Their salaries are drawn from the consolidated fund of India and cannot be altered to their disadvantages. These are: (a) Election Commission, (b) Finance Commission, (c) Scheduled Castes and Scheduled Tribes Commission, and (d) Union and State Public Service Commission.

2.   Statutory Commissions:

These are created by the legislative of the Union and State Govt. University Grants Commission, AICTE, Atomic Energy Commission, Railway Board, Oil and Natural Gas Commission. They work under some ministry but are autonomous in their work.

3.   Commissions Set-up by Executive Order:

Handicraft Board, Central Social Welfare Board, Central Water and Power Commission. They provide expertise to the department under which they function.

12.9   ADMINISTRATIVE REFORMS COMMISSION RECOMMENDATIONS

The administrative reforms commission itself in its report of 1968 recommended that:

(1) Undertakings which are overwhelmingly exchanging concerns or spaces of business may have the organisation type of association.

(2) Development organisations ought to, be run as legal enterprises or as departmental undertakings.

(3) Statutory partnerships ought to be taken on in the mechanical and assembling fields.

(4) An administration organisation type of association might be embraced for undertakings to empower private investment.

The public authority's choice on these suggestions was: "For specific undertakings giving public utilities which are essentially planned to foster the fundamental foundation offices, the legal partnership type of the board might be best. For different endeavors remembering those working for the monopolistic field however where the business angle is dominating, the current type of an organisation might permit greater adaptability. The public authority, along these lines, doesn't consider that this type of legal enterprise ought to overall be taken on for public enterprises". The public authority has consequently chosen to proceed with its previous arrangement of supporting the organisation type of association for state endeavors.

12.10 THE ISSUE OF INTERNAL AUTONOMY

The independence of public enterprise raised an incredible discussion about their interior working and outer connection with the clergymen and the Parliament.

The interior independence was stated in:

(1) Policy matters,

(2) Day-to-day schedule activities,

(3) Personnel strategies and administration conditions, and

(4) Commercial review.

Also, ecclesiastical control was opposed and restricted forces of the concerned pastor were slowly acknowledged. The public authority has the power to outline rules and guidelines to work with the working of these undertakings. It can endorse structures, set down methodology and even recommend the exercises to be attempted.

The public authority stands engaged to delegate the administrator and individuals from the leading group of the executives and the overseeing chief. What's more, it holds the force of endorsement of arrangement to posts conveying compensations over a specific breaking point. The public authority can organize enquiries into the working of a corporation. The government can eliminate from office any individual from the administration board under specific conditions. The public authority can supersede a board if a specific leading group of the executives neglects to complete the reasons for which it was made or then again on the off chance that it neglects to do the orders gave by the public authority.

Additionally the force of giving directives is the main force which is practiced by a pastor. A sub-condition of a similar statement sets out that, if any debate emerges between the Central government and the organisation, the choice of the Central government will be conclusive and binding. The monetary forces of the pastor were limited to guidance, authorize and earlier endorsement. Priests are approved to delegate a monetary consultant on the overseeing leading body of a corporation. Such guide can practice a kind of blackball over influencing use and the monetary arrangement of the public authority. The approval of the public authority is important to authorize capital use over a specific sum, and for issue associated with borrowings, ventures, protections, dissemination of benefits, and so on

The endorsement of the public authority is needed with regards to the structures for keeping up with the records of the venture and for their

review. Generally, the review of records is finished by the inspectors named by the public authority. The public authority likewise controls the obsession of costs of merchandise delivered by the ventures just as the quantum and pace of installment for administrations rendered. The connection among priests and public endeavors has not worked without a hitch. The priests as a rule issue clear mandates recorded as a hard copy as they should do and assume liability for such orders before the Parliament. They have additionally decided to rely on impact and secure consistence of their desires through casual means like arrangement of authorities and non-authorities as director and individuals from administering sheets; assigning serving government officials to leader posts in open endeavors.

12.11 THE PARLIAMENTARY CONTROL

The parliamentary power over open endeavor has been unsystematic, random and ineffectual. It works through the instrumentalities of:

(a) Question hour

(b) Adjournment movements

(C) Parliamentary discussions

(d) Discussions on reports

(e) Parliamentary advisory groups particularly the CPU.

LET US SUM UP

The boards or Commission are a group of members who are required to act collectively upon all matters falling within their jurisdiction. It may be that the members act individually in the way of securing data, conduction of preliminary hearing etc., but no action is taken by them except as a body. In general, it may be said that where the services do purely semi-judicial or semi-legislative work the board type is better. In point of fact, however, the problem is not as simple as it appears to be because there are a number of branches of administration where the duties to be performed fall in both fields, for example, the Police, Education and Public Health departments. These departments are concerned not only with purely administrative work but some authority to make rules and regulations is also delegated to them by the legislature. In such services a mixed system of bureau and board type should be followed. For example, in the Education Department the law may provide for a Board of Education as well as for a Director of Public Instruction.

CHECK YOUR PROGRESS

1. In countries like USA, where representation of the opposition party is also included i.e. _____ Commission of the USA.
2. Administrative Boards are created in _____ administration, for various activities concerning health, library, recreation etc.
3. Central Social Welfare Board (CSWB) established in _____.
4. Statutory Commissions are created by the _____ of the Union and State Government such as University Grants Commission, Railway Board etc.

GLOSSARY

Statute	: A written law passed by a legislative body.
Boards	: When a plural body is vested with all the administrative power then the system is known as Board or Commission.
Bureau	: a department for transacting particular business.
Empowerment	: To authorize.

ANSWERS TO CHECK YOUR PROGRESS

1. Tariff
2. Municipal
3. August 1953
4. Legislative

MODEL QUESTIONS

1. Examine the purpose of a Board or Commission.
2. Analyze the advantages and disadvantages the Board.
3. Describe the various recommendations of ARC towards public Administration in India.

SUGGESTED READINGS

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Block IV

Nature of Management

UNIT 13

STRUCTURE

OVERVIEW

In designing an environment for the effective performance of individuals working together in groups, a manager's most essential task is to see that everyone understands the group's purposes and objectives and its method of attaining them. If group effort is to be effective, people must know what they are expected to accomplish. This is the function of planning. It is the most basic of all the managerial functions. The nature, purpose, types and methods of planning are explained in this unit.

LEARNING OBJECTIVES

After studying this unit, you should be able to

➢   Learn the meaning, nature and importance of planning.

➢   Know the steps involved in planning.

➢   Explain the limitations of planning and planning techniques

➢   Understand to make planning effective.

13.1 INTRODUCTION

Planning is a 'task number one' of management. It is the determination of a course of action to achieve a desired result. Planning concentrates on seating and achieving objectives of an organisation. It is deciding in advance what to do, how to do it, when to do it and who is to do it. Planning bridges the gap from where we are to where we want to go. Planning makes it possible to occur which would not otherwise happen. It is an intellectual process: it is characterised as the process of thinking before doing. It is ten per cent mental work. It requires a mental predisposition to think before acting, to act in the light of facts rather than of guesses, and generally speaking, to do things in an orderly way.

Planning function of management precedes all other managerial functions. Without setting the goals to be reached and line of actions to be followed, there is nothing to organise, to direct, or to control in the organisation. Only after having made his plans can the Manager organise, staff, direct and control. Planning actually is the foundation of management. The vital supporting columns of 'organising', 'actuating' and 'controlling' upon 'planning'; and all these combined together make up the bridge or 'Process of Management'.

Planning governs the survival, progress and prosperity of any organisation in a competitive and ever-changing environment. Further, the planning function is performed by managers at every level of management. However one should not induct from this view that planning is an isolated activity required in the beginning only. It is really a continuous and unending process to keep the organisation as a going concern and other functions are also performed simultaneously.

13.2 DEFINITION

Planning as a process involves the determination of future course of action, that is why an action, what action, how to take action, and when to take action. These why, what, how, and when are related with different aspects of planning process. Why of action reveals that action,

has some objectives or the end result which an organisation wants to achieve; what of action specifies the activities to be undertaken; how and when generate various policies, programmes, procedures and other related elements. Thus all these elements speak about futurity of action. "Planning is the selection and relating of facts and making and using of assumptions regarding the future in the visualisation and formalisation of proposed activities believed necessary to achieve desired result". "Planning may be broadly defined as a concept of executive action that embodies the skills of anticipating, influencing and controlling the nature and direction of change".

13.3 CHARACTERISTICS OF PLANNING

On the basis of the above definitions, the following characteristics of planning can easily be identified:

i.   Planning is very closely associated with the goals or objectives of the organisation. The goals may be express or implied; however, well-defined goals lead to efficiency in planning.

ii. Planning is mainly concerned with looking ahead in the future. Forecasting provides the necessary raw material for correct planning.

iii. Planning involves the selection of the best alternative.

iv. Planning is required at all levels of management. However, its scope and importance increase at successively higher levels.

v.   Planning is an inter-dependent process; it co-ordinates the activities of various departments, sections and sub-sections.

vi. Planning is flexible as it is based on future conditions which too are dynamic.

vii. Planning is a continuous and unending process.

viii. Planning governs the survival, growth and prosperity of any organisation.

13.4 NATURE OF PLANNING

Certain important elements which describe the nature of planning may be enumerated as below:

I. Planning is goal-oriented: Every plan must contribute in some positive way towards the accomplishment of group objectives. Planning has no meaning without being related to goals; it becomes an empty mental exercise if it does not keep the objectives of the organisation in views.

II. Primacy of planning: Planning pervades all managerial activity; it is the function of every manager. It facilitates organizing, staffing, directing, motivating and controlling.

III. Pervasiveness of Planning: Planning has been described as the most basic of all managerial functions. It is found at all levels of management, top management looks after strategic planning; middle management is in charge of administrative planning and lower management has to concentrate on operation planning.

IV. Planning is directed towards efficiency, economic and accuracy: In planning, the manager evaluates the alternatives on the basis of efficiency, economy and accuracy. A good plan should not only attain optimal relationship between outputs but should also bring the greatest deal of satisfaction to those implementing it.

V. Planning aims at Co-ordination: Planning co-ordinates the what, who, how, where and why of planning; without the co-ordination of different activities, one cannot have united and synchronised efforts.

VI. A planner cannot overlook the critical factors: A planner cannot overlook the critical factors like money, manpower, materials, machinery and management. These limiting factors must be taken into account while formulating a plan.

VII. Elasticity in planning: The process of planning should be adaptable to changing environmental conditions.

VIII. Planning: Planning is an intellectual process and the quality of planning will vary according to the quality of the mind of the manager.

IX. Planning involves continuous collection, evaluation and selection of data: It involves scientific investigation and analysis of the possible alternative courses of action and the best alternative becomes the 'plan'.

X. Planning is looking ahead and control is looking back: But both are inseparable as the Siamese twins of management. Unplanned action cannot be controlled. Any attempt to control without plans would be meaningless.

XI. Problems of planning: The basic questions that are to be answered in framing a plan are seven. (i) Why is the particular action necessary? It relates to the purpose of choosing a particular course of action, (ii) What is to be done? It indicates the different stages of the activity, their detailed analysis, and the sequential arrangements and so on. (iii) Where will it be done? (iv) When will it be done? (v) Who will do it?.

13.5 IMPORTANCE OF PLANNING

Planning precedes all other managerial functions. Since managerial operations in organizing, staffing, directing, and controlling are designed to support the accomplishment of organisational objectives, planning logically precedes the execution of all other managerial functions. Although all the functions intermesh in practice as a system of action, planning is unique in that it establishes the objectives necessary for all group effort. All other functions are performed to achieve the objectives set by the planning process. This can be presented as follows.

I. Planning: Planning is an orderly approach to the task of management. In the absence of planning, business decisions would become random, adhoc choices, like a pilot who has started without knowing whether he wished to fly to Bombay, Calcutta, Madras or Delhi. As a managerial function planning is importance due to the following reasons:

II. To manage by objectives: All the activities of an organisation are designed to achieve certain specified objectives. However, planning makes these objectives more concrete and tangible by focusing attention on them.

III. To offset uncertainty and change: Future is always full of uncertainties and changes; however, some of the uncertainties and changes can be predicted on the basis of forecast. Thus, planning foresees the future and makes the necessary provision for it. Even where the future is certain for some time, planning is necessary to evaluate the alternate courses of action and determine the ones leading to the continuous growth and prosperity of the organisation.

IV. To secure economy in operation: Planning involves the selection of most profitable course of action that would lead to the best result at the minimum costs.

V. To help in co-ordination: Co-ordination is, indeed, the essence of management, the planning is the base for it. Without planning it is not possible to co-ordinate the different activities of an organisation.

VI. To make control effective: The controlling function of management relates to the comparison of the planned performance with the actual performance. In the absence of plans, a manager will have no standards for controlling other's performance. In short, planning without control would be a fruitless exercise and control without planning is impossibility.

VII. To increase organisational effectiveness: Mere efficiency in the organisation is not important; it should also lead to productivity and effectiveness. Planning enables the manager to measure the organisational effectiveness in the context of the stated objectives and take further actions in this direction.

13.6 STEPS IN PLANNING

It is not necessary that a particular planning process is applicable for all organisations and for all types of plans because the various factors that go into planning process may differ from plan to plan or from one organisation to another. For example, planning for a major action will take more serious evaluation of various elements necessary for planning but this may not be true for a minor one. Similarly in a small organisation, planning process may not be taken in the same ways as in a large organisation. Here is given a process of planning which is applicable for a major programme like opening of a new product line or acquisition of a major plant. With minor modifications the process is applicable to all types of plans.

The sequences of various steps in planning are in such a way that they lead to the translation of an idea into action by reaching to the state of establishing of sequences of activities. Each stage contributes to plan formulation in the following ways. Perception of opportunities is not strictly a planning process. However, this awareness is very important for planning process because it leads to formulation of plans by providing clue whether opportunities exist for taking up particular plans. From this point of view, it can be considered as the beginning of planning process.

The organisational objectives should be specified in all key result area. After determination of organisational goals, the next step is establishing planning premises, that is, the conditions under which planning activities will be undertaken. Planning premises are planning assumptions- the expected environmental and internal conditions. Thus planning premises are external and internal. The nature of planning premises differs at different levels of planning.

Based on the organisational objectives and planning premises, various alternatives can be identified. The concept of various alternatives suggests that a particular objective can be achieved through various actions. Within each category, there may be several alternatives. Various alternatives which are considered feasible in terms of

preliminary criteria may be taken for detailed evaluation. At this stage, an attempt is made to evaluate how each alternative contributes to the organisational objectives in the light of its resources and constraints. After the evaluation of various alternatives, the fit one is selected. Sometimes evaluation shows that more than one alternative is equally good. In such a case, a planner may choose more than one alternative.

After formulating the basic plan, various plans are derived so as to support the main. After formulating basic and derivative plans, the sequence of activities is determined so that plans are put into action. Based on plans at various levels, it can be decided who will do what and at what time. Budgets for various periods can be prepared to give plans more concrete meaning for implementation.

Formulation of strategic for long-range plan:

"Strategic planning is the process of determining the fundamental or central concept of the corporation describing the mission or creed, major corporate objectives, policies and strategies that will govern the acquisition, use and disposition of resources (human and non-human both) to achieve the over-all corporate objectives and goals. Objectives include mission or purposes, as well as specific objective at each level of management desired by an organisation. Policies are broad guidelines to action and Strategies are the preferred means to allocate resources to achieve the desired objectives (ends). In strategic or long-range planning, we cover all important areas of business activities, such as, profits, capital expenditure for growth or diversification, organisation structure, managerial philosophy, pricing, leadership in the market, finance, personnel, advertising, industrial relations, know-how capabilities, product planning and development, research and development, management development, social responsibilities and similar other topics.

Formulation of functional or tactical plan:

Tactical plans relate to each area of operation, e.g., purchase, production finance, personnel, marketing, research and development, etc. These departments will formulate their goals in conformity with the major corporate objectives.

Formulation of action programmes:

There are three important constituents of an action plan: (i) the time-limit of performance, (ii) the allocation of tasks of individual employees, and (iii) the timetable or schedule of work so that the functional objectives are achieved within the pre-determined period.

Reviewing and recycling the planning process:

'Planning' (Deciding what to do), 'Action' (Doing it) and 'Control' (Comparing the actual with the planned) are closely related managerial functions. These phases of the management process cannot be completely separated in practice. The systems approach emphasizes that through control mechanism these phases should be properly integrated. Through feedback mechanism an attempt is made to secure that which was originally planned. To do this we have to compare the actual performance with the performance predicted from the plan and then we have to take necessary corrective actions to ensure that actual performance as per planned goals.

Effective communication of plans:

It is essential that the plans are properly and effectively communicated to all the managers concerned. This, of course, is not necessary if they have participated in planning. But, wherever such participation in planning is not possible, it is the duty of top management to have the plans properly communicated to all the managers. An uniformed manager is an ineffective manager. The better informed a manager is as to the plans, the better will he be able to do his job and the more he will contribute to the objectives of the enterprise.

Establishing a climate for planning:

The following points should be borne in mind for establishing a proper climate for planning:

i. **Planning should not be left to chance:** Every senior manager should remove the obstacles to planning and try to establish a climate in which his subordinates may plan.

ii. **Planning must be organised:** A good organisation structure, through appropriate grouping of activities and clear delegation of authority, establishes an environment for planned performance.

iii. **Welcome the changes**: It must be an objective of the manager to build in his organisation an awareness of change and an ability to forecast it, and also construct an attitude of welcoming change.

Execution of plans:

The step involved in the execution of plans are summarised below:

i. Divide the total operations necessary to achieve the objective into parts; the kind of work, the quality and the quantity should also be indicated.

ii.   Note the necessary sequence and the relationship between each of these parts.

iii.   Decide who is to be responsible for doing each part.

iv.   Estimate the time required for each part.

v.   Assign definite date when each part is to take place.

13.7   TYPES OF PLANS

An enterprise may have the following types of plans:

I.   **Business or Divisional Plans:** If an enterprise has separate divisions for different products like radios, televisions sets, electric computers and spare parts; divisional plans can be prepared for each one of these divisions separately.

II.   **Functional plans:** These relate to the various functions of the enterprise. For example, a marketing plan may be prepared for the enterprise as a whole as also for each of the divisions of the enterprise.

III. **Geographic or Regional Plans:** If an organisational has got regional divisions it may have plans for each division or zone. They are also known as territorial plans.

IV.   **Corporate Plan:** It relates to the complete plan for the entire organisation.

V.   **Long, medium and short-range plans:** Long-range plans extend to 10 or 20 years; medium-range plans extend to 5 years and short-range plans generally extend to one year.

Planning results in several individual plans or component parts which are bound together in a consistent operation. Some of these are in the form of standing plans while others are single-use plans. For example, objectives, policies, strategies, rules, procedures, etc., and standing plans because once formulated, they will be used for a long period and repeatedly. On the other hand, budgets, targets, quotas are single-use plan because once these are achieved, these are to be formulated again. The basic difference between standing plans and single-use plans, thus, lies in their use over a period of time; standing plans are used over a period of time and single-use plans are used for only specific period. Various plans in an organisation may be purpose or mission, objectives, strategies, policies, procedures and rules, programmes, and budgets.

Purpose or Mission:

Purpose or mission is a standing plan in the sense that it defines the basic intention of an organisation in the light of which other actions are designed. An organisation's mission consists of a long-term vision of what it seeks to do and the reasons why it exists. It is management's concept of the organisation and its contribution to the society. The mission of an organisation, when expressed in managerially meaningful terms, indicates exactly what activities the organisation intends to engage in now and in future. It suggests something specific about what kind of organisation it is or is to become.

Objectives:

Objectives, or goals, are the end results towards which activities are aimed. Every organisation, being a deliberate and purposive creation, has objective or set of objectives. In large organisations, objectives are arranged in hierarchy in which the objectives of a lower unit contributes to the realisation of a higher unit objective. The nature of objectives and their relationship to planning are discussed in the next chapter as classificatory scheme of various plans does not provide enough scope to include all that.

Strategies and Policies:

Strategies are the complex plans for bringing the organisation from a given posture to a desired position in the future period. These include broad concepts of an organisation's operation. Policies are general statements or understandings which provide guidance in decision-making to various managers. Strategies and policies will be discussed in detail in a separate chapter.

Procedures:

Procedures are plans in that they establish a method for handling future activities. These are specific manners in which a particular activity is to be performed. They prescribe basically the chronological sequences of the action required to achieve an objective.

Rules:

Rules are prescribed guides for conduct or action. These are plans as they are a course of action which is chosen from among alternatives. A rule is a specific guide for action, established authoritatively, and utilised in order to inform employees of conditions under which designated activities are to be performed. There may be several areas where rules are to be specified for the performance of organisational activities.

Projects:

A project, or programme, is a type of plan which can be thought of in terms of planned actions integrated into a unity and designed to bring about a stated objectives. It is a scheme for investing resources which can be analysed and appraised reasonably and independently. It can be a gigantic scheme like a multi-purpose river valley project or small project like purchase of a calculator. A project involves basically the investment of funds the benefits from which can be accrued in future. Examples of investment may be outlays on land, building, machinery, research and development, etc., depending upon the situation.

Budgets:

A budget is a plan of expected results expressed in numerical terms. It expresses organisational and department objectives and programmes in financial and non-financial quantities. It anticipates operating results over some future period of time, normally one year, and provides a basis for measuring performance as plans are translated into accomplishments. The budgets may be prepared for various activities. They provide guidelines for action and also standards for control.

13.8 ADVANTAGES OF PLANNING

The advantages of planning may be summarised below:

i.   The business objectives can be easily secured through plans because planning enables a purposeful and orderly set of activities instead of random action. It provides co-ordinated efforts and reduces risks and uncertainties.

ii.   Planning facilitates the process of decision-making

iii. Planning helps the management to implement future programmes in a systematic manner so that the management may get the maximum benefit out of the programmes chalked out. It enables all the activities to be conducted in an orderly and coordinated manner to achieve the common goals of the organisation.

iv.   With the rapid growth of technological development, it is essential for a manager to keep abreast to the latest technology, otherwise the products are likely to get obsolete. Planning helps in this process.

v.   Planning indirectly leads to large-scale economies by avoiding waste of men, money, materials and machinery.

vi.   Planning leads to budgeting and budgeting leads to budgetary

control; thus the success of budgetary control depends considerably on effective planning. It is at the planning stage that the future prospects of an undertaking are taken care of.

vii. Planning encourages the sense of involvement and team spirit. Planned targets provide a basis upon which good performances can be rewarded and poor performances can be taken care of.

viii. Planning is the essence of all management activities; once planning is done well, other activities automatically follow.

ix. A greater utilisation of the resources and available facilities can be made because of planning. This reduces costs and results in higher profitability.

The managerial process will go through many cycles before the desired objectives are realized. Hence, it is advisable to look at the planning function as a continuous function of the manager.

13.9 LIMITATIONS OF PLANNING

Some of the limitations of planning are as following:

(1) It has been considered as a time-consuming and expensive device. Further, the framing of plans involves money, energy and also risk without giving any guarantee as to the realization of assured goals.

(2) Due to the heavy cost of planning and the risk involved in it, similar business concerns which are short of capital and which expect quick results cannot afford to have a planning programme.

(3) Planning makes the entire organisational setup extremely rigid.

(4) Planning leads to probable results and not assured goals.

(5) Last, but not the least, machinery of planning cannot be free from bias, forecasting methods, statistical data supplied, etc., are all inaccurate and the results of operation research cannot be applied to all cases that come under planning.

(6) In the planning process, the quality of the output is only as good as the quality of input.

(7) Tendency towards inflexibility or reluctance to chance, once the plans are framed, is another limitation of planning.

(8) Planning encourages a false sense of security against risk or uncertainty.

(9) Emergencies demand on-the-spot decision, but planning delays it.

(10) Standing plans demand repetitive operations, but in the absence of such operations, plans lose their significance.

13.10 MAKING EFFECTIVE PLANNING

The managers should take adequate precautions to make planning activity more effective to gain its real contributions in realising organisational objectives. However, it is not sufficient to say that managers should take action to make planning effective, but they should be clear about what actions can be taken in this regard. Following factors are important to make planning exercise more effective.

I. Establishing Climate for planning:

Managers should create a climate where every person in the organisation takes planning action. Every superior manager should remove obstacles to planning and present facilities for planning. This can be done by setting goals, establishing and publishing planning premises, involving all managers in planning process, reviewing subordinates' plans and their performance, and ensuring that managers have appropriate staff assistance and information. All these steps add to recognising that planning will not occur unless it is forced and the facilities required to undertake planning are provided.

II. Initiative at Top Level:

Planning to be effective must originate at top level. It must be supported by top management. In fact, in any organisation, the role of top management in planning is quite unique and important. It is the top management which is responsible for the success or failure of any organisational process, and planning is no exception.

III. Participation in Planning Process:

No doubt, top management can initiate planning process by providing goals and planning premises, effective planning can take place by the participation of subordinate managers. The best planning is likely to be done when managers are given opportunities to contribute to plans affecting areas over which they have authority. Participation in planning affecting managers' areas of authority at all levels through their being informed, contributing suggestions, and being consulted leads to their commitment, loyalty to planning, and enthusiasm to implement the plan.

IV. Communication of planning Elements:

Many planning efforts fail because managers do not really understand their goals and other planning premises which affect their planning efforts. Similarly lack of proper understanding of organisational policies and strategies affects planning, particularly at the lower levels. In order to avoid this impediment, it is highly desirable that these aspects of

planning are communicated properly. It planning division has been created, it can communicate planning aspects to various level managers. If no such division exists, there should be direct communication between various levels of managers whose planning efforts are directly related. While communicating, it should be borne in mind that information about planning should be specific and clear. Those who execute a plan can do their best if they understand their own assignment and the plan in its entirety-including its objectives, the general and specific means of attaining them, and jobs others are expected to do.

V. Integration of Long-term and Short-term plans:

To be effective, it is necessary that both long-term and short-term plans are fully integrated in which short-term plans should be taken as contributing to long-term plans. If managers emphasises only short-term plans, they cannot set direction for their future course of action. Long-term and short-term plans can best be integrated if the latter is prepared in the light of the former. Similarly, if the long-term plans are prepared keeping in view what the organisation can implement by way of its short-term plans, coordination between the two can be achieved.

VI. An Open Systems Approach:

Planning can be made effective by taking it as an open systems approach. It suggests that managers must take into account interactions with their total environment in every aspect of planning. Objectives, a starting point in planning, should be set taking into account the various environmental forces. Planning premises represent a clear recognition that plans cannot be constructed in the vacuum of an internal system. The interfaces and interactions of plans with every element of the conditions and influences surrounding an organisation are many and complex. This fact should be recognised in the planning process. Therefore, it should not be taken as simple process, but the process of many interactions and influences.

13.11 PLANNING TECHNIQUES

Various techniques have been evolved to facilitate governmental planning and make it more and more precise and scientific. Planning, Programming and Budgeting System (PPBS), Programme Evaluation Review Technique (PERT), and Critical Path Method (CPM), Management Information System, Cost Benefit Analysis, Organisational Planning are but a few techniques very much use in government today. We shall not briefly discuss about each of them.

The Planning-Programming-Budgeting System (PPBS) has been widely used in the U.S.Government. It has also been put to limited use in the Government of India. This technique grew out of Robert McNamara's quest for economic rationality in defence expenditure, when he was the U.S. Defence Secretary. Very briefly, the steps involved in PPBS are as follows:

i.   The department's objectives have to be defined clearly and the programmes needed to accomplish the objectives have to be outlined.

ii. The output of each programme has to be carefully calculated in relation to the objectives.

iii. Total costs of the programme have to be worked out as clearly as possible.

iv. Within a long range and perspective view of the future, programme planning has to be undertaken on multi-year basis.

v.   The programme objectives have to be rigorously reviewed and their outputs and costs examined carefully. Ultimately, one has to arrive at the most effective means of producing a desired output at the lowest cost; and

vi. The last step would be to integrate PPB into the budgetary process as it rolls on from year to years.

One of the most widely used network techniques is Programme Evaluation and Review Technique and Critical Path Method. In PERT/CPM, the activities to be accomplished in completing a project are identified. It involves steps ranging from the start to the completion of a large project. All these steps involved are written in a diagram, showing the sequence of events in an orderly manner. The time required completing each activity, personnel required, resources, and expenditure on each activity are estimated. The network diagram undergoes modifications, until a harmonious combination of time, resources and costs is reached. Responsibility for completion of each activity is allotted to a position holder in the administration. The network is used to monitor and review the progress of work. Time and cost over runs are identified in advance and appropriate action is initiated.

Administrative planning has to take care of organisational planning as well. Specific government departments are involved in the performance of allotted activities. It is necessary to bring about a close fit between organisation and intended activities. Administrative planning, since it

charts out future courses of action, has to depend on reliable data and information. Proper systems of data storage and retrieval become relevant in this context. What is known as Management Information System has now been accepted as an indispensable aid to planning and decision-making. After all, administrative planning is meant to bring about desired changes within the governmental organisation or in some specific sectors or aspects of society. Hence, planning has to rely on the technique of projection and forecasting.

13.12   FEATURES OF A GOOD PLAN

Good Plan' is that which (i) is based on a clearly defined objective, (ii) is simple, (iii) provides for a proper analysis and classification of actions, i.e., which establishes standards, (v) is flexible, (v) is balanced, and (vi) uses available resources to the utmost before creating new authorities and new resources. The best test of effective planning is its realistic and viable nature. A good plan must be pragmatic and must lead the organisation forward on the path of progress and prosperity. A good plan opens up new avenues, new ways of doing things and reveals specific opportunities previously unknown to the planner.

LET US SUM UP

The planning is central to all functions of management. It is a bridge between the present and the future; it has been called the primary management function. Planning is particularly important because of scare resources and uncertain environment with a fierce competition for these resources. Planning is a decision making activity requiring the process of ascertaining objectives and deciding on activities to attain these objectives. It is also a process of preparing for change and coping with uncertainty by formulating future. The basic purpose of planning is to reduce the risk of uncertainties, and to initiate a coordinated effort within the organisation for the purpose of organisational success. Thus this unit explains the need and significance of planning for all types of organisations.

CHECK YOUR PROGRESS

1. The _____ Budgeting System (PPBS) has been widely used in the U.S.Government.

2. Planning indirectly leads to large-scale economies by avoiding waste of men, money, materials and _____.

3. _____ is a standing plan in the sense that it defines the basic intention of an organisation.

4. The process of determining the fundamental or central concept of the corporation describing the mission or creed, major corporate objectives, policies and strategies _____.

GLOSSARY

PERT (Programme Evaluation and Review Technique) and CPM (Critical Path Method)	: They are techniques of project management useful in the basic managerial functions and planing, scheduling and control.
Mission	: The mission is the central guiding concept describing the fundamental reason for the existence of an organisation.
Strategy	: Strategy is the complex plan for bringing the organisation from a given posture to a desired position in the future period.
Project	: A project is a complex of policies, procedures, rules etc. to carry a given course of action.

ANSWERS TO CHECK YOUR PROGRESS

1. Planning-Programming

2. Machinery

3. Purpose or mission

4. Strategic planning

MODEL QUESTIONS

1. Discuss the steps involved in planning.

2. "Planning is the first importance function of an executive" - Comment.

3. Analyse the limitations of planning and suggest the ways to make planning effective.

SUGGESTED READINGS

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UNIT 14

STRUCTURE

OVERVIEW

Decision making, though permeates all managerial functions, and is at the core of planning because it is the planning where major decisions are made which set the organisational tone. It has to be done in connection with formulating plans, establishing objectives, laying down policies, and so on. Decision making is both a managerial function and an organisational process. Most important decisions today are made by groups of managers rather than by an individual. In this unit, we will study in detail about the decision making and its features.

LEARNING OBJECTIVES

After studying this unit, you should be able to

➢   Understand the characteristics and essentials of decisions making.

➢   Learn the theories and approaches of decision making.

➢   Know the guidelines for effective decision making.

14.1   INTRODUCTION

The decision making is to see a decision as an act of choice by which an individual or organisation selects one position or action from several alternatives. A decision not to act at all is also possible. However, most frequently, the decision results in some tangible action, such as rules, policies, orders, changes or other concrete events. It is a conscious and human process. Decision making permeates all management activities; hence it is also described as 'The Heart of Managing'. At is at the core of planning. A plan cannot be said to exist unless a decision a commitment of resources, direction has been made. Decision making is a step in planning.

Decision making is thus an act of projecting one's own mind upon an opinion or course of action. Three aspects of human behavior are involved in decision making (i) cognition, activities, of the mind associated with knowledge; (ii) conation the action of the mind implied by such words as willing, desire, and aversion; and (iii) affectation, the aspect of mind associated with emotion, feeling mood, and temperament. All these factors go into decision making that is choosing the most desired alternative out of several.

14.2   CHARACTERISTICS OF A DECISION

i.   Decision is the choice of the best course among alternatives.

ii.   Decision is the end process preceded by deliberation and reasoning.

iii.   Decision-making is a mental process because the final selection is made after thoughtful consideration.

iv.   Decision involves rationality because through decisions an endeavour is made to better one's happiness.

v.   Decision is aimed at achieving the objectives of the organisation.

vi.   It also involves the evaluation of the variable alternatives because only through critical appraisal one can know the best alternative.

vii.   It may also be negative and may just be a decision not to decide.

viii. Decision making involves a certain commitment. This commitment may be for short run or long run depending upon the type of decision.

ix. Decision relates the means to the end.

14.3 IMPORTANCE OF DECISION MAKING

The importance of decision - making cannot be over-emphasized. According to Melvin T. Copeland, Administration essentially is a decision-making process and authority is responsibility for making decisions and for ascertaining that the decisions made are carried out. In business, whether the enterprise be large or small, change in condition occur, shifts in personnel take place, unforeseen contingencies arise. Moreover, just to get wheels started and to keep them turning, decisions must be made".

At the heart of planning is decision - making the selection of a suitable course of action. It is an important function of management. Management without decisions is like a man without backbone. Nothing can be performed without taking decisions.

Every aspect of management functions, such as, planning, organisation, motivation and control is determined by decisions, the result of which is the performance in the organisation. The days of hit-and-miss methods in management are over, and have been replaced by new concepts and scientific techniques. Decision-making is, therefore, vital to all management activities. It helps set definite objectives, prepare plans of action, determine organisation structure, motivate personnel and introduce innovations.

14.4 ESSENTIALS OF DECISION MAKING

I. Top executive should be capable of taking worthwhile decisions:

The techniques of decision-making are important, but more important is the skill and commitment on the part of the top executive. To be successful in developing decision-making skills, decision-makers must go beyond a willingness to accommodate to change; they must want to create change and to control situation surrounding them because they have to control situation surrounding them because they have identified worthwhile things to do these things. Men can't develop decision-making skills unless they are action-oriented and want to do worthwhile things.

Lousis A. Allen in his book, Management and Organisation, has rightly said that a person is born with the talent for personal leadership but must learn management leadership. There is a need to equip the top management rather than dealing merely with the operative management. Operative management is like a business mechanic who has learnt his executive trade chiefly in the school or hand knocks by the process of trial and error. Administrative management is like a professional executive who is trained in the art and science of management, decision-making and also equipped intermittently, who can adjust the management to maintain internal and external equilibrium and keep the organisation stable and efficient.

II. Multi-disciplinary Approach:

Decision-making is a complex process and is influenced by a number of disciplines - social sciences, Physical Sciences, Pure, Sciences, Mathematics and Applied Sciences.

III. Knowledge of environment:

The decisions affect and are affected by political, economic, social and cultural factors prevailing in the environment. Therefore, the decision-making must be suited to the environment. The same decision may not be correct under the two different sets of circumstances. A continuing situation of necessary interaction between an Organisation and its environment introduced and element of environmental control in the organizaion.

IV. Familiarity with the aspirations of the clients:

Decisions are the means and not the ends. Decisions affect the lives of the people directly or indirectly. Therefore, it is useful to consult the people interstate in the decision such as interest groups and pressure groups, etc. Pt. Nehru had rightly said that the administrators should not retire in their cells but should mix with all kinds and conditions of people. From them, they will learn the thighs that are not in their files.

V. Personnel and organisational requirements:

In a complex organisation, there must be genuine goodwill between the superiors and the subordinates. This requires leadership equipped with technical knowledge,. Leadership must be innovative. We can sum up in the words of Simon, who suggests that the process of decision-making includes three identifiable and essential phases. "The First phase of decision-making process - I shall call intelligence activity (borrowing the military meaning of intelligence).

The second phase - inventing, developing and analysing possible course of action - I shall call design activity. The third phase selection of a particular course of action from those available - I shall call choice activity.

VI. Management information system:

Social, political and economic data are indispensable for decision-making. Information is the most important and crucial ingredient of the decision-making process. It is now well recognised that the decisions that an executive takes today and the efficiency with which he discharges his functions and responsibilities, depend to a large extent on the quality of information which he is able to obtain, and the manner in which he uses this information. Decision-making in today's complex situation and environment requires scientific basis. The aim of administration is to develop an intellectual climate in which the non-rational elements are reduced to a minimum, in which therefore, administrative organisation as such, becomes less important as a determining factor in decisions; and finally in which the logic of the situation narrow the possible choice to one right answer.

VII. Knowledge of management techniques:

There are many management techniques, which can help the executive in taking quick and accurate decisions. The executive must learn these techniques so that the decisions made by him are sound. These techniques wherever applied, have proved useful in good decision – making.

14.5 TYPES OF DECISIONS

Some of the important types of managerial decisions are as below:

I. Programmed and Non-Programmed Decisions:

Simon has classified all decision into two classed: (i) Programmes decisions, and (ii) Non- Programmed decisions. Such classification of decisions is made on the basis of the use of operations research.

(i) Programmed decisions:

Programmed decisions are normally of repetitive nature and are taken within the broad policy structure. An organisation can develop specific processes for handling these decisions, e.g., standing operating procedure and policies. Programmed decisions have short-run impact and are taken by lower level manager, such as granting leave to an employee, purchases of materials in normal routine, etc.

For example, if there is a habitual absentee in an enterprise, you have a set procedure to deal with him and you need not refer the problem to the Personnel Manager or to the Board of Directors in order to arrive at a solution. If a manager spends appreciable time in dealing with programmed decision, he is wasting time which he could more profitable spend in dealing with non-programmed decisions.

(ii)Non-Programmed decisions:

Non-Programmed decisions are of non-repetitive nature. Their need arises because of some specific circumstances, such as opening of a new branch, introducing a new product in the market etc. They involve judgement, intuition and creativity. Such decision is taken by top management. For examples, of a large number of employees suddenly started absenting themselves without information it would constitute a problem involving the non-programmes decision. No routine decision can be taken in such a case merely by issuing a charge-sheet to all the workers and taking disciplinary action against each one of them. The management should thoroughly probe into the causes and consequences of such a problem.

II. Major and Minor decisions:

Decisions may be classified as major and minor. For example, if it relates to the purchase of big machine worth, say a lakh of rupees, it is a major decision. On the other hand, purchases of fountain pen ink or a few reams of paper are minor matters and may be decided by the Office superintendent.

III. Routine and Strategic decisions:

Routine decisions are also known as tactical decisions. They are taken in the context of day-to-day operations of the organisation. They are not very important. Mostly they are of repetitive nature and do not require much analysis and evaluation and can be made quickly. Authority for taking such decisions is generally delegated to middle and first-line mangers. They do not involve any high risk or uncertainty. For instance, sending samples of a product to the Government investigation center is a routine decision.

IV. Strategic or Basic decisions:

Strategic or Basic decisions relate to policy matters and usually involve large investments or expenditure of funds. These decisions are mostly non-repetitive in nature. These decisions are taken by higher level of management after careful analysis and evaluation of various

alternatives. A slight mistake in these decisions is bound to injure the entire organisation. Examples of strategic decisions are: major capital expenditure decisions, all decisions affecting organisation, productivity, pricing location and size of the business, change in product line etc.

V. Policy and Operative decisions:

Policy decisions are taken by top management and they mostly relate to basic policies. Such decisions are very important and they have a long-term impact. Big, concerns generally publish their policy decisions in the form of a Policy Manual which becomes the basis for other operative decisions.

Operative decisions relate to the day-today operations of the enterprises. They are generally taken by middle and lower level management who are more closely related with the supervision of actual operations. Whether to give profit bonus to employees or not is a matter of policy to be decided by top management; but calculating the bonus in respect of each employee is an operating decision which can be taken at a much lower level.

VI. Organisational and Personal decisions:

The executive makes organisational decisions, when he acts formally as a company officer. Such decisions reflect the basic policy of the company. They can be delegated to others. Personal decisions relate to the executive as an individual and not as member of an organisation. Such decisions cannot be delegated.

VII. Individual and Group decisions:

As is apparent, individual decisions are taken by a single individual in the context of routine or programmed decisions where the analysis of variables is simple and for which broad policies are already provided. Group decisions are taken by a group or a standing committee constituted for this specific purpose. Such decisions are very important for the organisation, because they involve the participation of a large number of persons.

VIII. Long-term, departmental and Non-Economic decisions:

Decisions may also be classified as long-term department and non-economic. In the case of long-term decisionist he period covered is long and the risk involved is more. Department decisions are taken by the departmental head and realty to the department only. Decisions relating to non-economic factors (such as technical values, moral behaviour etc.) may be termed as non-economic decisions. While taking decisions on

these factors, care should be taken to see that justice is done to all and as a result of this decision, no new problem is created for the organisation.

14.6 THEORIES OF DECISION MAKING

Three major theories of decision - making are (i) The Intuition or the Traditional Theory, (ii) The Classical Theory, and (iii) The Administrative Man or the Behavior theory.

Mostly, decision are taken by intuition, i.e., without really considering carefully all the alternatives. Actually, many of the decisions taken by most of us are on intuition. in other words, a person just decided upon a course of action because the feels that the particular course is the best one. This is Traditional or the Intuition Theory. Scientifically speaking, this kind of feeling has no rationale behind it.

On the other extreme is the totally rational man who taken all his decision after a careful probing into all the alternatives. The classical Theory implies that decisions are made rationally and are goal-directed. It is essentially a theory of decision - making under conditions of certainty. This theory is subject to the following criticism:

(1)   It is a normative rather than a descriptive theory.

(2)   It is based on the assumptions of a rational-economic man.

(3) It is based on conditions of certainty, which is a rare phenomenon.

(3)   It implies that managerial goals are stable but in actual practice theory are subject to revision due to environmental changes.

(4)   Organisations have plural goals and these goals are often conflicting with one another.

According to the Administrative Man or Behavioural theory, decisions are made on the basis of a limited, approximate model of the real situation.

According to Simon a person makes decisions not only on an absolutely logical analysis of facts but also on his intuition, habit, way of thinking and value system. In short, usually a person takes decision based on this thinking of what out to be. It is because (i) The man does not have full knowledge of alternatives nor does he have full knowledge of the consequences of each alternative. (ii) The future is uncertain and one has to necessarily imagine it. In doing so he is mostly affected by his value system i.e., how he looks at things. (iii) A decision - maker just takes up a course of action which satisfies and meets his requirements.

14.7 STEPS IN DECISION - MAKING

For any of us to make a wise decision, we must engage in five destined steps as shown in the Chart. These steps, however, are quite elusive and difficult for the avenge individual to follow in attempting to reach a wise decision. Most of us take a decision on the basis of emotion or hunch, rather than logic. Therefore, it is necessary for the top level and the middle level executives in an administrative organisation to take decisions on the basis of the steps outlined below. Let us analyse these steps in detail.

Problem - Solving

I.	Problem Identification	Recognition of the existence of a Problems
II.	Problem Analysis	Determining the What, Why, When, Where, How and who of a problem
III.	Determine the possible Alternatives	Various structuring of resources of solve problems
IV.	Evaluate the Impact of of Alternatives	Impact of alternatives on all facets the organisation
V.	Selection of an Alternative course	Commitment of resources to a of action
VI.	Implementation of the of Decision	Positive effort towards attainment goal

I. Problem identification:

Diagnosing the problems is an essential step for rational decision-making. The ability of an executive to identify problems can be compared to that of a medical doctor diagnosing human problems. Sometimes, decision-maker is led astray by identifying the symptoms as causes and when he subsequently treats the symptoms, he fails to eliminate the cause of the problem. Therefore, it is necessary that he problem is recognised and identified and identified and not simply the symptoms. In this step, the decision-makers must separate the relevant from the irrelevant, the material from the immaterial; the important from the unimportant. In this step, clear thinking and open mindedness should prevail. Once the real problem has been identified and thus stated, the decision-maker enhances the chances of solving it to a large extent. The old proverb that a problem defined is a problem half solved is more than true in this situation.

There are no definite steps in regard to problem identification. In some situations, all of these may not be required. These are:

(i)   Determine expectation through present standards of performance,

(ii) Record actual performance by observation and measurement,

(iii) Observe differences between expected performance and actual performance; and

(iv) Identify the problem as to who, how and why of the observed differences.

II. Problem analysis:

Problem analysis is the next step in successful problem solving. Henderson and Suojanen have suggested four steps to help problem analysis.

(i)   Classify the problem separate symptoms from problems; describe the causes and nature of the problem. If it is too large - sub-divide it.

(ii) Search for and gather data, combine additional information with that what is known and determine relationships.

(iii) Analyse data - determine if the data is useful in isolating and describing the problem.

(iv) Evaluate data - relate data to symptoms and causes for initial development of solutions.

III. Determine possible alternatives:

This is a difficult step in decision-making. The decision-maker should keep in mind all logical solutions to the problems and not only those which tend to shape up his preconceived or per solution. The emphasis should be to minimize the impact of previous solutions to the problem. There is nothing wrong to take into consideration the previous solutions, but the thing to be avoided, however, is relying on these previous solutions as the only source of ideas. In trying to generate new alternatives, it is useful to list all and even the most remote alternatives, one can think of on a piece of paper. Alternative solutions are in fact our long tools to mobilize and to train the imagination.

Decisions made without considering alternatives may have unfortunate consequences. Drucker makes this point succinctly in the following passage' "Whenever one has to judge, one must have alternatives among which one can choose. A judgement in which one can only say

yes to no is no judgement at all. Only, if there are alternatives one can hope to get insight into what is truly at stake. A decision without an alternative is a desperate gambler's throw, no matter, how carefully thought it might be... If one has thought through alternatives during the decision-making process, one has something to fall back no something that has already been through, that has been studies that are understood. Without such an alternative, one is likely to flounder dismally when reality proves a decision to be inoperative.

IV. Evaluate the impact of each alternative:

The decision-maker now takes into account each alternative solution to the problem and weights it in terms of the parameters within which the decision must be made. In fact, the manager is forecasting here the impact of a certain alternative, if it is implemented. If the decision is of national importance, then the view of public advisory committee, pressure groups and interest groups are also obtained. In brief, we can list four steps for determining possible alternatives. and examining their impact.

(i) Identity resources - list everything available to assist in solving the problem.

(ii) Develop alternative solutions - develop various combinations of resources leading to problem solutions.

(iii) Test each alternative - analyse for Suitability will it solve the problem completely or periodically, permanently or temporarily?

Feasibility - will it work? How much will it cost? Can we afford it?

Acceptability - is acceptable to those involved and responsible?

(iv) List benefits, cost and risks associated with each alternative - is each alternative an improvement? Can benefits and cost of action be weighted? What are the odds and successes of each alternative?

Drunker has rightly said that the right decisions grow out of the clash and conflict of divergent opinions and out of the serious consideration of competing alternatives.

V. Selection of alternative:

This is the final stage of the decision-making. All the alternatives except the one chosen are cut-off. There are four important criteria for picking the best solution:

(a) Measurement of the risks and gains: The executive has to weigh the risks of each course of action against the expected gains. He is to find out the ratio between the expected gains and the anticipated risks. The alternative in which this ratio is high may be selected as decision.

(b) Economy: That course of action may be adopted which would give the greatest results with the least efforts.

(c) Timing: Decisions concerning timing are very difficult to systematize. In a predominantly agricultural country, decisions have to be taken in time otherwise the agriculture season may be lost.

(d) Availability of Resources: The most important resources are the human beings who will carry out the decision. No decision can be better than the people who have to carry it out. Therefore there is a need to find talented people either inside or outside the organisation who have the capacity to implement the decision.

The selection of the alternative should be based upon the information collected and the judgement desirable to consider whether the selected alternatives will meet the approval of others, who will be involved in the implementation of the decision.

14.8   TECHNIQUES OF DECISION MAKING

The art and science of Decision-making provided us a variety of approaches, methods, methodologies and techniques helpful and useful for taking high quality decisions. A decision-maker, in fact, stands between past and future events. Ideally, he finds a frequency pattern in the past that, project into the future gives hint of the probability of recurrence which is nearly all the precise quantitative knowledge he can obtain concerning the future. It is very difficult to discuss all these methods / techniques. We shall concentrate here in describing briefly some of the methods mentioned below:

I.   Decision on the basis of Past Experience.

II.   Experimentation.

III.   Quantitative Techniques.

I. Decision on the basis of past experience:

Most of the decision taken by the top executives is generally on the basis of the past experience. We may keep the following facts in mind to make this technique as a valuable guide of national decision-making.

(i) An effective record of the past experience must be kept so that it can be retrieved whenever needed.

(ii) Past experience must be analysed in today's and future environment.

(iii) Past experience must be analysed critically to ensure their utility in the future.

II. Experimentation:

It is better to do experimentation wherever possible, before taking a final decision. In most of the Government organisation, we try the impact of the particular decision through a pilot project. After examining the impact of this pilot project, it is either extended to the entire area field or stopped.

The difficulties with these techniques are that it would require a lot of money, material and personnel resources to test the efficacy of a decision. It may also take a very long time before we ascertain the impact of the decision. As there would always be a time gap between the experience with the decision and the ultimate decision, there is possibility of the future changes as future may not duplicate the present.

III. Quantitative techniques:

The contribution of quantitative techniques to decision - making is largely in the appraisal step- the analysis of decision possibilities. We must always keep in mind that quantitative techniques are only an aid to management to better decision making. These are no substitute for better decisions. We can classify these techniques as follows:

(i) Those techniques which can help the management in taking decisions under certainty or deterministic situations, e.g., cost benefit analysis, marginal analysis, network analysis, etc.

(ii) Those techniques which can help the management taking decisions under risk, but the decision-maker knows the probability of each risk. Here we can use techniques like Operational Research.

(iii) Those techniques which can help the management in taking decisions under uncertainties. Here we can make use of the utility theory or preference theory and decision trees.

14.9 APPROACHES TO DECISION - MAKING

Broadly speaking, there are three widely held approaches towards the process of decision-making:

  I.   Rationalist Approach

  II. Humanistic Approach

  III. Integrative Approach

I. Rationalist Approach:

This classical approach presupposes that a number of alternatives are available, based on mathematical analysis and logic. This approach considers reason as a superior source of knowledge and expends the ability of the manager to avoid unsought and undesired consequences.

The rationalist approach is recommended by Door also. He mentions its five limitations as too strong dependence on quantifications, impossible to deal with conflicting values, precise criteria indispensable, special characteristics of the political resources and inability to deal with large and complex system.

II. Humanistic Approach:

The humanistic process is discussed by Chester Bernard in his book, "Functions of the Executives". He states that the ultimate decision may not be the result of logical processes, but may be determined by an approach developed, within a framework of social and environmental conditions, past and present. Perceptions and past experience highly influence the decision-making in this approach. The basic elements of the humanistic solution to a problem are the Social setting or environment of the decision-making, the nature of the decision-making, the goals of the decision and the social impact of the decision.

III. The integrative Approach:

An integrative, decision process combines both the rational and humanistic, the economic and social, authoritarian and the autonomous in such a way that all members of the work group feel better. This approach is most successful when decisions are made by those who do the work at the scene of the action rather than by those occupying executive offices, a long way from the firing line. Rational, ethical, economic and social considerations must be considered concurrently during the decision-making.

Simon's approach to decision – making:

Ordinarily, there are three difference stages in the process of decision-making. What is the problem? What are the alternatives? Which alternative is best? Herbert Simon has presented them into (i) Intelligence Activity: This is a basic or foundation stage during which problems are discovered or diagnosed and objectives are clearly defined. (ii) Decision Activity: In this stage, specific authority and responsibility to purses the new idea further is entrusted to either a particular manager or a team of managers who possess the necessary skill and aptitude in this regard. (iii) Choice Activity: In this state, the team has to appraise and evaluate the alterative ideas within the framework of the decision criteria.

It is a common experience of all top management people that every major business decision involves several sub-decisions at every stage: several problems crop up during the major decision-making process. Certain problems lead to solutions while others create more problems. Thus, decision making process is less a neat, streamlined and smooth activity and more a complex iterative and heuristic venture requiring patience, perseverance, creativity and judgment.

14.10 DECISION TREE

Meaning:

Where a series of decision ranching some way into the future have to be made, it is possible to draw to draw a decision tree showing the decision to be mad at various stages, the possible outcome of each choice is shown as branch thereby aiding management in making the choice. Decision tree is actually a graphic method by which a decision-making can see alternative solutions to him their respective outcomes and evaluate the comparative outcome to find out the optimum one.

Use of decision tree:

A manager may make use of decision tree for making decision which otherwise is not easy to make. A basic value of decision tree lies in expressing al outcomes or events in quantitative forms which provide precision in decision - making. Since a large number of technique have been developed to take into account the impact of large number of variable, the use of decision tree is even increased.

Limitations of decision tree:

Although decision tree is simple in essence, yet it may get complex in application. The main difficulty in analysing decision tree is that even with simple two or three branch forks, the tree can be quite complex; it may turn into a bush. Secondly there is often inconsistency in assigning probabilities for different events. Notwithstanding these limitations, a decision tree offers a solution of the decision situation better than any other technique.

14.11 GUIDELINES FOR EFFECTIVE DECISION MAKING

The following guidelines may be suggested as an aid to effective decision-making (1) Define the goals, (2) Ensure that the decision contribute to the goal (3) Adopt a diagnostic approach to decision-making (4) Involve subordinates in decision-making process, (5) Ensure successful implementation of the decision, (6) Evaluate the results and (7) Be Flexible and revise the decision which do not yield the desired results.

14.12 DECISION MAKING IN NEW MILLENNIUM

Decision-makers in the new millennium should not merely be satisfied with the efficient and effective decisions, but their decisions should act as initiators of changes in polity to ensure a satisfaction of the people. An effective decision-making implementation produces satisfaction. Otherwise there is dissatisfaction, reflected in stress, hypertension, germinating avoidance / escapist style, percolating ultimately into the life style of a decision- maker, producing general discontentment, frustration and perhaps, a life without any rudder to attain undecided mission.

The decision-makers have to go beyond traditional administration. In the new millennium, administrators can take the help of the following to take decisions in tune with the changed times as Exploding material on management, Expanding modern technology to process variables to arrive at decisions, Understanding the changing needs of the society and Pressure of globalisation and privatization.

Information technology and decision-making:

In these high tech times, marked by a revolution in informatics and electronics, an effective administrator has to be a knowledge worker in the service sector, with is knowledge or information industry. In such an industry, we receive information, process information and produce information as an output of decision-making.

Role of information in decision-making:

- Information plays a significant role in identifying and defining the problem.

- It helps in developing tentative solution and selecting a suitable one.

- Available of required information encourages the managers for using quantitative techniques in decision-making which give better results.

- Adequate and relevant information on the problem situation may further help in reducing uncertainty and complexity associated with the problem.

- Availability of information may also encourage factual decision-making and ensure higher degree of objectivity and precision.

In the new millennium, administrators should be trained and encourages taking people friendly decisions, so that they can see the benefits of freedom percolating to them. A culture of not taking prompt and judicious decisions has been afflicting the judiciary and administration, causing great damage to the people.

Decisions are classified into three zones as follows:

(i) Calculable Zone: In this zone, the processing of elements is done in a reasonable and precise manner, i.e., in the logic deductive sense. In this zone, large number of technocrats work and their results are often reliable and somewhat quick.

(ii) Uncertain Zone: It suggests a state where the information available is always in an incomplete from. This is a zone mostly dominated by the generalist's administrators.

(iii) Axiologic Zones: It is the area of ultimate reality where the decision is taken and made public.

Most of the decisions involve risk, adventure and uncertainties. Therefore, to improve decision-making we must reduce the uncertain zone as far as possible. It is not possible to eliminate the uncertain zone altogether in a democratic form of government. Therefore, the only possibility is that the calculable zone could be extended to reduce the uncertain zone. In social science value hazards are inherent and no decision maker can be completely free from the elements of risks and uncertainties but we should see that the rationality component of the decision should be maximised and all efforts should be directorate to eliminate value judgements which may enter due to incomplete knowledge and information.

LET US SUM UP

Thus decision making is the selection from two or more reasonable possibilities of a course that will, at the time and under circumstances, provide the most suitable solution of the problem at hand. It involves making organisation committed to adoption of a specific course of action and use of resources in a particular manner. The time has come where there is hardly any scope of 'arbitrary' and 'ego based' decision making. The ultimate purpose of decision making is to ensure rational, feasible, acceptable and practical decisions.

CHECK YOUR PROGRESS

1. Decision making permeates all management activities, hence it is also described as '_____'.

2. According to _____, Administration essentially is a decision-making process and authority is responsibility for making decisions and for ascertaining that the decisions made are carried out.

3. Lousis A. Allen in his book, _____, has rightly said that a person is born with the talent for personal leadership but must learn management leadership.

4. _____ or Basic decisions relate to policy matters and usually involve large investments or expenditure of funds.

GLOSSARY

Rationalist approach	: It considers reason as a superior source of knowledge to avoid unsought and undesired consequences.
Humanist approach	: The ultimate decision is determined within a framework of social and environmental conditions past and present.
Decision Tree	: It is a graphical method for identifying alternative actions, estimating probabilities and evaluates the comparative outcome to find out the optimum one.
Privatization	: transfer of ownership and control from public to private

ANSWERS THE CHECK YOUR PROGRESS

1. The Heart of Managing

2. Melvin T. Copeland

3. Management and Organisation

4. Strategic

MODEL QUESTIONS

1. Critically analyse the steps involved in decision making.

2. "Decision maker is an innovator" (Simon) comment.

3. Explain the guidelines for effective decision making.

4. Write a short note on Theories of Decision making.

SUGGESTED READINGS

1. B.L. Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.

2. Ramesh K.Arora (2012), *Indian Public Administration: Institutions and Issues*, New age international publishers, 3rd edition.

3. Mohit Bhattacharya (2018), *New Horizons of Public Administration*, Jawahar Publishers & Distributors, New Delhi.

UNIT 15

STRUCTURE

Overview

Learning Objectives

15.1   Introduction

15.2   Definition

15.3   Characteristics of communication

15.4   Scope of communication

15.5   Importance of communication

15.6   Types of communication

15.7   Communication process

15.8   Barriers in communication

15.9   Making Communication effective

Let us sum up

Check your progress

Glossary

Answers to check your progress

Model Questions

Suggested readings

OVERVIEW

Communication is considered to be the most important and most effective ingredient of the management process. Interpersonal communication is fundamental to all managerial activities. All other functions involve some form of directions and feedback. Effective management is a function of effective communication. Even in life, in general, communication plays a very important role among friends, within the family and in all lost circled. It is a meaningful interaction among people where the thoughts are transferred from one person to another in a manner such that the meaning and value of such thoughts is same in the minds of both the sender as well as the receiver of the communication. In this unit, we will discuss about the communication, their types and barriers to communication.

LEARNING OBJECTIVES

After studying this unit, you should be able to

➢ Know the meaning and importance of communication.

➢ Learn the functions of communication.

➢ Understand the barriers in communication and the methods to overcome.

15.1 INTRODUCTION

Communication is an integral part of every function of administration. It is a two - way process between people. In communication, a message is transmitted and received. Communication is the sum of all the things one person does when he wants to create understanding in the mind of another. It involves a systematic and continuous process of telling, listening and understanding.

Communication implies that there must be receiver if communication is to occur. The sender of message must consider the receiver and his message from a technical standpoint as well as in delivering it. When the receiver is not considered, there is either no response or element in the communication. Sharing of understanding would be possible only when the person, to whom the message is meant, understands it in the same sense in which the sender of the message wants him to understand. Thus, communication involves something more than mere transmission of the message or transmission and physical receipt thereof. The correct interpretation and understanding of the message is important from the point of view of organisational efficiency. As such, the greater the degree of understanding presents in the communication, the more the likelihood that human action will precede in the direction of accomplishing goals.

15.2 DEFINITION

According to Allen Louis, Communication is the sum of all things, and one person does when he wants to create understanding in the minds of another. It involves a systematic and continuous process of telling, listening, and understanding.

According to George terry, Communication is an exchange of facts, ideas, opinions, or emotions by two or more persons.

According to Peter Little, Communication is the process by which information is transmitted between individuals and organisations so that an understanding response results.

15.3 CHARACTERISTICS OF COMMUNICATION

In effective public relations (1952) defined a set of principles, known today as the 7 c's of communication.

Completeness: Effective communications are complete, i.e. the receiver gets all the information he needs to process the message and take action. A complete message reduces the need for follow-up questions and smoothen the communication process.

Conciseness: Conciseness is about keeping your message to a point. This is more about the content of your message rather than its length. Even a short memo can include irrelevant or redundant information. Conciseness helps the receiver focus on what's important, speeds up the processing of information and caters for improved understanding.

Consideration: Effective communication takes into account the receiver's background and points of view. If your message hits a nerve or sounds as disrespectful, the emotional reaction of the receiver might affect the perception of your message. Also, tailoring your message to your audience e.g. by using argumentations and examples which are relevant to their experience makes it easier to process the contents.

Concreteness: A concrete message is specific, tangible, and vivid. It's supported by facts and figures for enhanced credibility. It helps your audience gain an overview of the broader picture. Concreteness mitigates the risk of misunderstanding, fosters trust and encourages constructive criticism.

Courtesy: Courtesy and consideration complement each other in effective communications. Courtesy means respecting the receiver's culture, values and beliefs i.e. crafting a message that is genuinely polite and unbiased.

Clearness: The clearer your message, the easier it gets for the receiver to decode it according to your original intent. While this sounds obvious, most communication pitfalls originate from lack of clarity. Want to deliver an effective message? Start with a clear communication goal and accurate thoughts. Clear communications build on exact terminology and concrete words, to reduce ambiguities and confusion in the communication process.

Correctness: Correct grammar and syntax vouch for increased effectiveness and credibility of your message. Formal errors might affect the clarity of your message, trigger ambiguity and raise doubts. They

might also have a negative impact on the overall perception of the message, which could be seen as sloppy or negligent.

15.4   SCOPE OF COMMUNICATION

In the early stages of industrial evolution, 'Communication' was confined merely to the 'giving' of orders and/or 'instructions'. The main function of the boss was to issue orders and the subordinates' task was to translate them into action and not to reason why but to do so and die. But later it was experienced that mere giving of information is not sufficient; opportunities be provided to the middle management as also the operative employees to question the rational of issued instructions, offer suggestions and assist in the smooth functioning of the organisation. Thus, 'Two way communication' was originated, which implied giving and receiving of information clearly, accurately and speedily.

In modern times, the scope of communication has been considerably widened because it has been realized that communication to be effective, must include communication other than that directly between management and workers. Thus there are three phases of industrial communication - inter - scalar, intra - scalar and extra - organisational. Much of it is accomplished through the informal organisation which is necessary for good communication as all problems cannot be as all problems cannot be effectively solved within formal lines of authority and responsibility.

15.5   IMPORTANCE OF COMMUNICATION

Importance of the concept of communication in management cannot be over emphasized. Barnard has called it the foundation of all group activity. It is an established fact that one of the foundation stones upon which organisation rests is a system or systems of communication. Co-ordination is achieved, as is almost every human relationship, largely through communications. Instructions must move down from the directing head; reports and suggestions must come back to form a basis of future action. The longer the chain of communications and the greater the number of supervisory levels, the more opportunities there are for misinterpretation and misunderstandings. Failures in operations and frequently attributed to the fact that instructions, orders, or information did not reach some members of the team. Someone failed to get the word. The necessity for effective communication in management has been widely recognized in recent years. The major responsibilities of an organizer in an industry lie in the establishment and effective utilisation of a communication system.

The importance of communication in management can be judged from the following points:

I.   Smooth and unrestricted running of the enterprise

II.   Quick decision and implementation

III.   Proper planning and coordination

IV.   Maximum productivity with the minimum of cost

V.   Morale - building and democratic management

15.6 TYPES OF COMMUNICATION

I. Verbal or written communication

The first important category or communication consists of verbal or written communications. In the case of verbal communication, everything is oral and there is nothing in black and white. The examples of verbal communication are orders and face-to-face, discussions, telephonic talks, lectures, social gathering (e.g., men - boss meets), conferences, interview, personnel - counselling, public speeches, audio - visual aids like slides and movies, plant - broadcast, whistle and bells, grapevine, etc.

Merits:

Some of the merits of this form of communication may be outlined as below:

(i) It is a time and money saving device. In the case of written communication the instructions etc. are reduced to writing. There is no need of this formality in verbal communications. There is other device which may be so short, sweet, simple and quick.

(ii) It is comparatively more effective, because there is the instinct of personal touch in verbal communication. Everything is face-to-face and there is nothing behind the screen; hence, a better and immediate impression can be creased particularly when the communication is accompanied by actions, gestures and charging facial expressions.

(iii) There is easy understandability in the case of verbal communication. Even if doubts creep in the minds of any party, they can immediately be removed.

(iv) It is also more convenient to measure the effect of communication. The communicator can easily guess whether the recipient is following him or not and thus can make all possible efforts to clarify his viewpoint to the other party. He can immediately make proper amends and can

discern the recipient's attitude, whether it is one of acceptance or rejection. In the case of written communication has been transmitted so as to be out of the power of the communicator to withdraw.

(v) It is the only way out during periods of emergency, when every activity is to be quickened. Face-to-face contact during such period scan quickens the tempo of work and increase productivity.

Demerits:

Verbal or oral communication is, however, not suitable in the following cases.

(i) Written communication is the communicator and the recipient is far off, even beyond telephonic range.

(ii) If the message to be conveyed is lengthy and needs a thorough clarification, written communication would be more suitable, because there will then be lesser chances to miss any point.

(iii) Written communications provide a permanent record and can at times be referred to as evidence. This is why policy statements (e.g., Chairman's speech, Director's report, Service conditions, etc.) are usually issued in the form of printed documents.

(iv) Written communications have a permanent value in the sense that they can be utilised by the management off and on, when the need arises in future. It is not so possible in the case of oral communications.

(v) Last but not the least, in the case of written communications, the recipient can conveniently ponder over the message and request for amends, if necessary. Further, subordinates can feel secure in their performance and supervisors are better equipped to exercise on it.

II. Formal or informal communications:

Secondly communications may be classified as formal. Formal communications derive their support from the formal organisational structure. Formal communications are generally associated with the particular positions of the communicator and the communicated (or recipient) in that structure. For example, when the General Manager instructs his subordinates by virtue of his superior position, it is formal communication.

Informal communications, on the other hand, are free from all sorts of formalities. They are based on the informal relationship between the parties. They are generally termed as 'the grapevine'. Informal communications may be conveyed by a simple glance, gesture, nod,

smile or mere silence. For example, if a worker approaches his boss with the job completed by him to get his approval, and the boss expresses his silent approval, it is informal communication.

Grapevine is more active when: (i) there is high organisational excitement such as policy changes, automation, computerization, or personnel changes; (ii) the information is new rather than stale; (iii) people are physically situated close enough to influence one another; and people cluster in groups along the grapevine, that is when people have trust among themselves. The word rumour is sometimes used as a synonym for the whole informal communication, but there is a difference between the two. Rumour is grapevine information which is communicated without any standard of evidence being present. Depending upon the interest, each person adds something to the original message through the process of elaboration and assimilation.

Downward, upward or horizontal communications: Under the third category, communications may be classified as downward, upward or horizontal. Communication is said to be downward if it flows from the subordinates to their superior and it is horizontal force; it is upward, if it flows from the subordinates to their superior and it is two departmental heads or between two or more persons who are tied to each other by relationship of equality. All these communications - downward, upward and horizontal may be verbal or written.

15.7 COMMUNICATION PROCESS

Communication has been defined as a process. The process is a concept of changing rather than static existence. Events and relationships are seen as dynamic, continuous and flexible, and as such, must be considered as a whole, a dynamic interaction both affecting and being affected by many variables. Thus, various elements might be involved in this process in whose case there may not be unanimity amongst various authors and thinkers.

1. **Sender:** The person who intends to make contact with the objective of passing information, ideas to other persons is known as sender.

2. **Ideas:** This is the subject matter for communication. This might be opinion, attitude, feelings, views, suggestions, orders, etc.

3. **Encoding:** Since the subject - matter of communication is abstract and intangible, its transmission requires the use of certain symbols such as words, actions, pictures, etc. Conversion of the subject matter into these symbols is the process of encoding.

4. **Channel:** These symbols are transmitted through certain channels, e.g., radio, telephone, air, etc. depending upon the situation of the two parties, viz., sender and receiver.

5. **Receiver:** Receiver is the person to whom message is meant for.

6. **Decoding:** Receiver converts the symbols received from the sender to give him the meaning of the message.

7. **Feedback:** Feedback is necessary to ensure that the receiver has received the message and understands it in the same sense as sender wants. Further, it also acts as an energizing factor, thereby changing the course of action in the communication.

15.8 BARRIERS IN COMMUNICATION

The various inadequacies that can be identified through communication evaluation are required to be analysed in terms of various factors, obstructions and barriers that impede flow of communication. Any managerial action in this regard can be effective only when it strikes at the very root of the factors that lie at the very root of the problem. From this viewpoint, identification of different factors is necessary.

There might be a number of such barriers impeding the flow of communication in the organisation. These may be classified as: (i) external (ii) organisational and (iii) personal factors. However, such a classification does not suggest that these are mutually exclusive. Rather, such a classification is helpful in understanding the nature of communication barriers.

I. External Barriers:

Barriers to communication may be either external to the parties involved or they might be internal to them. External barriers may affect communication in any context, whether organisational or otherwise. Such external barriers may be in the following forms:

Semantic Barriers: Semantic barriers are obstructions caused in the process of receiving or understanding of the message during the process of encoding and decoding ideas and words. Words are the principal communication instrument but a common difficulty with the words is that each word has several meanings. For example, in English language, the world 'round' has seventy five meanings. Some of them are: (i) Badly Expressed Message (ii) Faulty Translations (iii) Unclarified Assumptions (iv) Specialist's Language

Emotional or Psychological Barriers: Emotional or psychological factors are the prime barriers in inter - personnel communication. The meaning ascribed to a message depends upon the emotional or psychological status of both the parties involved. In a communication, apart from the message, there is a Meta message, that is, what one gets out of a message when decoding. These barriers to communication are just as effective as an actual physical wall. Often these human barriers are more like filter paper than a brick wall. They let through some communications, but hold back others, thereby making communication inadequate. This `half - way' communication gets half - way results. Following are some emotional barriers as (i) Premature Evaluation (ii) Inattention (iii) Loss by Transmission and Poor Retention (iv) Undue Reliance on the Written Word (v) Distrust of Communicator (vi) Failure to Communicate

II.   Organisation Barriers:

An organisation being a deliberate creation for the attainment of certain specified objectives, day-to-day happenings within it require being regulated in such a manner that they contribute to attain these objectives in the most efficient manner. This is usually attempted through a variety of official measures such a designing the organisational arrangements for performance of various activities, prescribing of various policies, rules, regulations and procedured, laying down of norms of behaviour, instituting a reward and punishment system, etc. As such major organisational barriers may be as follows as (i) Organisational policy, (ii) Organisational Rules and Regulations (iii) State Relationships (iv) Complexity in organisation structure (v) Organisational Facilities

III.   Personal Barriers:

While the organisation factors discussed above are, no doubt, important influences operating on communication, a host of factors internal to the two parties sender and receiver - to this process also exert important influences on its operation, as communication is basically an inter - personal process. Here, for the sake of convenience in the analysis, these barriers have been analysed separately and these are relevant in the case of downward and upward communication.

Barriers in Superiors: The role of superiors in communication is very vital. Because of their hierarchical relationships with subordinates, they act as barriers in a number of ways as (i) Attitude of Superiors (ii) Fear of Challenge to Authority (iii) Insistence on Proper Channel (iv) Lack of confidence in Subordinates (v) Ignoring communication (vi) Lack of Time (vii) Lack of Awareness

Barriers in Subordinates: Vertical communication in either direction can take place only when subordinates also actively participate in this process. There are various factors in the subordinates that adversely affect such active participation on their part. Some factors which have been traced in the case of superiors are also applicable here such as attitude, time availability, awareness about the significance, etc. Two factors are more important in the case of subordinates and these are responsible for blocking communication in upward direction as (i) Unwillingness to communicate (ii) Lack of Proper Incentive

15.9 MAKING COMMUNICATION EFFECTIVE

The various measures enumerated above will no doubt create conditions for effective communication, but the communicator may take some specific steps to make it effective in a given condition. There are various guidelines for making effective communication. American Management Association has suggested Ten Commandments of good communication. These are : clarifying idea before communication, purpose of communication, understanding physical and human environment of communication, consulting others in planning communication, contents and overtones of communication, value of communication to the receiver, follow up action, importance of communication, action congruent with communication, and good listening.

The major efforts for making communication effective are as follows:

I. Clarity in Idea:

The communicator should be quite clear about what he wants to communicate. Communication is a process starting with ideation which includes generation of ideas which are meant for communication. This is the subject - matter of communication and may include opinions, attitudes feelings, views, suggestions, orders, etc.

II. Purpose of Communication:

Every communication has some purpose, the basic purpose of any communication being to get behavioural response from the receiver of the communication. However, the ultimate objective may be extended further, for example, getting an order accepted by the subordinate. The communication should be directed towards this objective by the efforts of communicator.

III. Empathy in Communication:

The way for effective communication is to be sensitive towards receiver's needs, feelings, and perceptions. This is what psychologists call empathy in communication, implying putting legs in other's shoes, or projecting oneself into the viewpoint of the person. When the sender of the message looked at the problems from the receiver's point of view, many of the misunderstanding are avoided.

IV. Two way Communication:

Communication is a two - way traffic and this fact must be realised in communication. Two - way communication brings two minds together which is the basic core of any communication. It involves a continuous dialogue between sender and receiver of the message. Upward communication can become a reality in the organisation and effective if this fact is recognized.

V. Appropriate Language:

The subject - matter of communication is transmitted by decoding it into some symbols. Such symbols may be in the form of words, either spoken or written, pictures or gestures. If the words are used, the language used for communication should be such which is understandable by the receiver. One way of making the communication simple is to use repetitive language with which the receiver is quite familiar.

VI. Supporting Words with Action:

Often it is said that action speaks louder than words. While communicating, the sender may use the actions to emphasis a point. This enhances the understandings as well and emphasizes the important point in communication. Further, the sender of the message must also follow in action what he says to others. this will ensure the seriousness in communication.

VII. Credibility in Communication:

One criterion for effective managerial communication is that it has credibility or believability. The subordinates obey the orders of the superior because he has demonstrated through his competence that he is worthy for trust. Thus any communication which is based on this trust and credibility will be followed by the subordinates.

VIII. Good Listening:

A communicator must be a good listener too. By this process, he is not only giving chance to others to speak but he gathers useful information for further communication. By concentrating on the speaker's explicit and implicit meanings, the manager can obtain a much better understanding of what is being said. Davis has suggested ten points which may be observed listening. These are: stop talking, put the talker at ease, show the talker that you want to listen to, remove distractions, emphasis with the talker, be patient, hold your temper, go easy on arguments and criticism, ask questions, stop talking. He has emphasized to top talking because without stopping talking, one cannot listen to.

LET US SUM UP

Communication is the greatest source of power and the most significant characteristic of mankind. Communication is vital to management. Nothing happens in management until communication takes place. Success of a manager depends more on his ability to communicate than any other skill. Thus, communication is the artery of an organisation through which the decisions and instructions of the management flow don on to the lower rungs. It also conducts upward the pulse of the work force. Communication is the shared understanding of a shared purpose. Communication will be effective if people have mutual trust and confidence.

CHECK YOUR PROGRESS

1.   According to_____, Communication is an exchange of facts, ideas, opinions, or emotions by two or more persons.

2.   In effective public relations (1952) defined a set of principles, known as the _____ of communication.

3.   Rumour is _____ information which is communicated without any standard of evidence being present.

4.   _____ Barriers are obstructions caused in the process of receiving or understanding of the message during the process of encoding and decoding ideas and words.

GLOSSARY

Encoding	: Conversion of subject matter into symbols like words, actions, pictures etc. is the process of encoding.
Decoding	: Receiver converts the symbols received from the sender to give him the meaning of the message.
Grapevine	: The informal channel of communication.
Integrity of Communication	: the individuals to achieve and maintain the cooperation needed to meet organisational goals.

ANSWERS TO CHECK YOUR PROGRESS

1.   George terry

2.   7 c's

3.   Grapevine

4.   Semantic

MODEL QUESTIONS

1.   Explain the various types of communication.

2.   Analyse the steps involved in the process of communication.

3.   Examine the barriers in communication.

4.   Point out the importance of effective communication.

SUGGESTED READINGS

1.   B.L.Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
2.   Ramesh K.Arora (2012), *Indian Public Administration: Institutions and Issues*, New age international publishers, 3rd edition.
3.   Mohit Bhattacharya (2018), *New Horizons of Public Administration*, Jawahar Publishers & Distributors, New Delhi.

UNIT 16

LEADERSHIP

STRUCTURE

Overview

Learning Objectives

16.1 Introduction

16.2 Types of Leaders

16.3 Importance of Leadership

16.4 Theories of Leadership

16.5 Leadership Styles

16.6 Successful Leadership vs. Effective Leadership

16.7 Techniques of Leadership

16.8 Functions of Leadership

16.9 Hindrances to Leadership

16.10 Qualities of Leadership

Let us sum up

Check your Progress

Glossary

Answers to check your progress

Model Questions

Suggested Readings

OVERVIEW

Human beings are the most precious part of the organisation. In the organisation, effective utilisation of the capacity of human resources depends upon management. Management can get the results from the people in the organisation in two ways: (i) by exercise of authority vested in it, or (ii) by winning support of the people. Out of these, the second method is better as it has a lasting effect over the people's motivation. However, it is only possible when a manager becomes their leader in the real sense to influence their behaviour it desired direction. The successful organisation has one major attribute that sets it apart from unsuccessful organisation that is dynamic and effective leadership. In this unit, we will study about leadership and its features.

LEARNING OBJECTIVES

After studying this unit, you should be able to

➢ Understand the meaning, characteristics, importance theories and styles of leadership.

➢ Explain the process, role functions and techniques of leadership.

➢ Know the hindrances of leadership and qualities of leadership.

16.1 INTRODUCTION

Leadership is indispensable for the successful functioning of an orgsnisation and attainment of its goals and objectives. It is an integral part of management and plays a vital role in managerial operations. Leadership transforms potential into reality. Leadership is a greet quality and it can create and convert anything leadership may be defined in terms of totality of functions performed by executives as individuals and as a group. Leadership has been defined by Davis as follows:

Leadership is the ability to persuade others to seek defined objectives enthusiastically. It is the human factor which binds a group together and motivates it towards goals. Thus leadership is the process of influencing the activities of an individual or a group for goal achievement in a given situation. Leadership process comprises three factors as leader, the follower and other variable.

An analysis of the definitions of leadership gives certain basic characteristics. These are as follows: Leadership is basically personal quality. This quality motivates the individuals to be with leaders. Leader, by exercising his leadership, tries to influence the behaviour of individual around him to fulfill certain predetermined objectives. Leader tries to influence the individual to behavior in a particular way. There is a relationship between leader and individuals (followers) which arises out of functioning for a common goal. Leadership is a continuous process of influencing behaviour. Leadership is exercised in a particular situation. The situation variables also affect the effectiveness of leadership.

Peter Drunker defines leadership as. It is not making friends and influencing people, i.e., salesmanship. Leadership is the lifting of man's visions to higher sights, the raising of man's performance to higher standards, the building of man's personality beyond its normal limitations".

Koontz and O' Donnell defines managerial leadership as. The ability to enter inter - personal influence by means of communication, towards the achievement of a goal. Since managers get things done through people,

their success depends, to a considerable extent, upon their ability to provide leadership.

Leadership is the link between the plans and action. It consists of communicating plans to workers, watching results, appraising responses, motivating individuals etc. In short, it is moving the organisation towards achievement of the objectives".

16.2 TYPES OF LEADERS

Leaders arise in many situations. Even informal, social groups have leaders. When groups endure and become formal, the persons are elected leaders. Normally, the persons elected to offices are the ones who are the natural leaders of the groups. Their view gets attention from the members even without formal election, but with elections those natural leaders are consciously acknowledged. Researches on small groups show that those persons who emerge as informal leaders are perceived by other show that those persons who emerge as informal leaders are perceived by other members as being the best able to satisfy the group need and that the leaders, therefore, are enabled to influence other members. A leader derives his influence from the members feeling or intuition that he can help to satisfy their needs, consequently, they are willing to submit, within the limits, to his guidance.

When person, either such informal leader or someone else, is appointed in a superior capacity, this natural leadership relations change. Such change occurs in two respects. First when a person is appointed in superior capacity, he gets certain authority from the organisation. This authority enables him to increase or decrease the satisfaction of his subordinates. Secondly, becomes of appointment, he has the obligation of achieving organisational objectives besides an obligation to provide satisfaction to his subordinates. However, an appointed (formal) leader cannot solely rely upon the use of authority for getting desired results from his subordinates because, as discussed earlier, subordinates seldom put maximum effort under the pressure of authority. This, a chief executive having more authority, but lacking leadership qualities, may be less effective as compared to a foreman with less authority but high degree of leadership qualities. Regardless of these differences between formal and informal leaders, however, a leader is able to direct the actions of his followers because they believe he can provide regards (or recent penalties) that satisfy their needs.

16.3   IMPORTANCE OF LEADERSHIP

Leadership is an important factor for making organisation successful. Here we are more concerned about manager as a leader. Without a good leader, organisation cannot function efficiently and effectively. Since the organisation is basically a deliberate creation of human beings for certain specified objectives, the activities of its members need to be directed in a certain way. Any departure from this way will lead to inefficiency in the organisation. Direction of activities in the organisation is effected by leader. The importance of good leadership can be discusses as follows:

I. Motivating Employees: A good leader by exercising his leadership motivates the employees for high performance. Good leadership in the organisation itself is a motivating factor for the individuals.

II. Creating confidence: A good leader may create confidence in his followers by directing them, giving them advice and getting through them good results in the organisation.

III. Building Morale: Morale is expressed as attitudes of employees towards organisation, management and voluntary co-operation to offer their ability to the organisation. High morale leads to high productivity and organisational stability.

Thus, good leadership is essential in all aspects of managerial functions whether it be motivation, communication or direction. Good leadership ensures success in the organisation, and unsatisfactory human performance in any organisation can be primarily attributed to poor leadership.

16.4   THEORIES OF LEADERSHIP

There researches have resulted in various theories approaches on leadership, the prominent among these being trait theory, behavioral theory and situational theory. Each theory has its own contributions, limitations, assumptions and framework of analysis. The understanding of the various theories of leadership will provide a guideline to judge as how a leader emerges.

16.4.1 Trait Approach:

Trait is defined as relatively enduring quality of an individual. The trait approach seeks to determine what makes a successful leader from the leader's own personal characteristics. From the very beginning, people have emphasised that a particular individual was successful leader because of his certain qualities or characteristics. Trait approach

leadership studies were quite popular between 1930 and 1950. The method of study was to select leaders of eminence and their characteristics were studied. It was the hypothesis that the persons having certain traits could become successful leaders. Various research studies have given intelligence, attitudes, personality and biological factors.

A review of various research studies has been presented by Stogdill. According to him, various trait theories have suggested these traits in a successful leader; (i) physical and constitutional factors (height, weight physique, energy, health, appearance; (ii) intelligence; (iii) self-confidence; (iv) sociability; (v) will initiative, persistence, ambition); (vi) dominance; and (vii) sergeancy talkative, cheerfulness, geniality, enthusiasm, expressiveness, alterness, and originality). In a later study, Ghiselli has found supervisory ability, achievement motivation, self-assurance of leadership research found intelligence in ten studies, initiative in six, extroversion and sense of humor in five, and enthusiasm, fairness, sympathy, and self-confidence in four.

The various studies show wide variations in leadership traits. The various traits can be classified into innate and acquirable traits on the basis of their source. Innate qualities are those which are possessed by various individuals since their birth. These qualities are natural and often known as god-gifted. On the basis of such qualities, it is said that leaders are born and not made. These qualities cannot be acquired by the individuals. The following are the major innate qualities in a successful leader as Physical Features, Intelligence, Emotional Stability, Human Relations, Empathy, Objectivity, Motivating Skills, Technical Skills, Communicative and Social skills.

16.4.2 Behavioral Approach:

This approach emphasises that strong leadership is the result of effective role behaviour. Leadership is shown by a person's acts more than by his traits. Though traits influence acts, these are also affected by followers, goals and the environment in which these occur. Thus there are four basic elements - leaders, followers, goals and environment which affect each other in determining suitable behaviour. Leadership acts may be viewed in two ways. Some acts are functional (favorable) to leadership and one are dysfunctional (infavourable). The dysfunctional acts are also important in leadership because they demotivate employee to work together. The dysfunctional acts are inability to accept subordinates ideas display of emotional immaturity, poor human relations and poor communication.

A leader uses three skills technical, human and conceptual - to lead his followed. Technical skill refers to a person's knowledge and proficiency in any type of process or techniques. Human skill is the ability to interact effectively with people and to laud teamwork. Conceptual skill deals with ideas and enables a manager to deal successfully with abstractions, to set up models and devise plans. Behaviour of a manager in a particular direction will make him good leader while opposite of this would discard him as a leader. Setting goals, motivating employees for achieving goals, raising that level on morale, building team spirit, effective communication, etc., are the functional behaviour for a successful leader.

16.4.3 Situational approach:

The prime attention in this approach is given to the situation in which leadership is exercised. Since 1945, much emphasis in leadership research is being given to the situations that surround the exercise of leadership the contention is that in one situation leadership may be successful while in other it may not.

For the first time, this approach was applied in 1920 in armed forces of Germany with the objective to get good generals under different situations. Winstonm Churchill was treated to be the most efficient Prime Minister during the Second World War. However, he was flop afterwards when situation changed. Ohio State University research has give four situational variables that affect the performance of leadership.

These are:

 i. The cultural environment.

 ii. Differences between individuals.

 iii. Differences between jobs.

 iv. Differences between organisations.

16.5 LEADERSHIP STYLES

Leadership styles are the pattern of behaviour which a leader adopts in influencing the behavior of his follower (subordinates) in the organisational context. According to this dimension, there are three leadership styles

 I. Autocratic leadership

 II. Participative leadership

 III. Free-rein leadership

I. Autocratic leadership:

This is also known as authorisation, directive, or nomothetic style. In authorisation leadership style, a manager centralists decision - making power in himself. He structures the complete work situation for his employees and they do what they are told. Here, the leadership may be negative because followers are uninformed, insecure, and afraid of leader's authority. There are three categories of autocratic leaders.

(i) Strict autocrat: He follows autocratic style in a very strict sense. His method of influencing subordinate's behaviour is through negative motivation that is by criticizing subordinates, imposing penalty, etc.

(ii) Benevolent Autocrat: He also centralists decision - making power in him, put his motivation style is positive. He can be effective in getting efficiency in, any situations. Some people like to work under strong authority structure and they derive satisfaction by this leadership.

(iii) Incompetent Autocrat: Sometimes, superiors adopt autocratic leadership styles just to hide their incompetency, because in other styles they may be exposes before their subordinates. However, this cannot be used for a long time.

II. Participative leadership:

This style is also called democratic, consultative or autographic. Participation is defined as mental and emotional involvement of a person in a group situation which encourages him to contribute to group goals and share responsibility in them. A participative manager decentralizes his decision-making process. Instead of taking unilateral decision, he emphasises consultation and participation of his subordinates. Subordinates are broadly informed about the condition affecting them and their jobs. This process emerges from the suggestions and ideas on which decisions are based. The participation may be either real or pseudo. In the case of former, a superior gives credit to subordinates, suggestions and ideas in taking the decisions while in the case of latter the superior preaches participation in theory, but really he does not prefer it in practice.

III. Free-rein leadership:

Free rein or laissez-faire technique means giving complete freedom to subordinates. In this style, manager once determines policy, programmes and limitations for action and the entire process is left to subordinates.

Group members perform everything and the manager usually maintains contacts with outside persons to bring the information and materials which the group needs. Thus type of style is suitable to certain situations where the manager can leave a choice to his group. However, the contribution of manager is almost nil. It tends to permit different units of an organisation to proceed at cross-purposes and can degenerate into chaos. Hence, this style is used very rarely in business organisation.

16.6 SUCCESSFUL LEADERSHIP VS. EFFECTIVE LEADERSHIP

An individual attempts to affect the behaviour of another through the exercise of leadership. The response of the other person (Subordinate) a may be either compatible with the expectations of the leader or otherwise. Further, the compatible response may be the result of either the impact of leader's appropriate style or because of position power. In case of the format the leader is effective as subordinate sees his own needs being accomplished by satisfying the goals of organisaion and the leader. In the latter case, the leader is successful in getting compatible behaviour but this has done because of his positing. In this case, the leader is successful but not effective. Thus a distinction can be made between successful and effective leadership.

Success has to do with low the individual or group behaves; effectiveness describes the internal shape or predisposion of an individual or a group and thus is attitudinal in nature. An individual interested only in success tends to emphases his position power and uses close supervision. On the other hand, if he intends to be effective, he will depend on his personal power characterized by more general supervision. The position power can be delegated downward in the organisational; the personal power cannot be delegated, but is generated upward from below through follower acceptance.

Thus, a manger can be successful but ineffective having only a short-run influence over the behaviour of others. On the other hand, if a manager is both successful and effective, his influence tends to lead to long-run productivity. However, it should be emphasized that successful and effectiveness framework is a way of evaluating the response to a specific behavioral response and not of evaluating performance over time. Total performance is the result of a host of factors and not of leadership, alone, hence can be evaluated in the light of these factors.

16.7   TECHNIQUES OF LEADERSHIP

For the convenience of study, the technique of leadership may be studied under the followed heads:

I. Securing co-operation: There are certain essentials for securing co-operation and they as below : (i) The leader must convince subordinate that the successful operation and continued life of the enterprise are also of vital interest to him (ii) The leader must set a good example by co-operating with his superiors and with others at this own level. (iii) He should be a psychologist and should try to do everything possible to determine what his followed want most. The best leader does not ask people to serve him, but the common end. He does not have followers, but co-workers.

II. The use of power: Wise leadership uses power in the best interest of the enterprise and the groups related to it.

III. Co-ordination and command: A successful leader must co-ordinate the acts of his co-workers through orders or commands. These orders should be definite, sequential, flexible and open. Commands to be obeyed must be received and understood. If the proper results are to be obtained, the recipient must know what is expected of him, where he is to do it, how it is to be done, when it is to be completed.

IV. Maintaining discipline: Discipline is the force that prompts in individual or group to observe rules, regulations and procedure that are demeaned necessary to the attainment of an objective. When the subordinate is right, he must be backed and when he is wrong he must be punished. To develop high group morale the leader must govern his own actions by the effect they will have on these five factors.

16.8   FUNCTIONS OF LEADERSHIP

Besides the normal functions like Planning, Organising, Staffing, Direction, Coordination, Reporting, Budgeting, There are functions which need to be understood for new millennium leadership.

I. Understanding and directing change:

New millennium is going to be different and the new millennium needs leaders who can understand and redirect this change into fruitful changes. Leadership and change are closely linked. An awareness of the changing atmosphere at the work place calls for leaders who can understand and deal with the changing paradigms of corporate culture. No longer is enough for a manager to limit his job to doing things on time, within budget and the way they were done yesterday, only five

percent better. Leaders are today treading on completely unfamiliar territory where yesterday's rules no longer apply. Innovation is the new mantra for the leaders of today. They make new rules almost as fast as the old ones become redundant. Under these circumstances, it is imperative for a leader to have a clear vision of where his organisation is headed. In the absence of such vision, it is all too easy for organisation, both old and new, to flounder and fail.

II. Direct access to the people:

A leader has to be accessible to the people he leads. He cannot afford to run his organisation from behind the closed doors of his office. He has to be on the shop floor, working with the rest of his team and leading from the front. Successful enterprises know how to excel and complete. They make the most of their resources, their financial, marketing, and technological capabilities but is their people who make the deciding difference they are the ending for growth and productivity. Mature - wise leaders make it happen.

III. Detachment from consequences:

It does not mean dispassionate action but it implies indifference to victory or loss. It creates a very strong resilience. It helps is to fall hundred times and still try again. It is concerned with enjoying the journey more than the destinations. We can relate this easily to our lives by trying to find out how long an achievement helps us to remain satisfied.

IV. Creativity:

To see work as a potential for creating joy and to experience the happiness of creating something totally new. It is immensely satisfying to do work, which contributes to the lives of others and creates radical transformation in the quality of life of those around is. Creative work which creates a new form, which is original, is very satisfying. Work which is without an effect, or which can be done equally well by anyone else, never inspires us.

V. Delegation:

When the authority to take decisions is delegated, decisions are taken quickly and the organisation becomes more action-oriented. Delegation, therefore, must be welcome. It helps in motivating employees. Sometimes it happens that when a subordinate takes certain action, it may not corroborate with the manager's ideas. But this should not come in the way of entire delegation process.

VI. Work Culture:

Leader must create work culture and not psycho-fancy. The head of an organisation expects his employees to be innovative, competitive and flexible. They should possess total commitment, be actively involved in wants his team to be able to work in synergy with various departments. Failures and challenges should be treated as a stepping stone to success. Think big, create your own space and help yourself.

VII. Emotional Intelligence (EI):

Emotional intelligence is concerned with achieving one's goals through the ability to manage one's own feelings and emotions, to be sensitive to, and influence other key people, and to balance one's motives and drives with conscientious and ethical behaviors.

16.9   HINDRANCES TO LEADERSHIP

In contrast to the above desirable qualities of leadership, there are certain failings of individuals which affect their ability to lead other. Some of the common hindrances to leadership are as follows (1) Certain leaders are not close enough to their followed to know or anticipate their reaction when new condition must be met. (2) Some are emotionally immature, resulting in loss of temper or other form of emotional instability when under pressure. (3) Some lack human understanding and therefore, build antagonism instead of friendship into their relations with others. (4) Some lack foresight, the ability to look ahead, to anticipate problems and to plan the work of the group. (5) Some are not big enough for their jobs and attempt to compensate for their fallings of inferiority by a superior attitude towards their followers. (6) Some fail to reveal their attitude and intentions to their subordinates or to invite expressions of opinion from them (7). Some depend too much on punishment and financial reward as motivating forces, and overlook praise, recognition, self-expression and pride in accomplishment. (8) Some fail to be consistent in their behaviour towards others, thus making it impossible for subordinates to known what to expect, and to have the resulting senses of security. (9) Some fail to co-operate with others in working for the common good of all.

A good leader, therefore, analyses his conduct periodically to be sure that faults of this kind are not becoming habitual. Such self-analysis enables him to correct unsatisfactory conditions before they do permanent damage.

16.10 QUALITIES OF LEADERSHIP

The attributes that are required in leadership may be briefly summarised as : technical competence, missionary zeal, the capacity to motivate others, the ability to get along with people, cultural adaptability, the capacity to organism and manage, the capacity to inspire confidence in others, patience and dignity. Besides, a leader must believe in the ideals of the organisation, be willing to accept hardships and be prepared to work in a spirit of service. His ambition and enthusiasm should not be dampened by local conditions which may not provide him with the necessary facilities.

Stogdill classified in 1948 a leader's qualities as follows:

1.   Capacity (Intelligence, alterness; verbal facility, originality, judgement).

2.   Achievement (Scholarship, knowledge, athletic accomplishments).

3.   Responsibility (dependability, initiative, persistence, aggressiveness, self-confidence, desire to excel).

4.   Participation (activity, sociability co-operation, adaptability, humour).

5.   Status (socio-economic position, popularity).

6.   Situation (mental level, status, skill needs and interest of followers, objectives to be achieved, etc).

LET US SUM UP

Leadership is the process to direct and co-ordinate the activities of members of an organisation towards the achievement of goals, honestly and efficiently. A leader is a person who plans, organises, makes decisions and influences people. Leaders have a positive attitude towards people and towards their work. Leaders are always hopeful; they expect their efforts to lead to success. They should also have insight into human behaviour. Leaders must be the persons with vision, initiative and desire to achieve the operational goals with dedication and perseverance. Leaders must, therefore, devote considerable time and effort in planning for an achieving, high level of motivation and morale.

CHECK YOUR PROGRESS

1. Leadership is the link between them _____ and action.

2. A good leader by exercising his leadership motivates the employees for _____.

3. The _____ approach seeks to determine what makes a successful leader from the leader's own personal characteristics.

4. For the first time, situational approach was applied in 1920 in armed forces of _____ with the objective to get good generals under different situations.

GLOSSARY

Trait : Quality of an individual.

Empathy : The ability to look at things objectively and understanding them from other's point of view.

Free-rein Leadership : It means giving complete freedom to subordinates.

Effective Leader : This type of leader will depend on his personal power characterized by more general supervision.

ANSWERS TO CHECK YOUR PROGRESS

1. Plans

2. High performance

3. Trait

4. Germany

MODEL QUESTIONS

1. Examine the different styles of leadership.

2. Analyse the various theories of leadership.

3. Explain the functions and techniques of leadership.

SUGGESTED READINGS

1. B.L.Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.

2. Ramesh K.Arora (2012), *Indian Public Administration: Institutions and Issues*, New age international publishers, 3rd edition.

3. Mohit Bhattacharya (2018), *New Horizons of Public Administration*, Jawahar Publishers & Distributors, New Delhi.

UNIT 17

STRUCTURE

OVERVIEW

Public relations are the process whereby an organisation analyses the needs and desires of all interested parties in order to conduct itself more responsively towards them. Thus, public relations involve a flow of information and understanding not alone from the organisation to the public, but from the public to the organisation. Public relation is fast approaching the status of a profession. In this unit, we will discuss about the public relations, it features, issues and recommendations.

LEARNING OBJECTIVES

After studying this unit, you should be able to

➢ Explain the meaning and need for public relations.

➢ Discuss the nature, aspects and techniques of public relations.

➢ Analyse the issues and impact of public relations.

17.1 INTRODUCTION

The creation of awareness is integral to social and economic development. The possibility of the power of communication to liberate the minds and potential of people to critical awareness is real in every field, linked to human development. The generation of public will hinges on effective communication of information and ideas that relate to people's needs, aspirations and capacities for progress in though and action. In this sense, getting a development process started is largely the task of information, education and communication through public relations.

17.2 MEANING OF PUBLIC RELATIONS

Public relation means the establishment of a climate of understanding. It involves interpreting the programme of an organisation to the public and vice-versa. According to Hardwood, Public relations may be defined as those aspects of our personal and corporate behaviour which have a social rather than private and personal significance.

John D.Millett says, "Public relations in knowing explaining how administration is meeting these desires. To him public relations consists of four elements (a) learning about public desires and aspirations; (b) advising the public about what it should desire and do; (c) ensuring satisfactory contacts between public and Government officials; and (d) informing the public about what an agency is doing.

However, the definition given by the International Public Relationship Association broadly covers the various aspects of public relations function. It states, Public relations is a management function of a continuing and planned character, through which public and private organisations and institutions, seek to win and retain the understanding, sympathy and support of those with whom they are or may be concerned, by evaluating public opinion about themselves, in order to correlate, as far as possible, their own policies and procedures to achieve by planned and widespread information, more productive co-operation and more efficient fulfillment of their common interests.

17.3 NEED FOR PUBLIC RELATIONS

During recent years a plethora of government information and publicity agencies has come into existence, and their number is constantly on the increase. Good public relations have come to be regarded as an important attributed of the present-day leadership, and its significance can hardly be overstressed. Some of the important factors that have contributed to this importance may be stated as follows:

I. Vast increase in government functions:

The modern Welfare State, with its philosophy of looking after the citizens from the cradle to the grave, is rendering innumerable services to the public. The very size and complexity of these services render communication with the public imperative. The public has to be made aware of the various facilities offered to it by the government. This mere informational aspect of public relations is assuming vast proportions.

II. Urgent attention paid to public and private iniquity:

The government is under a constant pressure to defend itself against public criticism. The public is highly sensitive to defend itself against public authorities, while turning a deaf ear to worse iniquities of private organisation. Thus, the Mundhra Deakl would hardly have attracted any publicity if Life Insurance Corporation were a private business concern. Government work thus has not only to be well done, but the public has to be convinced that it is being well done. Government in a free society must function in the glare of publicity.

III. The civil servant today occupies a changed role:

It is not enough for a career official to implement policies; he has to explain government policies to the people and build up popular support for them. To use an American phrase, he has to sell policies and programmes of his agency. This gives political orientation to his tasks.

17.4 NATURE OF PUBLIC RELATIONS

Generally, the governmental organisations have to deal with particular public that is organized groups of public like trade unions, chambers of commerce, students unions, teachers associations, political parties, religious or caste groups, press, women's council, etc. Each agency of the government, thus has to direct its public relations to that part of the public with which it is directly concerned, that is its clientele, for example, the agriculture departments clientele is the farmer, the labour department's labour and soon. However, there are wider publics too with which administration has to deal, the most important of these being the legislature, the press and the political parties.

The legislature, under a democratic system of the parliamentary or presidential variety, constitutes an important segment of public. It is true that is it the ministers, as political executives, who come in direct contact with the legislature; the contact of civil servants at best is indirect. Nevertheless, there are important points of contact between the legislature and public officials, particularly of the higher echelons.

One such important point of contact is the committees of the legislature which summon officials to explain matters or answer objections. The estimates and the public accounts committees are good examples of such contact. In the U.S.A., committee hearings sometimes are a grueling experience for the officials appearing at such hearings. Then there are requests, enquiries and complaints from individual's members of the legislature and officials concerned have to deal with these in as courteous and expeditious a manner as possible.

Administration's relations with the press in a free society may well be regarded as top priority in the field of public relations, and these tax the ingenuity of the press offices. It is not for nothing that the press in called the fourth estate. Its power is tremendous. No government ever desires and cherishes a hostile and irresponsible press. The public, on the other hand, has no use of a captive press. A balance between the two extremes is needed.

Every Government therefore has arrangements to keep the press people fully unframed and briefed. The pressmen have a press gallery in the legislative chambers, there are press enclosures in public functions; they are invited to all government functions; they are also taken on the public expenses to sites of big dams, industrial establishment, agricultural farms, etc. The newsmen certainly form a privileged group of the public. Of course, such facilities are necessary to enable the press to discharge its duties satisfactorily. The government also possesses enormous patronage in the form of government advertisements which are ever increasing with the rapid growth of public enterprises. Then there are the press conferences at which the top leader meets the press.

17.5 ASPECTS OF PUBLIC RELATIONS

I. Ascertaining public needs and values of the community:

The first important step in public relations is to understand the community. Every community is different and there are differences between each local community in the same country in terms of their work, culture and living standards, family life, social structure, population structure and attitudes. Besides, values beliefs and customs, religious practices, etc. differ in different areas. Public relations need to understand the need of the people based upon this diversity before launching any field operations. Some of the important methods are (i) Discussion with the people (ii) Study of newspapers, magazines and other published literature (iii) Complaint and suggestion boxes (iv) Surveys

II. Informing people and community:

Public relations departments / sections should make the people aware about the programmes they want to initiate for the people's benefit or the benefit of the country / area. This would aim at educating the people about the schemes in operation - their objectives, services, eligibility criteria, agencies and functionaries for the delivery of services. It would also lead to community's clear understanding of its participation and contribution.

III. Satisfactory climate:

For any public relation campaign to be effective, it is important to create an environment of goodwill based on equity. People must to given their due status and must be taken into confidence, bases on trust.

IV. Advising people:

The government should be able to advise people to act in such a way as to be beneficial to them and to the government / agency concerned. Public relations, through its various channels, should inject the desires changes to generate development, dynamism and modernisation.Thus, the advice to be effective should be preceded by extensive planning of the public relations strategies to be followed.

17.6   TOOLS AND TECHNIQUES OF PUBLIC RELATIONS

There can possibly be no exhaustive list of tools, instrumentalities and techniques of maintaining good public reactions. Time place and person always make a difference. There are times when gimmicks work wonders, and there are persons who, with their original approach and imaginative devices, win spectacular success in the field of public relations. Such things, however, are bound to be infrequent. Among the normal tools may be listed publicity, personal contact and direct mail.

17.6.1 Publicity:

It is the most important aspect of public reactions, and has become a must for every large organisation, including the government. There is hardly a government today without a Department of Information or publicity. Both democratic and totalitarian regimes make full use of this powerful weapon of influencing and molding public opinion. Publicity means to make public or to disseminate knowledge of facts. It has been defined as the art of dealing with the people in the mass. In practice however, publicity shades off into propaganda.

The principal media of modern publicity are of three types - visual (advertisement, publications, silent movies, demonstrations); auditory (radio broadcasts and lectures) and audio - visual (films and telecasts). All these methods are made full use of by modern governments in their publicity drives. Of these, radio and televisions are obviously the most powerful media.

Television played a very important role in the last presidential elections in the U.S.A. Discussions and debates between the two presidential candidates seen on the television screens by millions of American went a long way in determining the popular choice. In India, with the television age yet to come and radio being still beyond the reach of the majority of the people, public speaking still plays an important role as evidenced by the people gathering in thousand to listen to their leaders. Public speeches are not only well attended but are also reported in the press.

The publicity work of the Government of India has been entrusted to the Ministry of Information and Broadcasting. This Ministry was created in October 1941, and is charges with the responsibility for publicity and broadcasting activities of the Government of India and the general conduct of government reactions with the press. They are All India Radio, Doordarshan, Press Information Bureau, Publications Division, Directorate of Advertising and Visual Publicity, Films Divisions, Research and Reference Division and Directorate of Field Publicity. Social media policy is the new trend in this.

17.6.2 Direct mail:

In a democracy, the political executives in particular receive a heavy mail and each person expects at least an acknowledgement. Pundit Jawaharlal Nehru, for instance, received thousands of letters every month from persons and organisations of different types. It is a stupendous task but any minister can afford to neglect it or be indifference to it only at his peril. Prompt and courteous replies to letters go a long way in establishing good public relations.

As media is both Governments controlled and in private sector, there is all the more need to not only formulate a comprehensive media policy, but also create vital communication links within the government and between the government and the people, in nation-building activities. There has to be a close coordination within the concerned government departments and other institutions responsible for programme implementation.

The vast potential of the mass media has to be utilised for making different sections of the society conscious of their Constitutional responsibilities and fundamental duties, while integrating entertainment with socially relevant and useful massage in the entertainment programmes themselves. The Media in any society is among the most important institutions. Democracy without free media is a contradiction in terms. Mass media should be the watchdog of democracy and not the poodle of the establishment. The media has a greater responsibility today than they ever had to guide the nation and make every citizen conscious of his fundamental duties enshrined in the Constitution.

17.6.3 Personal communication:

The art of developing common understanding about people is vital to bring about change of attitudes and behaviour. Sociologists have classified the diffusion process, which leads to a widespread acceptance of the programme into five stages:

i.   Awareness (the individual's first introduction to a new idea or practice).

ii.   Interest (the stage at which he actually seeks further information and background data),

iii.   Evaluation (the stage of assessment on theoretical grounds).

iv.   Trial (a limited phase of experiment), and finally

v.   Acceptance or adoption.

Naturally, the duration of the process depends upon personality factors, which differ among individuals. Mass media helps in creating awareness, in providing stimulation and motivation and in giving ready access to information. But at the specific stage of evaluation, trial and adoption, inter-personal, face to face, communication counts for much more and the inability of the mass media to maintain a two-way dialogue with regular feedback restricts their utility. Therefore, no medium of communication is as effective as one human being talking to another.

The UNESCO had rightly stated the process of social and economic development is a process of human development, for people are the targets as well as the essential variable in development. Communication, being a two-way process, provides for participation at whatever stage of enlightenment, the individuals composing a society find themselves. Thus the impersonal methods are relatively simpler and even less time consuming. The radio, TV, newspapers, posters, and pamphlets can also help in improving public relations.

Experience with personal and impersonal methods of public relations has revealed that if both the methods are used simultaneously, one can obtain better results than simply using one or the other method.

17.7 IMPACT OF PUBLIC RELATIONS

Public relation is a vital link between the government and the people. The success of any government depends upon the cooperation of the people. Let us enumerate the advantages of effective public relations.

(i)   Generates people's participation.

(ii)   Strengthens democracy at grassroots level.

(iii)   Provides closer links between citizens and government.

(iv)   Prepares the people for socio-economic development through programmes aimed at change in knowledge, attitudes and values.

(v)   Make the people attuned to national and international environment.

(vi)   Provides information to act in times of crisis.

17.8 ISSUES AND RECOMMENDATIONS

Public relations in the Government of India at the Union and State levels have not been effective in meeting the needs of the country. Public relations are quite effective in the private sector but the government sector needs improvements to serve its goals. Let us discuss some of the problems and suggest remedies.

I. Audience segmentation:

Population differs in different areas in terms of their knowledge, values and attitudes. It is therefore, important for the Government to understand these variations and divide the population into homogenous units through segmentation and direct its public relation activities accordingly to be productive and useful.

II. Impartiality and scientific attitude:

Public relations in government is done to promote the interests of the ruling party as well as to project the personalities of key persons, which is nothing but propaganda. This type of public relations creates misgivings and misunderstandings among the masses in general and affected interests in particular. There is a need to adopt impartiality and scientific attitude in public relations to ensure its fruitful results. Morton R.Davies rightly mentions: Politicians must resist the temptation to use the information services for party / political advantage administrator must equally and be constantly vigilant that should be imposed on their role

III. Develop public reactions material for rural population urban slums and backward areas:

Most of the formal public relations aim at influencing the public opinion of urban populations as they are the vocal and influential segments of the society. It is quite discouraging that 75 per cent of the population, living in villages and other backward areas, is not covered through the desired programmes of public relations. According to F.C. Gera, It is not enough for mass media to be blaring forth statement of Government's policies and programmes. There must be deliberate and organized attempts also to assess the needs of people, to listen to their grievances and to redress them. And the people, particularly the uneducated people, must be treated with courtesy instead of being shouted at and compelled to shell out bribes.

IV. Develop indigenous models:

Most of the research in public relations is elementary and urban-based and has been adopted from foreign models. It is suggested that indigenous models may be developed to serve a developing country like India. This is succinctly stated by Ross when he said, As public relations field has grown in sophistication, this no longer means simply advertising and giving news, report, nor even highly polished receptionist and telephone-answering service, but careful study of employees, consumers, and the community at large, so that there is awareness within the organisation of the strength and weakness of its own position in the community.

Public relations programmes need to be fair, honest, truthful, impartial, open, authoritative and responsive. This must be conducted in the public interest. They should attempt to lubricate Government and public relationships, based on trust and confidence.

LET US SUM UP

The need and necessity of public relation in every country is being increasingly realised. In any country, particularly in a democratic country or in any public welfare state, the barriers between the administrators and the administered have to be removed and at the same time giving everybody a sense of working for common cause is a good thing, good from many points of view. Public relations mean the development of cordial, equitable and therefore mutually profitable relations between a business, industry or organisation and the public it serves.

CHECK YOUR PROGRESS

1. According to_____, Public relations may be defined as those aspects of our personal and corporate behaviour which have a social rather than private and personal significance.

2. _____ Departments should make the people aware about the programmes they want to initiate for the people or country benefit.

3. The principal media of modern publicity are of three types such as visual, auditory and_____.

4. Government of India has been entrusted to the Ministry of Information and Broadcasting created in _____.

GLOSSARY

Publicity	: It means open, free and factual.
Propaganda	: It is secretive and based on falsehood.
Audience segmentation	: Divide the population into homogenous units through segmentation and direct its public relation activities accordingly.

ANSWERS TO CHECK YOUR PROGRESS

1. Hardwood

2. Public relations

3. Audio – visual

4. October 1941

MODEL QUESTIONS

1. Define public relations. Explain the aspects of public relations.

2. Analyse the tools and techniques of public relations.

3. Discuss the issues and recommendations related to public relations.

SUGGESTED READINGS

1. B.L.Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.

2. Ramesh K.Arora (2012), *Indian Public Administration: Institutions and Issues*, New age international publishers, 3rd edition.

3. Mohit Bhattacharya (2018), *New Horizons of Public Administration*, Jawahar Publishers & Distributors, New Delhi.

Block V

Control over Public Administration

Unit-18	Legislative control
Unit-19	Executive control
Unit-20	Judicial control

UNIT 18

LEGISLATIVE CONTROL

STRUCTURE

OVERVIEW

The misuse of government authority has been attracting the attention of governments and enlightened public opinion all over the world through the ages and certain instruments of control have been devised in order to minimize and eliminate the misuse and abuse of authority. We will discuss these agencies of control under Legislative or parliamentary control, Judicial control and Executive control. In this unit, we will discuss in detail about the legislative control over public administration.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢   Understand the need for peoples control over public administration

➢   Know the concept of legislative control over public administration

➢   Analyse the various legislative features in the government.

18.1 INTRODUCTION

In a democracy, the ultimate power lies with the people. They govern themselves through their representatives. As such, people can control over the administration through their elected representatives. The administrative accountability is enforced by means of various controls. In other words, it is the control mechanism to keep the administration under a close watch and in check. They are made accountable to different agencies which exercise control over them.

18.2 NEED OF PEOPLE'S CONTROL OVER ADMINISTRATION

The need of people's control over administration can easily be understood from the following points:

1. Control over administration facilitates corrective against despotic exercise of power by the public servants.
2. Control over administration is necessary to check the danger of bureaucratic power. Because, in present times, the bureaucracy has become the most powerful institution of the government.
3. The instruments of administrative control are such as to safeguard the rights and liberties of the people without curbing the power of public servants. This means that there is a need to control over administration to safeguard the rights of the people.
4. People's control over administration means control of power over administration in different ways. L. D. White says, "powers in a democratic society requires control, and the greater the power, the more need for control. How to vest power sufficient to the purpose in view and maintain adequate control without crippling authority is one of the historic dilemmas of popular government".
5. According to Lord Acton, "power is corrupt and absolute power corrupts absolutely". This implies that civil servants can misuse their power with enormous power and the Public Administration will be turned into 'administration over the people' instead of 'administration for the people'.
6. There is also need to have effective control over administration to prevent the widespread evils and maladministration of bureaucracy.
7. Finally, control over administration is needed in order to make public servants accountable and more responsible to the people. Because greater responsibility means greater control over administration.

18.3   LEGISLATIVE CONTROL

According to Willoughby the legislature exercises general power of 'direction, supervision and control of Public Administration'. It lays down the broader policy of administration and the administration cannot act contrary to the guidelines laid down by the legislature. The bureaucrats are shielded for their action by the Ministers through the principle of ministerial responsibility to the legislature. The legislature not only defines the functions of the government but also provides the finance for its various programmes. The control over financial matters is exercised through budgetary review and by various committees established by it. The administration cannot spend a single paisa without the sanction of legislature. The administration is expected to keep the accurate account of all financial transactions and submit the reports of such transactions to the legislature. The control over administration is exercised (i) on the floor of the House, and (ii) through committees, according to the procedure adopted by the Parliament. Let us first discuss the methods of control on the floor of the House.

The members of Parliament get the opportunity to control through procedures like discussion on the address of the President, putting of questions, raising half-hour discussions, consideration of Bills, discussion on resolutions, motions on matters of general and urgent public importance, motion of no confidence in the Council of Ministers, motions of censure and motion for adjournment and notices calling attention of matters of urgent public importance. For financial control, opportunity is made available to Parliament through discussion of General and Railway Budgets, demand for grants, passage of the Appropriation and Finance Bill, etc. Let us discuss some of them.

18.4   VARIOUS MEANS OF LEGISLATIVE CONTROL

Legislative control over administration is of three types-

(a) Control over policy,

(b) Control over implementation and the daily working of the Departments; and

(c) Control over finances.

Following are the means have been adopted by the legislature to control over administration:

1. Control over delegated legislation: Delegated legislation is one of the important means to control over legislation. In fact, delegated legislation has become a necessary evil as now a day the matters

brought before the legislature to make laws are highly technical in nature.

Usually the legislators lack special knowledge and merely lay down the general principles and rules and leave the technical details to be sorted out to the administration to make rules through the process of delegated legislation. However, it does not mean that the administration can exercise the direction in any way it likes. The legislature exercise its control over delegated legislation by constituting committees on subordinate legislations possessed with the functions of scrutinizing and reporting the House whether the powers delegated by the legislature are properly used or not.

2. Control through debate and discussion: Debate and discussion also constitute another effective means for the legislature for controlling the administration. For instance, the inaugural speech of the President, the budget speech, introduction of a Bill for amendment of an Act, enactment of a new law, introduction of motion or resolutions provides opportunity to the members of the Parliament for debates and discussions. Thus, when the President opens the session of Parliament, the speech delivered by him is discussed in the Parliament. During discussion, the members of Parliament may criticize the administration for its failure or lapses. Similarly, the budget speech provides another opportunity to the legislature to review and criticize the functioning of administration. Thus, the debate and discussion have great values which compel the Government to defend their administrative policies. It provides opportunity to the opposition to focus on the weak side of administration.

3. Budgetary control: The most effective legislative control over administration is through the budgetary system. Legislature exercises control over administration by controlling the purse of the nation. It passes the budget and authorizes expenditure. Not even a single paisa can be spent by the administration without the prior approval from the legislature. It has been aptly said, 'one who pays the piper, calls the tune.' When the budget is placed on the floor of the House, the member gets opportunity to reviews the past work, scrutinize, examine and criticize the functioning of the government if there is any failure in policy decisions, set up aims and gives new directions to the government to be more alert in the functioning of administration.

4. Control through audit: The legislature also exercises an effective control over administration through the CAG, who functions independent of the executive control. The Comptroller and Auditor General (CAG)

audit all the accounts of income and expenditure of the government and submit an Annual Report before the legislature. It brings to notice of the legislature about the irregularities and lapses on the part of administration. Again, the

Public Account Committee (PAC) of the legislature scrutinizes the Report of the CAG and thereafter the legislature discusses its findings. Besides, the Estimate Committee (EC) examines the estimates of different Ministries before they are voted upon by the legislature. Thus, audit is used as an effective device to control over administration by the legislature.

5. Question-hour: The question-hour is regarded as another method of legislative control over administration. In a parliamentary system there is the practice of setting apart one hour of Parliament's meeting time for questions is called 'Questions-Hours'. The legislative members may ask any questions on administration and the Ministers concerned answers to the questions asked by the members on the floor of the House. These questions keep the bureaucrats alerts as they have to brief their Ministers so that he can reply the questions on the floor of the House. For instance, in India from 11.00 a.m. to 12 p.m. of every Parliament day is allocated for questions-hours. During the hour, around 30 to 40 questions are asked which helps in putting the public attention to focus on a specific issue. The main objective of putting questions is used for exposing the infirmities of the government and unmasking its flaws. The questions-hour serves as a searchlight on the failures and abuses of authority.

According to Prof. W.B. Munro, "it is an effective check upon the bureaucratic tendencies which are bound to appear in every government. It keeps the expert responsive to a body layman…" Again, Lowell while emphasizing the importance of questions stated that, "not only keeps the administration up to the mark, but to prevent the growth of bureaucratic mark." Thus, question hour represent a very effective tool of legislative control over administration.

6. Zero-hour discussion: Zero-hour-discussion happens after the questions-hour i,e, 12 p.m. and since 12 p.m. is called zero-hour and therefore it is named 'zero-hour'. It is an extra regular method that is entirely an Indian innovation since 1962. It is invoked after question hour with the consent of Presiding Officer to incite opinions on matter of public importance which have not been listed in day's business.

7. Half-an-hour discussion and short-discussion: This is another important tool in the hands of the legislature to maintain its control over

the administration. It is subsequent to the question-hour. Normally, the question-hour may be allowed by half-an-hour discussion when a member feels dissatisfied regarding a particular answer given by concerned ministers. Similarly, during short-discussion the legislature may extract more relevant information on a matter of public policy from the government.

8. Control through motions or resolutions: The legislature also controls the administration through various motions and resolutions. The most frequently used motions are call attention motion, censure motion, adjournment motion, and no-confidence motion. They may be stated as follows:

(a) The call attention motion is introduced by the member of the Parliament with due permission of the chair to draw the attention of a minister to an urgent matter of public importance and request him to make a statement thereon.

(b) A censure motion may be moved against the whole ministry or group of ministers or even an individual ministry for their inability to act or not to act for their policy, revealing regret, indignation or surprise of the House.

(c) Similarly, motion of no-confidence is intended to dislodge the government. The motion obviously implies the lack of confidence in the ministry owing to its failure or inefficiency of serious in nature.

(d) Likewise, the motions for adjournment are tabled to discuss a specific or definite matter of urgent public importance on the floor of the House. The sole purpose of adjournment motion is to censure the government in order to influence its decisions.

On the other hand, legislature has the power to pass resolutions on any matter to censure a particular minister or the government as a whole. The difference between resolution and motion is that resolutions are recommendatory in nature which may or may not be accepted by the government, whereas the motions may leads to the resignation of the whole ministry.

9. Control through administrative laws: Various laws are passed by the legislature in the form of broad outlines and detailed of the provisions of law are left to the executive to be filled in. The legislature may instruct the executive to lay the rules framed under Enabling Acts before the legislature. In the same way, a committee of the House may be appointed to examine these rules and report the same to the House regarding their accuracy.

10. Committee on Assurance: The legislature also exercises controls over the administration by appointing committees from its own members. The Ministers make some promises and assurances on the floor of the House during the courses of debates, discussion and questions. So, it is the duty of the Committee on Assurance to see whether the assurances and undertakings made in the legislature are fulfilled or not. In fact, the

Committee on Assurances has substantially helped the legislature to keep its control over administration. M. N. Kaul asserted that the formation of the Assurance Committees has, "helped not only to keep vigil on the administrative efficiency but also has helped in removing many of the defects inherent of the previous system. The ministers are now careful in giving promises and the administration is prompt enough to take action on the promises given the various ministries of the government are now conscious of their duties towards Parliament."

11. Other Committees of legislature: There are plenty of committees which help legislature to exercise its control over administration. They are (i) Public Accounts Committee, (b) Estimates Committee, (c) Committee on Public Undertakings and (d) Committee of Subordinate Legislation.

Besides, the legislature also appoints other Special Committees from time to time to make enquiry into any particular matter. These Committees are regarded as the right-hands of the legislature which provides effective means of exercising control over the administration.

18.5 LIMITATIONS OF LEGISLATIVE CONTROL

The extent of control of the legislature over the administration has been quite limited on account of the following reasons:

1. In a parliamentary system of government, on account of rapid growth of rigid party system, principle of collective responsibility, parliamentary control over the executive, fear of dissolution at the hands of the Prime Minister has been substantially circumscribed. For instance, the executive in India or UK have become the master of the whole show. They are supported by the majority in the legislature who always dance to their tune. In practice, the legislature is a tool in the hands of the cabinet.

2. In the Presidential system like USA, the executive already enjoy lot of immunities from the legislative control. For example, treaties and important appointments are generally ratified by the Senate, provided President's own party is holding majority support in the Senate.

3. The size of modern legislatures is large in size. Because of its large size, it is beyond capacity on the part of the legislature to exercise effective control over administration.

4. Most of the members elected or nominated to the legislature are laymen. They lack technical know-how of the administration, whereas the members of administration are well expert and possess specialized knowledge. In that case, the legislature cannot control the administrators who are experienced and possess skilled technical knowledge.

5. The party which commands majority support on the floor of the House is invited to form the government. As such, majority members belong to the ruling party and there are scant chances of censure-motion, adjournment-motion or no-confidence motion being passed against the government.

6. Critics pointed out that various committees especially the financial committees formed in the legislature do merely the post-mortem work. The report the legislature about the irregularities after it has been done.

7. The declaration of emergency also cuts the hands of the members of legislature to have a tight-control over the administration.

LET US SUM UP

Public Administration all over the world is exhibiting an unmistaken trend of expansion. The phenomenal increase in governmental functions is a continuing process, and each year that passes, adds some more to an already long list of functions. Administration is today draped with unparalleled powers. "In an almost literal sense most of us, certainly in urban life, live and move and have our being as administering, as being administered, or at least as the beneficiaries of administration". That these powers must be fenced by a network of control is equally apparent. The grant of powers inevitably carries with them a fear of their abuse or misuse. The need for effective control over administration is, thus, obvious. Public opinion, professional standards and ethics, and the nature of the society all influence administration to exercise control over it.

CHECK YOUR PROGRESS

1. According to_____, "power is corrupt and absolute power corrupts absolutely".
2. The legislature exercises general power of 'direction, _____ and control of Public Administration'.
3. Legislative control over administration is of three types as Control over_____, _____ and _____.
4. The practice of setting apart one hour of Parliament's meeting time for questions is called _____.
5. Zero-hour is an extra regular method that is entirely an Indian innovation since _____.

GLOSSARY

Control : the power to influence or direct people's behavior or the course of events.

Resolutions : firm decision to do or not to do something.

Adjournment : an act or period of suspension of postponement.

Delegated : entrust a task or responsibility to others.

ANSWERS TO CHECK YOUR PROGRESS

1. Lord Acton
2. Supervision
3. Policy, implementation and finances
4. Questions-Hours
5. 1962

MODEL QUESTIONS

1. Write an essay on need for control over public administration.
2. Explain legislative control and its limitations.
3. Discuss the various means of legislative control over administration.

SUGGESTED READINGS

1. B.L.Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
2. Vishnoo Bhagwan (1994) *Public Administration*, S. Chand & Vidya Bhusan Co., New Delhi.
3. Bhambhri, C.P. (2002) *Public Administration – Theory and Practice*, Jain Prakash, Nath& Co., Meerut.

UNIT 19

<div align="right">**EXECUTIVE CONTROL**</div>

STRUCTURE

Overview

Learning objectives

19.1   Introduction

19.2   Executive Control

19.3   Importance of Executive Control over Administration

19.4   Limitations of Executive Control

19.5   Accountability and Control over Administration

Let us sum up

Check your progress

Glossary

Answers to check your progress

Model Questions

Suggested readings

OVERVIEW

The executive control over administration is constant and continuous. They executive give positive and continuous guidance and directions to the administration which keeps the administration always alert. There are a number of means of executive control of administration. Gladden has stated three important methods of control of the executive over the administration. They are political directions through ministerial administrators, operation of the national budgetary system and recruitment by an independent authority. In this unit, we will discuss in detail about the Executive control over public administration.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢   Understand the concept of executive control over public administration.

➢   Know the importance and limitations for executive control.

➢   Analyse the accountability and its control over administration.

19.1 INTRODUCTION

Executive control of administration by the Chief Executive is essential in democratic government. According to Prof.Nigro, "Executive control is most important for their positive department and enforcement of standards and safeguards in the actual operation of substantive departments". We have already discussed the functions of the Chief Executive. The Chief Executive, through staff and line functionaries, exercises control over the operations carried out by field agencies. The mechanism of control is an outcome of the powers vested in the Chief Executive, e.g.

(a) Control over personnel - appointment, promotion, removal, enforcing civil services codes, etc.,

(b) Control over finances, e.g., allocation of resources through budget, accounting and auditing system,

(c) Rule-making power, ordinances, etc.,

(d) Organising and reorganising, and

(e) Final authority to take decisions.

19.2 EXECUTIVE CONTROL

Besides, all these methods there are also other means in the hands of the executive to maintain its control over administration, which may be discussed as follows:

1. Control through policy-making: The executive plays a very significant role in policymaking. The major task in front of the Chief Executive is to frame various administrative policies. In a parliamentary system of government, it is the cabinet under the leadership of the Prime Minister is the in charge of policy making and overall coordination of the various departments of the government. They lay down the policy, look to its implementation and issues directives to the departmental officials. Similarly, in the

Presidential system like USA, the President as the Chief Executive determines the general lines of administrative policy. He may even delegate some of policy-making power to the heads of various administrative departments, but the overall responsibility for policy-making lies with him.

2. Control through political directions: Political direction is another important method through which the executive maintain its control over administration. The Minister is empowered to manage his own

department and has the power of direction, control and supervision. He may supervise the working of his department and may issue directions to increase the efficiency of the department. Thus, the officials work under his general political direction. It is pertinent to mention here that the executive control over administration depends not only on the constitutional or legal system of the system, but also upon his political directions.

3. By forming administrative organisations: The minister who is the political boss of the department. It is the executive which determines the number of departments through which the administration is to be carried out. He may alter in the existing department or reconstruct the department for the advantage of administration. In this way the executive exerts his influence and controls over administration organisation.

4. Control through delegated legislation: In modern times the delegated legislation has become an important means of exercising executive control over administration. Most of the laws passed by the legislature are in skeleton character and the executive is empowered to fill in the details. Indeed, this is a great power in the hands of the executive which can be used in controlling the administration by laying down rules and regulations in the execution of the laws concerned.

5. Control through issuing ordinance: The power of issuing ordinance is another means of executive control over administration. The ordinances are issued by the Chief Executive to meet an emergent situation which may arise when the legislature is not in session. However, they remain in operation for a temporary period and cease to be in force unless approved by the legislature as soon as it meets. In India and some other countries the executive has the power of issuing ordinance which has same sanction of law as an act passed by the Parliament.

6. Control through budgetary system: The executive further exercises control over administration through the budgetary system. It is the executive which is responsible for framing the budget, getting the demand for grants passed in the Parliament, and allocation of required fund to each department for expenditure. The civil servants have to work within the budgetary allocation and even a single paisa cannot be spent without the sanction from his superior authority. For this, proper accounts are to be maintained which are subject to audit. Thus, through proper budgetary system, the administration remains under effective and continuous control of the executive.

7. Control through recruitment, transfer and removal of officials:
This is another means of executive control over administration. In general, recruitment to civil services is vested with the Public Service Commissions, which works as an independent constitutional body. However, the rules of recruitment and appointments are laid down by the government. Required qualifications, experience etc. for various posts are determined by the executive. It possesses power to exclude certain posts from the purview of the Public Service Commissions. For instance, in India the executive has free hand in the appointment of certain key posts of civil service. The ministers are quite free to select their heads of departments and their own secretaries. He may transfer the officials from one branch to another and make changes in the allocation of their work. Similarly, the executive retains the power to remove the officials appointed by it. Thus, through the power of appointment and removal of all these appointees the executive exercise full control over the administration.

19.3 IMPORTANCE OF EXECUTIVE CONTROL OVER ADMINISTRATION

The executive control over administration is regarded essential to keep the administration on its tract. The importance of executive control especially in a Parliamentary or Presidential form of government can be discussed under the following points:

1. Executive control over administration is direct, effective and continuous, and continuous in nature. The executive control not only keeps the administration under its control but also provides continuous direction and proper guidance to the operation of administration.

2. The executive control over administration is a vital necessity to check the uncontrolled activities of civil servants. Effective executive control over administration reduces the chances of corruption, evils and maladministration of the civil servants.

3. The doctrine of ministerial responsibility is the cardinal principle in a parliamentary system of government. As political heads of the department, the minister is held responsible for a mistake done by a civil servant in his department. Even the ministers are compelled to resign for the mistake made by officials. Therefore, effective control over administration is needed to run the administration efficiently.

4. The main need of executive control over administration lies in the fact that the growing activities of modern states, the powers of the civil servants are growing everywhere, hence the ministers find it necessary to keep a check on their excessive powers.

5. Prof. Negro stated that the executive controls over administration are "most important for their positive development and enforcement of standards and safeguards in the actual operation of substantive departments".

6. The Chief Executive formulates policies and their implementation entirely depends on the civil servants. Very often the executive find it difficult to implement programmes owing to the vested interest of bureaucrats. For example, during President Roosevelt's term in the USA, the civil servants stood as an obstacle in the speedy execution of the New Deal Legislation. Likewise, in the UK the civil servants proved to be an impediment to the socialist programmes of the Labour Government in the wake of World War-II. All these conservative nature of the bureaucrats also prove to have a proper control on the administration by the executive.

19.4 LIMITATIONS OF EXECUTIVE CONTROL

However, in practice, we discern that the executive control is not adequate and suffers from many limitations, such as;

(a) Executives remain too busy and hardly find time to review administrative actions.

(b) A lot of executive's time, at all levels, is consumed in meetings, which leaves little time for attending to substantive work.

(c) Outdated administrative machinery of the Government does not permit easy review and action.

(d) There is collusion among personnel at different levels, whereby the citizens' complaints are ignored. The reporting is done in such a manner that the official viewpoints prevail at the cost of service to the citizens.

(e) Executive control on behalf of the citizens consumes a lot of time because of red tapism.

(f) The entire administrative machinery works on the basis of rules, to the utter neglect of performance.

Thus, there is a need of genuine executive control to serve the interest of the Government and the citizens. On the efficiency of executive control would depend the confidence of citizens in the administration.

19.5 ACCOUNTABILITY AND CONTROL OVER ADMINISTRATION

There are two major types of control over administration, namely as the internal or administrative control and external or political control over administration. Both internal and external controls are interdependent and supplementary to each other for having an effective control over administration. They may be discussed as follows:

A. Internal control & accountability: The internal control is those which operate within the administration itself. It is a part of the administrative machinery and works automatically and spontaneously with the movement of the machinery as self-regulating devices.

It comprises of the following:

1. **Personnel management control**: Every official is made aware of his rank, grade and salary and there are rules and regulations that govern the work conditions and conduct of the personnel management.
2. **Organisational and management control**: Regular inspections are done and requisite training is provided to officials for efficient execution of their responsibilities.
3. **Administrative ethics and professional standards**: Moral and accepted beliefs of behavior are promoted amongst officials. The ethical values help in controlling the administration.
4. **Administrative leadership**: Leadership acceptance increases with an increase in hierarchy and position and that is encouraged to keep the motivation and morale of officials going. It should not be seen only in the negative light of a control mechanism for irrational patterns of individual's employees' activities but as a positive mechanism of harmonizing individual's activities into rational patterns.
5. **Hierarchical order**: Under the hierarchical system all administrative organisation follow the pattern of the superior-subordinate relationship through a number of levels responsibility. It helps to define the relative position of each post in the organisation clearly.
6. **Enquires and investigations**: Control over administration is also maintained by forming investigative or enquiry committees at various departmental levels.
7. **Annual confidential report**: This is another effective way in maintaining internal control over administration. The annual confidential report, keep the record of service of the officials and his capability for the performance of the job is evaluated by the superior on the basis of confidential report annually.

B. External control & accountability: The external control operates upon the administration from the outside and work within the constitutional structure. The external control over administration may be considered mainly from the legislative, executive, judicial and of the community control. Here, we will focus on the external control mainly the legislative, executive and judicial control over administration.

LET US SUM UP

Thus, the above discussion reveals the significance of executive control over administration. However, effectiveness of executive control depends on the minister-civil servant relationship. It is well known fact that the ministers are lay man and has to depend on the administrative abilities of his secretaries who are specialized in knowledge and expert in these fields. For a harmonious functioning of administrative departments, an effective coordination between political executive and civil servants as permanent executive is a must. The executive formulate the policies and take decisions which are implemented by the civil servants. Both ministers and civil servants should work together as a team to run the administration smoothly.

CHECK YOUR PROGRESS

1. In a parliamentary system of government, it is the cabinet under the leadership of the _____ is the in charge of policy making.
2. Presidential system like USA, the President as the _____ determines the general lines of administrative policy.
3. The _____ are issued by the Chief Executive to meet an emergent situation which may arise when the legislature is not in session.
4. In India the executive has free hand in the appointment of certain key posts of _____.
5. The doctrine of ministerial responsibility is the cardinal principle in a _____ system of government.

GLOSSARY

Policymaking : the process of formulating policies.

Ordinances : an authoritative order.

Superior : higher in rank, status, or quality.

Recruitment : process of actively seeking out, finding and hiring candidates for a specific position or job.

Implementation : the process of putting a decision or plan into effect.

ANSWERS TO CHECK YOUR PROGRESS

1. Prime Minister
2. Chief Executive
3. Ordinances
4. Civil service
5. Parliamentary

MODEL QUESTIONS

1. Discuss about the various means of executive control over administration.
2. Write an essay on importance and Limitations of Executive Control.
3. Explain Accountability and Control over Administration.

SUGGESTED READINGS

1. B.L.Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
2. Vishnoo Bhagwan (1994) *Public Administration*, S. Chand & Vidya Bhusan Co., New Delhi.
3. Bhambhri, C.P. (2002) *Public Administration – Theory and Practice*, Jain Prakash, Nath& Co., Meerut.

UNIT 20

STRUCTURE

OVERVIEW

In a modern democracy, the judiciary plays an important role in protecting sanctity of the supreme law of the land-the Constitution. It works as the vanguard of the rights and liberties of the people. Its role in protecting the citizens against the excess of officials has become all more important with the increase in powers of the public officials. In this unit, we will discuss in detail about the judicial control over public administration.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Understand the concept of judicial control over public administration.

➢ Know about the various writs and its provisions.

➢ Discuss the limitations and suggestions to improve judiciary.

20.1 INTRODUCTION

In simple words the judicial control over administration means the power of the courts to examine the legality of the acts of officials and thereby to safeguard the rights of the people. In other words, it also implies the rights of an aggrieved citizen to bring a suit whether civil or criminal in a court of law against a public official for the wrong done to him in the course of discharge of his public duty.

Lord Bryce rightly remarked that there is no better test of the excellence of a government than the efficiency and independence of its judicial system. While emphasizing the importance of judicial control over administration L.D.White writes, "By judicial control of administrative acts is to ensure their legality and thus protect citizens against unlawful trespass on their constitutional and other rights".

Thus, judicial control means the power of the judiciary to determine the legality of acts of government officials and to declare ultra vires if they are found to be based on abuse of authority, excess of jurisdiction, error of law, error of fact-finding and error of procedure.

20.2 JUDICIAL CONTROL

The media of external control over administration are two, namely, the legislative and the judicial. The former is the control of the policy and expenditure of the executive branch, and the latter is the control of administrative acts which ensures their legality and, thus, protects citizens whenever the official authority encroaches upon their constitutional or statutory rights. The primary objective of judicial control is the protection of private rights, which obviously is a task of grave importance.

The judicial control over administrative acts stems from the doctrine of rule of law, which finds its classic exposition in the writings of A.V.Dicey. The judicial control over administration can be exercised through two important methods (a) Rule of Law (B) Administrative Law (Droit Administratifs).

20.3 VARIOUS MEANS OF JUDICIAL CONTROL

The system of rule of law is prevalent in the countries like UK, USA, India etc., whereas Administrative Law is prevails mainly in France and in some other countries of Europe. Here we are going to discuss them in some details:

(1) Judicial intervention in administrative cases: Public officials get a lot of opportunity to wield authority in their own direction and which can be abused also. The judicial control is a check upon highhandedness or arbitrariness of the executive. However, it is important to mention in this context that judiciary does not interfere on its own accord in administrative activities. The court can intervene when a complaint is lodged to the judiciary by a person who feels that his rights have been violated or likely to be infringed by some actions of the public officials.

Moreover, the court intervenes in administrative cases on the following grounds:

(a) When the administrative case involves lack of jurisdiction.

(b) When the administrative case involves error of law.

(c) When the administrative case involves error of fact-finding.

(d) When the administrative case involves error of procedure.

(e) When the administrative case involves abuse of discretion.

The court's intervention may be sought if the public servant uses his authority vindictively to harm some person. The court also intervenes if the administrator has acted ultra vires or without authority, or if his act falls outside the scope of his authority. Judicial remedies may be had if the official misconstrues the law and imposes on citizen obligations which are not required by law. In legal terminology this is called misfeasance. Similarly, errors in discovering a fact, or departure from the rules of procedure that have been laid down, are grounds for judicial intervention. Any administrative act which violates the Constitution is liable to be pronounced unconstitutional by the judiciary.

(2) Judicial remedies under rule of law: The rule of law lays down the basis of judicial control over administration. The rule of law as a concept has been explained elaborately by Prof. Dicey. According to him rule of law ensures equality before law which means that everybody, high or law, official or private citizen, is treated under the same law. No special courts are provided for trying the officials and uniform procedure is followed for everybody without any discrimination.

(3) Suit for damage against the state and its officials: An aggrieved party can file a suit against the official only as an individual for the damages for the wrong done to him. Because the theory of the rule of law signifies that the state cannot be held responsible for the misconduct of his officials, even if they harmed the persons in the official capacity. This is termed as the 'Doctrine of State Immunity', which means that the

state cannot be sued in its own courts without its consent. However, the power is not effective as the damages decreed by the courts cannot be usually recovered due to poor pecuniary conditions of the officials.

Importantly, effort has been made in this regard to reform the system in the countries where rule of law is prevalent. For instance, the Crown Proceeding Act, 1947 in the UK makes the Crown liable for torts committed by its servants. A similar step has been taken in the USA by the Legislative Reorganisation Act, 1946. In India also, the state is not immune from liability for the wrong acts of its officials. The government is not, however, liable for the improper or unauthorized acts or its officials. The officials can be sued after due notice has been served to him.

Article 300 of the Indian Constitution describes the suitability of the State in India. It reads:

(1) The Government of India may sue or be sued by the name of the Union of India; and the Government of a State may sue or be sued by the name of the State and may, subject to any provisions which may be made by Act of Parliament or of the legislature of such State enacted by virtue of powers conferred by this Constitution, sue or be sued in relation to their respective affairs in the like cases as the Dominion of India and the corresponding Provinces or the corresponding Indian States might have sued or been sued if this Constitution had not been enacted.

(2) If at the commencement of this Constitution any legal proceedings are pending to which the Dominion of India is a party, the Union of India shall be deemed to be substituted for the Dominion in those proceedings; and any legal proceedings are pending to which a Province or an Indian State is a party, the corresponding State shall be deemed to be substituted for the Province or the Indian State in those proceedings.

(4) Control through issuing writs: In addition to the judicial remedies available to the citizens against suing the government and its officials, they have certain extraordinary judicial remedies known as writs against the arbitrary violation by the public officials. They are as follows:

(a)   Habeas Corpus: Literally, habeas corpus means 'to have the body of'. The writ of habeas corpus is an order issued by the Court, calling upon the person who has detained another person, to produce the body of the latter before the Court, so that it (the Court) might know on what grounds he has been detained, and in the absence of any legal justification for his detention, it might set him free. The purpose of this writ is to determine whether the prisoner has been legally detained or wrongly confined. This writ is a great but work of individual freedom; it

puts an end to arbitrary imprisonment. The Preventive Detention Act, however, restricts its general usefulness.

(b)   Mandamus: Mandamus means a command or a mandate. "It is command issued by a common law court of competent jurisdiction, in the name of the State or the Sovereign, directed to some corporation, officer, inferior court, requiring the performance of some particular duty therein specified, which duty results from the official station of the part to whom the writ is directed or from the operation of law". This writ, in short, commands a public official to do thing which is part of his official duty, but which he has failed to perform. This writ cannot be claimed as a matter of right; it is issued at the discretion of the court; and the latter does not issue it so long as some alternative remedy is available.

(c)   Prohibition: The writ of prohibition is issued by a superior court to an inferior court, preventing the latter from usurping jurisdiction which the law does not endow it with. It is, thus, of a negative character, preventing an inferior court from "usurping a `jurisdiction' with which it is not legally vested". It can be issued only against judicial or quasi-judicial tribunals.

(d)   Certiorari: Certiorari means 'to be certified'. According to Bouvier's Law Dictionary, certiorari is a "writ issued by a superior to an inferior court of record, or other tribunal or officer, exercising a judicial function, requiring the certification and return to the former of some proceedings then pending, or the record and proceedings in some cause already terminated, in cases where the procedure is not according to the course of the common law". This writ is issued only against some judicial act, and has the effect of either quashing or upholding the judgment of the inferior court. The main difference between certiorari and prohibition is that the former is both negative and positive, whereas the latter is only preventive.

(e)   Quo Warranto: Quo Warranto literally means "what warrant or authority". According to Spelling, "Quo warranto is the remedy or proceedings whereby the State inquiries into the legality of the claim which a party asserts to an office or franchise, or to oust him from its employment, if the claim be not well-founded, or to have the same declared forfeited and recover it, if having once been rightfully possessed and enjoyed, it has become forfeited for misuser or non-user". This writ purports to try a claim to public office.

(f)   Injunction: It is a writ issued by the court requiring a person to do or refrain from doing a thing. It is called "Mandatory', when it requires the defendant to do a thing and `preventive', when it requires the

defendant to refrain from doing it. Mandatory injunction would thus appear to resemble mandamus because both command the respondent to do a thing, but there is a difference between the two. Mandamus cannot be issued against a private person, while an injunction is usually directed to the parties in the dispute, whosoever they may be. Again, the preventive injunction resembles prohibition, but the difference between the two is that prohibition is a writ available against judicial authorities only, while injunction is a writ against executive officials.

(5) Legal remedies under Administrative Law: There are certain countries where administrative law prevails. The state is liable and suable for all illegal acts of its officials. The officials in these countries are tried not in ordinary courts but in the administrative courts, which award damages from the public funds to the aggrieved parties. For instance, countries like France, where the system of Administrative Law (Droit Administratifs) is in existence and the liability of state for illegal acts of officials is fully established.

(6) Power of judicial review: The judiciary also exercise control over administration through the power of judicial review. It obviously means the power of judiciary to declare null and void of any acts, laws, ordinance or executive decision, if it goes against the norms of the supreme laws of the land-the Constitution. Countries like India and USA, the power of judicial review not only includes the legislative enactments but also the executive orders and administrative actions. However, in the UK the power of judicial review is merely confined to the administrative acts and excluded the legislative enactment, as because of their parliamentary sovereignty. Thus, through the power of judicial review, judiciary can declare ultra vires any administrative acts if it goes against the laws of the land.

20.4   LIMITATIONS OF JUDICIAL CONTROL

Judicial remedies provide an effective control against official excesses or abuse of power by the public officials in protecting the rights and liberties of citizens. But there are a few limitations of judicial control which may be enumerated as follows:

1.   All administrative actions are not subject to judicial control. There are a number of administrative actions, which cannot be reviewed by the law courts. Always there is a tendency on the part of the legislature to exclude by law certain administrative acts from the purview of the judiciary.

2. Even within its sphere of jurisdiction, the judiciary cannot by itself take cognizance of excesses on the part of officials. It can intervene only on the request of somebody who has been affected by an official action. This means that a negligible fraction of the cases of administrative excesses would come before the judiciary and that too after a person has already suffered.

3. The judicial process is very slow and cumbersome. The courts follow certain set technical pattern of procedure beyond the comprehension of a layman and then the procedure is so lengthy that it cannot be known as to when the final judgment shall be given. Sometimes the decision of the court comes when the damage has been done beyond repair: It is rightly said that 'Justice delayed is justice denied'.

4. It has been alleged that sometimes the remedies offered by the law courts are inadequate and ineffective. In many cases, especially relating to business activities, mere announcement of an administrative action or even a reminder concerning a proposed action may cause an injury to the individual against who not even a suit can be filed in the law court.

5. The judicial action is expensive and cannot therefore be taken advantage of by many people. Filing a suit means paying the court fee, lawyer fee engaged and cost of producing witnesses and undergoing all inconveniences and only those who can afford can bear.

6. The highly technical nature of most of the administrative actions saps the force of judicial review. The judges are only legal experts and they may have scant knowledge of the technicalities and complexities of modern administrative problems. Their legal bent of mind may impede them in arriving at a right decision. That is why the modern trend is towards the establishment of Administrative Tribunals, which consist of person's expert in technical matters.

Despite the above stated limitations, the judicial control over are indispensible to hinder the public officials from the misuse of authority. Indeed, judicial control is regarded as the most vital means to prevent the public officials from using their powers arbitrarily.

20.5 SUGGESTIONS TO IMPROVE JUDICIARY

The following are suggested to improve the functioning of judiciary:

1. Judiciary should be well equipped with required staff so that justice can be expedited and arrears may not pile up.

2. Judiciary should ensure that citizens are not fleeced by the advocates. The fees can be reduced to make justice cheaper and within the reach of the poor people.

3. Judges need to insulate themselves from political influences.

4. There is need to find means to identify corrupt persons in the judicial system and do away with them.

5. Judiciary should ensure the required infrastructure to provide decent services to the clients e.g., cheap typing, Photostat, good canteen, public relations cell, etc.

6. The government needs to appoint a research cell to examine judicial decisions to locate the problems of administration, and take necessary action on such findings to avoid future recurrence.

7. There is a need to an institution like Ombudsman as in Sweden and Finland for supervising the courts.

LET US SUM UP

Judiciary has been doing very useful work in protecting the citizens from the wrongful acts of the Government. Lord Denning has rightly said: "If properly exercised the new powers of the executive lead to a Welfare State, but it abused, they lead to a totalitarian State". Courts also keep the members of the legislature and Government machinery in their proper places. There are remarkable achievements of judiciary in independent India in all the fields.

CHECK YOUR PROGRESS

1. The judicial control over administrative acts stems from the doctrine of _____.
2. The system of rule of law is prevalent in the countries like UK, USA, India etc., whereas _____ is prevails in France.
3. The writ of _____ is an order issued by the Court, calling upon the person who has detained another person, to produce the body of the latter before the Court.
4. Countries like India and USA, the power of judicial review not only includes the legislative enactments but also the _____ orders and _____ actions.

GLOSSARY

Encroach	:	To size on the rights of other.
Suits	:	An action at law.
Sanction	:	Give official permission or approval for.

ANSWERS TO CHECK YOUR PROGRESS

1. Rule of law
2. Administrative Law
3. Habeas corpus
4. Executive and administrative

MODEL QUESTIONS

1. Discuss the nature of judicial control over administration.
2. Examine the judiciary control through writs on administration.
3. Explain the limitations of judicial control over administration.

SUGGESTED READINGS

1. B.L.Fadia & Kuldeep Fadia (2009*), Public administration*, Sahitya Bhawan Publishers, New Delhi.
2. Vishnoo Bhagwan (1994*) Public Administration*, S. Chand & Vidya Bhusan Co., New Delhi.
3. Bhambhri, C.P. (2002) *Public Administration – Theory and Practice*, Jain Prakash, Nath& Co., Meerut.

TAMILNADU OPEN UNIVERSITY
B.A Political Science (BPSSE - 11)
Principles of Public Administration
Model Question Paper

Time: 3 Hrs   Max Marks: 70

PART – A (3 x 3 = 9)

Answer any THREE questions in 100 words each. Each question carries 3 marks

1. Define Public Administration.

2. Write a short note on Hierarchy.

3. Explain various steps involved in planning.

4. State the purpose of boards and commissions.

5. Describe question hour.

PART – B (3 x 7 = 21)

Answer any THREE questions in 200 words each. Each question carries 7 marks

6. Discuss public administration is an art or science.

7. Distinguish difference between formal and informal organisation.

8. Write an essay on the issues related to public corporations in India

9. Explain the Barriers of communication.

10. Describe the relations between the line and staff agencies.

PART- C (4 x 10 = 40)

Answer any FOUR questions in 500 words each. Each question carries 10 marks

11. Analyze the Marxian approach to the study of public administration.

12. Compare the principles, merits and demerits of centralization and decentralization.

13. Discuss the qualities needed for a successful executive.

14. Write an essay on regulatory commission in India.

15. Analyze the tools and techniques of public relations.

16. Describe the various recommendations of ARC towards public administration in India.

17. Examine the nature of judicial control over administration.

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School of Politics and Public Administration:

M.A. Political Science & M.A. Public Administration was launched under School of Social Sciences (Non- Semester pattern) in 2004 – 2005. The School Separated into an independent school as School of Politics and Public Administration (SOPPA) in 2008 with the approval of the Academic Council and Syndicate of the University. The activities of the school were promoting education and creating employment opportunities for the learners.

Various Programme launched during the year 2008 to 2020 are as follows:

Under Graduate:

- B.A. Political Science (English and Tamil Medium)
- B.A. Public Administration (English and Tamil Medium)
- B.A. Human Rights (English and Tamil Medium)

Post Graduate:

- M.A. Political Science (English and Tamil Medium)
- M.A. Public Administration (English and Tamil Medium)
- M.A. Human Rights (English and Tamil Medium)
- M.A. Police Administration (English Medium)
- M.A. Development Administration (English Medium)
- M.A. International Relations (English Medium)

Research Programmes:

- M.Phil. Political Science (Full Time / Part Time)
- M.Phil. Public Administration (Full Time / Part Time)
- Ph.D. Political Science (Full Time / Part Time)
- Ph.D. Public Administration (Full Time / Part Time)

The School has planned to introduce a new scheme from 2021, the Non-Semester pattern to Semester pattern as per UGC norms. B.A. Political Science, B.A. Public Administration, M.A. Political Science & M.A. Public Administration willbe offered in semester pattern from AY 2021-2022.

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