தமிழ்நாடு திறந்தநிலைப் பல்கலைக்கழகம்
எல்லோருக்கும் எப்போதும் கல்வி

M.A., POLITICAL SCIENCE
FIRST YEAR – 2ND SEMESTER

INDIAN POLITICAL THOUGHT

SCHOOL OF POLITICS AND PUBLIC ADMINISTRATION

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

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MPSS - 21

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MPSS – 21 INDIAN POLITICAL THOUGHT
Scheme of Lesson

Professor K.Parthasarathy
Vice Chancellor

21.04.2022

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

With warm regards,

(K. PARTHASARATHY)

Block I

Ancient Indian political thought

UNIT - 1

FEATURES OF ANCIENT INDIAN POLITICAL THOUGHT

STRUCTURE

OVERVIEW

The concept of state and government is predominant in the ancient Indian polity. Ancient Indian political thought is known as by various names such as Rajya sastra, Rajadharma, Dandaneethi Nitishastra. It can be conveniently traced in the background of the ancient customs, convention, and political practics and institutions apart from philosophical traditions. This unit tries to explain the various sources and features of the ancient Indian political thought.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢   Understand the various names of Ancient Indian political thought.

➢   Know the various sources of Ancient Indian political thought.

➢   Explain the Salient features of the Ancient Indian political thought.

1.1 INTRODUCTION

The history of ancient Indian political thought is the story of great minds that evolved political institutions and guided Hindu society for nearly three millennium. This is known as Raja Shastra, Rajadharma. The background for this thought is customers, and institutions the source meterial for this subject is very limited. Some of the prominent sources of the informations are the Vedas Mahabharatha, Arthasasthra and Smruthis.

1.2 SOURCES OF ANCIENT INDIAN POLITICAL THOUGHT

Ancient Indian political thought is known as Rajya Shastra, Rajadharma, Dandaneethi, Nitishastra, etc. Saletore states that "the history of ancient Indian political thought is the story of great minds that evolved political institutions and guided Hindu society for nearly three millennium. Its significance lies also in the fact that it deals with a vast country which has had a civilization that goes back to at least 5000 years from now and which witnessed the rise and fall of many kingdoms and empires in the course of its long and eventful history."

Ancient Indian political thought can be conveniently traced in the background of the ancient customs, conventions and political practices and institutions apart from philosophical traditions. The source material is limited. However, ancient monuments, religious works, epics in addition to the philosophical practices throw light on the study of ancient Indian political philosophy and institutions. Some of the prominent sources of information are

The Vedas: The beginning of the Indian political thought are traceable to the earliest and the most ancient works known to mankind such as the Vedas. In Vedas and Brahmanas, there were references to the theory and practice of Government. There are references to government and kingship in all the first three Vedas. We find in the Vedas about the monarchy and the bounden duties of the monarch towards his people. We find the controversial institutions like sabha and samithi, having their roots in the Vedic period. Sathapatha Brahmana enunciates the divine theory of kingship. King at that time was known as 'Prajapathi'. Itreya Brahmana briefly explains the concept of social contract theory. It maintains that State is a collection of villages. In Vedas the word Kshatrasri' represents 'sovereignty'. In the Samhitas of Yajurveda, there are numerous passages about different political institutions. There is a lot of intermingling of theology and polity.

The Mahabharatha: After vedic literature, the most detailed exposition of the science of ancient Indian polity is to be found in the epic Mahabharatha. The whole statecraft, diplomacy, war ethics and strategies, State relations, etc. can be understood by referring to the Mahabharatha. The 'Sabhaparva' of Mahabharatha projects an image of ideal administration. The duties of the King and the government have been discussed at many places. The 'Shanthiparva' of Mahabharatha has given a fair idea of Ancient Indian Polity. The Mahabharatha not only throws floodlight on the contemporary political philosophy but also the political institutions. The Mahabharatha has been aptly called the 'Dharma Shashtra', 'Neethi Shasthra' and Vedanta'.

The Arthashastra: Kautilya's Arthashastra is one of the most important books on Indian polity. It deals with different aspects of the working of the State such as Kingship, civil administration, law, foreign policy, war and peace, welfare, etc. It is mainly concerned with the practical problems of government. It belongs to the fourth century B.C. It is considered as "a manual of the administrators." It is an excellent handbook on economics for Ging as it provides information about taxation and administration.

The Smrithis: The Smrithis, which were written during the period, 200 B.C. to 200 A.D., deal with the duties of the King, the function of the different officers, law, foreign policy, etc. A King was expected to be virtuous, gracious and helpful. Smritis make it clear that the King was gradually considered as a servant of his subjects and it was not wrong even to kill a tyrant. They also discuss 'varnasrama dharma' and 'prayachittha'. Manu Smrithi is very popular and authoritative.

1.3   OTHER WORKS ON ANCIENT INDIAN POLITY

Kamandakeya Neethisastra' depicts the king and his family and the monarchical form of government. The 'Nitivakyamrutha' written by Somedevasuri in 960 A.D. is a brief account of the earlier political thought.'Sukraneethisastra', which was written during 1200 and 1600, explains the position of the high officials of the State and their functions, administrative system, monarchy and the political life of the people at large of that age.Manasollasa' explains the qualifications and duties of the Kings and his ministers, and the military arrangements of a State. The Puranas' of the Gupta and post-Gupta period also deal with State and Government.From 1000 A.D. to 1700 A.D. the discussion of polity figured in works of: Rajanithikalapatharu of Lakshmidhara, Rajanithikalapatharu of Devana Bhatta, Rajanithiratnakara of Chandeswara, Amukthamalyada of Krishnadevaraya, Abhilashithastha

Chintamani of Someswara, Yukthikalpataruu of Bhojha, Nithimayukha of Neelakantha, Rajanitiprakasha of Mitramisra.

There are number of books on the science of polity in Sanskrit, Pali and Prakrita literatures. Rigveda, Atharvanaveda, Satapathi, Aitareya, Taittriya, Panchavimsathi Brahmanas deal with the science of polity. Works like Pratigna Yugandharayagna, the Raghuvamsha, Malavikagnimithra, the Panchatantra, the Hitopadesa, the Kadambari, the Harshacharitha, Dasakumara Charita, and Rajatarangani discuss the science of polity along with religious life of that period. Buddhist literature like Digghanikaya, Chullaragga and the Jatakas in Pali refer to the nature of ancient Indian polity.

Greek historians like Megasthanese who wrote 'Indica', Chinese travellers like Fahien, Hieuntsang also provide valuable information on Indian polity.

Inscriptions: Inscriptions on stones and copper are another source of information about the ancient Indian polity.

Numismatics: Finally, numismatics and the legends inscribed on them also serve as sources. All the above sources provide information of ancient Indian polity concerning the actual state of affairs under different governments and different kinds of administration, territorial divisions, interstate relations, aims of the government, duties of the kings and the responsibilities of the Ministers and other officials.

1.4 SALIENT FEATURES OF ANCIENT INDIAN POLITICAL THOUGHT

Ancient Indian writers concentrated more on spirituality and vedanta than on mere politics and administration. They made no distinction between religion and politics. They were concerned with the totality of life and considered politics as a part of whole life. They were more concerned about mundane worldly matters.

Aurobindo states that the Indian political thought consists of the spiritual outlook, stupendous vitality and strong intellectuality by elaborating all life into a science and an art. The ancient Indian political thought is known as Rajya Sastra (Science of State), Dandaneeti (Science of Force), Raja dharma (Ethics of State), Kshatriya Vidya (Science of Rulership), Nripa Sastra (Science of Kings), etc. The following are the main features of ancient Indian political thought.

Whole life: While ancient Greeks were concerned with the relation between city-State and man, ancient Indians were concerned with the

relation between the man and universe. Indian thought is not concerned with particular aspect of life, but with its totality. So politics became a part of life and religion. Politics became ethics of the whole society. Hence, it is said that while the ancient Indian political thought is unscientific, the western political thought is systematic, scientific and analytic in nature.

Pre-eminently ethical and spiritual: In ancient India, politics was not independent of religion and ethics. Religion and politics went together. The priests and the Kings worked coherently and thus the State was not theoratic. Religion and politics worked together and were never at cross purpose. There was a lot of intermingling of theology and polity. The divine universal theory which comprises theology, metaphysics, tradition, logic, law, ethics and economics dominated the thought of ancient India. Political science functioned as ethics for the whole society. Politics was a science of man's duty in relation to himself, the society, the world and the universe at large.

Intimate relation to social organisation: Politics has intimate relation to social organisation. It regards the State as all embracing. Indian thought was concerned with synthesis than with analysis.

No distinction between State and society: in the political thought of ancient India, there is any clear distinction between State and society. The society was regarded as a political, religious, economic and military organisation. The political aspect not considered separately. Hence, the State and the government were used interchangeably.

Emphasis on practice: The ancient Indian political thought was more an art of government rather than a theory of the State. The ancient Indian thought was confined to the practical problems faced by the monarch whereas the Western political thought was concerned with the theory of the State.

Centralisation of authority: The centralisation of authority in State was another feature of the ancient Indian polity. The functions and activities of the State in ancient India covered almost all aspects of life. Villages came under royal officers. All ships were owned by the State. Gambling was regulated and licences were issued by the State.

No importance to individual liberty: While individual liberty has been given maximum importance in the polity of the West, marginal importance has been given to individuals in ancient Indian polity. With centralisation, bureaucratisation, concentration of powers in the hands of the King, the individual had liberty in performing of functions of

household activities only. He had no liberty to interfere in the State activities. The individual had to follow his varna and ashrama dharmas.

Secret diplomacy: Indian political thought advocated power politics, cunning and secret diplomacy. In matters of territorial expansion, ends were more important than means. There was no place for ethics in such political matters.

Kingship: Another important feature of the ancient Indian polity is that it was mainly concerned with monarchy, as it was the most common form of government then. The King was considered as the representative of divine power. Even the enforcement of justice and law tended to be a royal function.

Positive view of State: The ancient Indian thinkers have conceived the State' as an indispensable socio-religious institution for safeguarding the interests of the people. The State has been considered as the highest good on the earth by the ancient Indian political thought. The State was viewed as a concrete entity but not an abstract institution. It was to provide happy life to the people. It never took a negative view of the State.

Thus, the ancient Indian political thought has comprehensively dealt with the socio-politico-economic-cultural and ethical matters concerning the citizens and the State.

1.5   CONCLUSION

There are references to the government and kingship in all the first three Vedas. Shantiparva of Mahabharata has given a fair idea of ancient Indian polity. Maharashtra throws light both to the contemporary political philosophy and political institutions kautilya Arthasasthra deals about the working of the state which includes everything like, civil administration, law, war and peace etc. Smriti deal with the duties of the king, Function of the different officers law. Foreign policy etc. Numismatics and inscriptions forms the other sources of information's.

LET US SUM UP

The origin of the Ancient Indian political thought goes back to nearly three millennium. The background of this subject is customs, conventions and political parties. All, civil administration, forgiven policy war and peace the most important sources. Ancient polity was ethical and spiritual. There no is distinction between state and society, authority is centralised, and importanceis not given to individual liberty. The view of the state is given positively.

CHECK YOUR PROGRESS

1. The Shanthi parva of_____has given a fair deal of ancient Indian polity.

    a) Mahabharatha   b) Ramayana c) Sakuntralam   d) Epics

2. _____Is considered as a manual of the administrations.

    a) Arthasasthra b) Mahabharatha   c) Ramayana   d) Epics

3. Greek historian like_____Worte Indica.

    a) Megasthanese   b) Fahien   c) Hieuntang   d) Lemerian

4. _____States that the Indian political thought consists of the spiritual outlook.

    a) Aurobindo   b) Naoroji   c) Gokhale   d) M.N.Roy

GLOSSARY

Rajya Shastra   : Study about the State.

Praja pathi   : King.

Numismatics   : Study of Collection of Coins, banknotes and medals.

Theocratic   : Priest rule in the name of god.

ANSWER TO CHECK YOUR PROGRESS

1. Mahabharatha.

2. Arthasasthra.

3. Megasthanese

4. Aurobindo

MODEL QUESTIONS

1. Point out various other names for the Ancient Indian political thought.

2. How does Vedas become the source of Ancient Indian political thought?

3. Write a note about kautilyas Arthasasthra.

4. Discuss the Salient features of Ancient Indian political thought.

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UNIT - 2

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KAUTILYA

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STRUCTURE

OVERVIEW

Kautilya was the first political scientist of ancient India. Kautilya's peridwasconsidered as 321 B.C when chandra gupta Maurya was the first Maurya king. He was the prime minister of Chandra Gupta Maurya 'Kautilya wroite Arthashastra', the most important and popular work of the ancient India. Kautilya's work Arthashastra was translated in 1909. The political thought of Kautilya revolutionised the internal administration of the country. There are fifteen books in the kautilya`s Arthashastra. Each one of the book deals with one aspect of statecraft. This unit tries to explain the life of kautilya and his political philosophy.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Understand the Life of kautilya.

➢ Know his concept of Dharma and views on functions of state.

➢ Learn his views of on saptanga theory, Mandal theory.

2.1 INTRODUCTION

Kautilya who is known as Chanakya has assumed a very high place in the field of Indian political thought. Arthashastra of Kautilya is a landmark in the growth of ancient political thought. Kautilya's ideology is the important ideology of ancient India. It deserves serious attention and thought. It gives the realistic description of ancient political institutions. Kautilya deals with an important fact that it is the relationship between ethics and politics. Further he describes the concept of social order. Kautilya's Arthashastra is a book on the art of administrator. The saptanga Theory of Kautilya is a very very popular theory in political thought. Kautilya deals with the state and the king. We will discuss all the above principles in detail in this unit.

2.1.1 LIFE OF KAUTILYA

There has been a good deal of debate of the time of Kautilya and also the authorship of Artha Shastra. The great thinker Kautilya's childhood days are yet to be discovered. Till now no authentic biography of kautilya is available Historians say that Kautilya was born at Chanakya and that is why he was called as Chanakya.

Some of the scholars are of the view that Arthashastra was the work of early years of the Christian era. But some historian say that it was written before the beginning of the christian era.

Though the exact period of Kautilya is unknown, it was well known that kautilya was ill-treated by Nanda dynasty and this led to the establishment of Mauryan rule. This was the period of Alexander's invasion. The other writings Vishnupurana Dandin's Dasha Kumaracharita and Somadeva's Nitivakyamitra bear testimony to this.

Another version is Vishnu Gupta has been recognized as the author of this book. Since the parents of Kautilya were devotees of Lord Vishnu, he was called as Vishnu Gupta by his parents. So Vishnu gupta, the author of Arthashastra was no one else but Kautilya. As Chanakya belonged to the Kutala gotra hence he was called as Kautilya from the

above discussions, it is clear that there are controversies about the authorship and date of Kautilya.

Kautilya's period was walked by the emergencies of studies by Manu, Brahapati, Urhanas on the one side, Buddhism and Jainism on the other hand. All the above scripture gave extreme views on social and religious life. Kautilya brought a synthesis of the extreme ideas. He tried to build up a new Indian polity.

Because of maladministration and misrule by the Nanda king, during Kautilya period there was political disorder. During the period there was attack by great invaders. Kautilya created a king who was strong, stable and benevolent king, namely Chandra Gupta Maurya. kautilya created patriotism in the minds of the people. With the sincere advise of Kautilya Chandra gupta built up a strong state, defeated the invaders. He was able to establish a clear administration, later he become the imperial king of India. Among the Dharma, Artha and Karma, Kautilya highlighted Artha, which is broader sense mean the inhabited land or the state.

2.2 ARTHASASTRA

Kautilya's Arthashastra is the most important work in Ancient India in both Public administration and political science. We have already seen the controversy over the date and authorship and time of Arthashastra. Arthashastra deals with different aspects of human society. This symbolises the ancient social and political tradition.

According to Dr. Goshal "Kautilya's Artha Shastra is much more than a summary of the earlier work of its class"

According to Bhandarkar "The work is, indeed so precious in the whole range of Sanskrit literature Arthasastra is a work of exceptional interest in the field of political theory and public administration. It is a treatise on the State-craft. The systematic expositions of the work Arthashastra makes us to think the work may not be the creation of a single individual and also there was the controversial view that Kautilya was the author of Arthashastra. Unfortunately their comprehensive work was lost in total. In the year 1904 when an anonymous priest of Tanjore district handed over the manuscript of the book along with a commentary on a small portion of it by a writer named Bhattarsvamin to R. Shama Sastri, which importance was realised by him and it was published in 1909. But some writer feel that Arthashastra was written around 4th century B.C. Scholars said that it is an excellent work so there is no need for controversy over the date of the work.

There are fifteen books in the Kautilya's Arthashastra, each one of the book deals with one aspect of statecraft. There are 15 adhikavanas with 180 Prakarma. The work is combination of Sutra and Bhasya. Sutra probably applied to the headings of Prakarnas. Whereas Bhasya is a commentary on it with a certain mixture of verses.

Book 1 : Discipline of the prince, qualification of the ministers and duties of the king.

Book 2 : Land, Village administration, conduct of Government servants.The officers, superintendents of treasury.

Book 3 : Civil law.

Book 4 : Criminal law.

Book 5 : Methods to remove state enemies - filling up the treasury.

Book 6 & 7 : Elements of Kingship and Policy.

Book 8 : Threats to the welfare of the state.

Book 9 & 10 : Military campaigns.

Book 11 : Corporation and guild

Book 12 & 13 : Theory of Conquest

Book 14 : Devices, magical and other for advancing the interest of the state.

Book 15 : Description of the plan of the work.

Arthasastra carries significance because for the first time it has liberated the science of politics from all sorts of limitations and developed a systematic tool of administration of the state. Arthashastra was the art of government religious ceremonies and rules of moral conduct are stressed by Kautilya. He considered the Vedas, tradition, convention to be the sources of Law. Unless the king recognises there convention they may not have the force of law. Kautilya assigned to the king the power of deciding what constitutes Dharma. The king has the legislative power. This is one of Kautilya's contributions to the growth of Indian polity. King should not separate religion from politics. Everything Kautilya said was infavour of a strong king.

Kautilya did not include purohita among the list of important government officials. But Brahmins were given important place and many privileges. Kautilya is a defender of Varna order of society. But he

felt that it should not endanger polity. Kautilya was sensible to the issue of order and wealth built on peaceful social life where everyone kept to his appointed role and place. He consider the Varma order as a socio-political instrument for preventing social and political disorder.

2.3   CONCEPT OF DHARMA

In Indian thought, every individual has to adhere to four objectives namely Dharma, Artha, Kama and Moksha. The social organisation, according to Kautilya should be such that it may lead to the achievement of there objectives. The king should help the people to achieve the objectives.

We have three theoretical traditions Dharamasastra, Arthasastra and Kamasastra, and Moksha sastra has been analysed by various schools of Indian philosophy. In Dharmashastra discusses the political matters. It stresses the concept of Dharma. Kautilya has secularistic and materialistic attitudes was opposed to the conservation and traditionalism of the exponents of the Dharmashastra traditions like Manu, Narada, Vishnu and Yajnavalkya, Dharmashastra is opposed to divorce, but Kautilya's Arthashastra permits divorce when there is antipathy between the husband and wife. At the same time Kautilya does not permit divorce in four form of Dharma marriages namely Brahma, Prajapatya, Artha and Daiva. But in Rakshasa, Gandharva, Asura and Paisacha marriages divorce is permitted.

There are mentions in some passages in the first chapter of the 3rd book of the Arthashastra to show that Kautilya was a positivist. Kautilya says for settling a legal disputes there are four sources Dharma, Vyavahara, Charitra and Rajasasana Kautilya advocated overall superiority to Rajasarana it shows that according to Kautilya the positive determinate commands and ordinances of the king are deemed to be superior to the sacred laws and customs. This comment is definitely in the positivistic line.

Another fact shows Kautilya's rationalism. Kautilya talks about logic. He says inductive and deduction logic is to be regarded as more authoritative. It shows Kautilya is a rationalist. The rationalise may be deemed to be counterparts to the creed of Vedic orthodoxy which is one of the cardinal concepts in the social and political philosophy of the Dharmashastras.Kautilya says that when there are conflicts between Samastha and Dharmashastra or between sastra and customary evidence then the controversy is to be settled by reference to the authority of Dharma. Dharma and Dharmashastra partially accepted by kautilya.

2.4   SAPTANGA THEORY

Kautilya used the word, 'Rajya', which equal to the English word 'state' Kautilya's Arthashastra defines state as consisting of seven elements.Ancient Hindu thinkers contemplate the states as seven limited. Among the Seven as Kautilya says "the king and his Kingdom are the primary elements of the state". Because all other elements revolve round there two elements. Kautilya considers 'Swamin' or the king as the most important organ. Kautilya firmly believes that the good of the state depends upon the ability and power of the king. Now let us analyse Kautilya's views on different elements of the state to know the nature and characteristics of the state.

2.4.1   THE KING - SWAMIN

Swamin is the head of the state. A Swamin must possess some important qualifications, or he must be bestowed with different qualities like high. Descendency, godly nature, virtues, truthfulness, gratefulness, resolute, courage and discipline. King should be free from vices. he should be a man of exemplary character. The king as the sovereign head of the state has number of duties like the appointment of minister. King has to protect his subjects. He must be an able man to give justice. He should give punishment to the wicked people. King's happiness lies in the happiness of the people Kautilya's head of the state resemble modern head of the state.

Arthashastra revolves around the king. It is written for the king. The prescriptions are applicable to the king. So whereas Kautilya preach against Dharma, ethics and morality they are taken apply for the ruler and not for all. The king should use his knowledge and training for application to the masses and not for binding himself at all times. He is ever suspicious about his ministers, crown prince and even the queen.

The king carries out the following duties the daytime and the night.

Days

First Part   :   Inspection of defence and accounts.

Second Part   :   Duties regarding his subjects

Third Part   :   Taking bath, break fast and learning

Fourth Part   :   To receive income is gold appointment of officials.

Fifth Part   :   To issue orders after consultation with minister, to consult with spies.

Sixth Part   :   Meditation; recreation

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| Seventh Part | : | Inspection of infantry cavalry etc. |
| Eighth Part | ; | Discussion with the Senapathi |

Night

First Part	:	To meet the spies
Second Part	:	Bath, Meal, studies
Third, Fourth	:	Sleep& Fifth Parts
Sixth Part	:	To meditate upon political principles and the things to be done
Seventh Part	:	To consult ministers; To assign duties to the spies.
Eighth Part	:	To take blessings of the old to consult physician, head-cook and astrologer before going to the court.

2.4.2 AMATYA - COUNCIL OF MINISTERS

Amatya is the second important element of the state. To Kautilya, the king and ministry are like the two wheels of the chariot. Kautilya favored a small council of minister consisting of three or four member in case of need king can expand the ministry good birth, loyalty, scholarship and integrity are among the qualities prescribed for a minister. King must be very careful in relation of ministers, minister must be subject to various tests before selected. They must show that they are against lust, avarice and power.

In the Arthasastra the council of ministers constitute a regular cadre of service from which a high officer such as chief priest, ministers, collectors, officers, envoys and the superintendent of various department are to be recruited so for Kautilya Amatya does not wear only the ministers.

2.4.3 JANAPADA - TERRITORY

Janapada is the third element of the State. janapada defined in the Arthasastra implies both territory and population. A state cannot exist without either the population or the territory. The territory includes textile land, mines, timber, pasture grounds, waterways and forest. The population means people with good character, loyalty, intelligent.

2.4.4 DURGA - FORT

Fort is also called as Durga is the Fourth element of the state. Kautilya explains Durigadhana and Durganivesa in the Arthashastra. Durgavidhana refers to the fortress. Durganivesa refer to planning and layout of capital. The capital will be built at a central place. All the members of different varnas and give place. Many function like secret war, the readiness of the army and fighting with the enemy are to be carried out from the Durga.

2.4.5 KOSHA - THE TREASURY

The treasury is necessary for the protection and maintenance of the state in general and army in particular. The treasury should be filled with gems, gold, jewels and other treasures. Treasury is utilised to face the calamities. Kautilya further says that treasury should accumulate wealth through legitimate means.

2.4.6 ARMY - DANDA OR BALA

The Army was to consist of many kinds of forces. Infantry, cavalry and elephant corps along with chariots formed the main fighting force. Each force was to be under separate supervision and control of officers called the Senapathis, danda Nayaka. Army constitutes the six element of Kautilya's state. Kshatriyas constitute the main part of the army. In case of emergency the lower castes is allowed to join the army. The best army should be strong. Obedient and happy. Army must share the weal and woe of the king.

2.4.7 ALLY - MITRA

This concept of Ally of Kautilya is based on ethics. According to Kautilya the real ally should be hereditary and not artificial. An ally or mitra should be one with whom there is no possibility of suplure and one who is ready to come to help when the situation needs.

To conclude the seven constitutions of the state according to Kautilya are the following:

1. The King
2. The Minister
3. The territory or People
4. The resources
5. The fortress
6. The Army
7. The Allies

Functions of the state: Kautilya's state is compared with modern state. The functions of the state is discussed in detail by Kautilya.

The major function of the state from the vedic period was the protection of the people. Protection means both internal as well as external 'Removal of Thorns' is explained by Kautilya in Arthashastra. This includes the procedure of preventing anti-social activities like theft, robbery, murder, killing and cheating. And also king has to protect the people from natural calamities. Kautilya justified some of the anti-ethical activities of state to save the state from anti-social activities. At that time state can adopt dishonesty, hypocracy, murder. State has to protect the Varna and Dharma of the people.

The state should take care of prosperity and happiness of the people.

The state's major objective or welfare of all. For this purpose the state has to carry out development functions. The functions include construction of dams, settlement of virgin lands opening trade centres, providing irrigation facilities.

In the economic sphere, Kautilya suggests for the State ownership and regulation to some extent. Kautilya further said the state should own industries ofcourse Kautilya allows private property and private ownership of industries. Kautilya's economy can be compared with the modern mixed economy.

The state has to maintain and protect the social order in accordance with the system of Varna and Dharma. The state has the duty to promote education, learning and act. Kautilya said Brahmadeva lands yielding sufficient produce were given to the Brahmins, who chant vedas. There lands are given exception from fine and taxes. All the health problems of citizens are taken care by the state.

The state has been provided with so vast powers and function. But Kautilya puts members of restrictions and restrain over the activities of the king and makes him a saint and servant of the people.

2.5   THE MANDAL THEORY

The religion and culture of later vedic period placed the ideal of the emperorship before the Kshatriya king whose aim ought to be to 'augment'. One who desirous of becoming a king of kings performs aswameda yaga, Vajapeya yaga is to be performed by one desirous of becoming an emperor. Kautilya tried his bet to being the whole land between the Himalayas and the oceans under one king. Conquest and

expansion necessitates a theory of international relations. King is at liberty to declare war against his opponent.

The ancient Indian thinkers always strive for the harmony within the state. At the same time they always for the realisations among the comit of the nations. All the early Indian thinkers and literature point out to the ambitious king that taking up arms should be avoided as far as possible. We could not altogether take on war, but it can be minimised by propagating a judicious balance of power among the indifferent states. The unit of such balance is the mandala.

The Rajamandala is a circle of twelve kings. Among them being an ambitious conqueror, who is anxious to establish his hegemony over their. The mandala theory explains international relations from the point of view of such a king called Vijigisu. This theory says the immediate neighbouring state in from should be assumed to be enemical. The state, which is the neighbour of one's neighbour, is assumed to be an ally by the mandala theory, so under Mandala theory the conqueror who is the centre of the mandale, there are in front of him this enemy, friend, enemy's friend, friend's friend, enemy's friend's friend.

The following chart will explain the two more powers in the mandala, the madyama and udasima

    The mandala
    Ari   Mitra   Mitra (Enemy's friend friend)
                 Mitra Mitra (Friend's Friend)
    Udasina Ari Mitra (Enemy's Friend)
                 Mitra (Friend)
                 Ari (Enemy)
                  (Madyama)
                 Vijigisv
                 Parsnigraha (Enemy is the rear)
                 Akranda (Friend in the rear)
                 Para singdha sara (Enemy's friend)
                 Akranda Sara (Friend's friend)

What is madyama? It is a king whose territory adjoins that of the Vijigisu as well as his enemy. The Madyama has the strength to defeat any one that is Vijigisu or enemy and not both. Where as the Udasina is the most powerful king in the mandala and is a distance to the Vijigisu's territory.The mandala is a hypothetical arrangement of friendly and enemical powers around an ambitious king. To his advantage the king must exploit the friendship and enmity among the neighbouring states to his advantage.

Apart from Rajamandala there is another concept of Prakrita Mandala. It includes apart from twelve kings, the five other constituents of each state-ministry, territory, treasury, fortress and army this is nearly seventy two elements that could determine international relations within a Mandala by their relative strength and mutual interaction.The Raja Mandala and Prakriti Mandala are combined to form four power blocks. The four basic powers are 1.Vijigisu, 2.His enemy, 3.Madyama, 4.Udasina.

This theory does not find favour among the ancient thinkers. The Mandala theory must be studied in the context of the six-fold policy of international relations.The six fold policies are:

1. Place
2. War
3. Keeping quite
4. Marching
5. To seek asylum
6. Dual policy of war and place.

Kautilya's predecessor Vadvyadi considered war as a policy of international relations, so also peace. But kautilya says that the above six policies are to be properly employed according to the circumstances.The general policy is of one finds himself weak than the enemy, it is better to seek for place. At the same time if one feels stronger than the enemy then it is better to wage war. When very much weakened, to seek shelter when nearly equal to keep quiet, given an opportunity to march on war, when assistance is received to wage war at one front and conclude peace at another.

Another important technique, which the king can use, is Sama, Dharma, Beda and Danda to make temporary friendship or enmity between himself and other kings or between other kings in such a way that he benefits ultimately.kautilya preference is peace rather than war. He suggested that danda is only last resort. These four policies can be used to have internal control also.

According to kautilya there are three kinds of conquerors, namely Dharma Vijaya, Lobha, Vijaya and Asura Vijaya. In this the Dhama Vijaya is a one who conquers other king and is satisfied by the name and fame achieved by his victories. Lobha Vijaya is the one who is avaricious who tries to gather enormous wealth. One who is cruel, plunders the defeated state,and kills the defeated kings.

Kautilya supports the Dharma Vijaya, Because the other forms of victory destroys artha, which is the basic to Dharma. Before declaring war king must employ other policies to check the whole state. The king have three kinds of strength namely power, Valour, Army, Economy, Counsel and diplomacy. The king must also take into account the time and place in determining the policy of war as well as place.

When the king goes on war he must leave behind a representative. The army is divided into three parts each part is entrusted to a chief

The war is classified by into three kinds. Following are the three kinds;

1. Open war

2. Cold war

3. Silent war - in this type secret spies play a major

There are three categories of ambassadors as classified by Kautilya. The firs category of Ambassador are fully empowered to use their discretion. A minister, or senapathi or a man from the royal family will be appointed as an ambassador. The second category of Ambassadors who serve the specific powers.Ambassadors who serve simply as messengers.

2.6   THE SPYING SYSTEM

In the Kautilya's governmental system spying occupying an important place. This is an important pillar of the system of administration. Spying is important both internal and external. Internally spy's objectives are to give information to the king about ministers, officers, senapathi, robbery, murder and many other informations. Externally the spy gives information about the neighbouring states, the internal problems in other states. The spying system helps the king to realise the various situations and strength himself. The spying system is a unique contribution of kautilya in the field of internal administration and foreign relations.

In Kautilya's Arthashastra there is mention about nine types of spies. Let us analyse one by one.

1.   Fradulent Disciple (Kaptika Chhatra): Fradulent Disciple is the most. Capable and skilful person who can under the mind of others. They are appointed honour or on the basis of salary. They are informants to the king about the nature of people.

2.   Udastitha (Recluse): Recluse is an ascetic with strong character. He has very good foresight. The disciple of Udasthitha will be

send for spying. Their main function is to detect crime connected in connection with the King's property.

3. **A House Holder (Grihapatika):** Grihapatika is an intelligent and honest cultivator, but he has left is traditional occupation. He will encourage the cultivators, then engage them in spying.

4. **Merchant (Vaidehaka):** Vaidehaka is trader - He has very good foresight and character. He has left the job and then appointed as a spy to watch the merchants and goods.

5. **Tapasa (An ascetic practising auterities):** Tapasa is an individual who pretends to be ascetic, and vegetarian. He pretends to be having supernatural powers. His blessing will remove people's miseries. He uses palmistry for foretelling about the future. The collection of information helps the king and ministers. So the ministers can give relief to the people who are victimised.

6. **Satri (Colleague):** Satri is a known war of the king, and he is appointed as the spy. He will be deployed to test the religious allurement of ministers.

7. **Tikshna (Fiery spices):** Brave and fireless, those who can fight with tigers and elephants are called fiery spies. They spy the officers attached to the king.

8. **Rasada (Poisoner):** Those who are cruel are appointed as poisoner. Rasada includes sauce-maker, a cook, barben and so on. He spies the private character of the officers.

9. **Bhikshyuki (A Mendicant woman):** A poor widow of Brahmin caste, a very clever but an ascetic appointed as a spy. Such spies have access to the King's herein.During Kautilya's period there were skilful, loyal and reliable spies.

2.7 RELATIONSHIP BETWEEN ETHICS AND POLITICS

Even from earlier thought, political philosophers have differed on the relationship between ethics and politics. Politics is viewed by some as a mean to enquire the welfare of the people. Some treat politics as a pursuit of power. Former one likes politics and ethics. Where as the latter separate politics and ethics. Writers say that there is complete agreement between Aristotle, Plato and Kautilya regarding ethics and politics, as identical. They give importance to spiritual significance. But some thinkers compares Kautilya with Machiavelli. Both of them have deep concern for the preservation, acquisition and expansion of state. Both of them say that is case of need force and fraud to be vied to

consolidate the state. But this can not be taken a comparative study. Because of the ancient tradition Kautilya did not divorce the political issues from the ethical ones like Machavelli. For kautilya the separate of politics and morality is unthinkable.

Kautilya feels that ethics and politics should be divided into two part that is part one deals with politics and ethics in identical terms. Where as part two make a comprise with ethics for a greater cause.

2.7.1 IDENTICAL RELATIONSHIP BETWEEN ETHICS AND POLITICS

Kautilya's political ideas are based on tradition and culture. Kautilya's philosophy there is no chance for the king to be indifferent to morality to pursue the political power. An immoral king is never liked by the public following moral principles is Rajadharma.Kautilya had deep faith in the vedic social order. He made the king a benevolent king, rather than absolute. Kautilya instructs the king not to allow people to deviate from their duties. Those who sincerely follow the duties and customs will establish happiness to them. Thus Kautilya has identified the politics with the preservation of a moral and religious social order king must be an expert in Vedas, then only he can devote himself to good government and do good to the people. The king inorder to be ethical should keep his six senses under his control. Six senses are lust, anger, greed, varity, haufulness and overjoy.

Kautilya's politics was never power oriented Kautilya made political power a means to achieve the ethical goal. If the king becomes dishonest his people will also become dishonest. So the king should be the symbol of all virtues and ethics.Kautilya says the punishment must be based on religious scriptures and local usages. Wether the king or judges, he is not free from punishment. Laws and justice is not the king says but it is based on religious scriptures and Kautilya establishes the rule of law and justice in his polity. The king must keep close watch on corrupt officers and punish them.

2.8   CONCLUSION

In comparison with other ancient thinkers Kautilya was more progressive. He is a secular man by his thinking. At the same time if there is conflict between Dharma and royal edicts, the latter will prevail. He gave enough freedom to women. He has dealt in detail the right to judicial protection Kautilya's studies show that it is a guideline for the modern administrative and political system.

LET US SUM UP

Kautilya was a great philosopher. His contribution to political theory is highly admirable. His 'Arthashastra' is an unforgettable and incomparable literature. His importance in Indian political tradition is admirable. His greatest contribution lies in developing a science of polity. In his theory of government, he has introduced the elements of historical, empirical and comparative methods for which it is relevant for all times and all rules.Kautilya introduced the germs of a welfare state in political theory. Thus, Kautilya has set an example in India thought which is respected even today.

CHECK YOUR PROGRESS

1.   Kautilya was the Prime Minister of _____

   a) Chandra Gupta Maurya   b) Samutra Gupta Maurya   c) Rajendra chola   d) Rajaraja chola

2.   The Other Name for Kautilya was _____

   a) Chanakya   b) Maurya   c) Maru   d) Sukracharya.

3.   There are _____ books in the kautilya`s ArthaSasthra.

   a) 13   b) 14   c) 12   d) 15

4.   Saptanga theory consists of _____ elements.

   a) 5   b) 6   c) 4   d) 7

GLOSSARY

Saptanga   : Seven

Rajya   : State

Swamin   : head of the State

Mitra   : Friend

ANSWER TO CHECK YOUR PROGRESS

1.   Chandra Gupta Marya

2.   Chanakye

3.   15

4.   7

MODEL QUESTION

1.   What is Dharma according to Kauttilya.

2.   What are the functions of the State?

3.   Explain the Saptanga theory.

4.   Discuss the relationship between politics and ethics by kautilya.

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UNIT - 3

STRUCTURE

OVERVIEW

Thiruvalluvar is a Tamil poet. Who has written Thirukural. Thiruvalluvar is thought to have lived between 4th century BC and the 1st century BC. He is hailed as Deivappulavar;the other name of thiruvalluvar is Nayanaar, poyyirpulavar, Perunavalar. Thirukural is a collection of couplets on ethics political and economic matters. Thirukural consist of 1330 kurals fewer than 133 Athi karams. It ideals about Aram, Porul and inpam. This unit tries to explain the life of Thiruvalluvar,his views on state, kingship, justice, ministry, fortress and Allies.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢	Understand the importance of Thirukkural.

➢	Learn the views of Thiruvalluvar on Kingship and justice.

➢	Study the views of Thiruvalluvar on Ministry.

➢	Know the views of Thiruvalluvar on State

3.1 INTRODUCTION

Thirukkural occupies a very significant place in Indian political thoughts. This was written in Tamil by Thiruvalluvar. He was a sage. This work was called Tamil Marai or Tamil Veda. This was composed in short, sweet couplets Thirukkural consists of 1330 couplets. It is few each in the 133 chapter.Thirukkural is divided into three books

Book 1 :	Aram or Dharma

Book 2 :	Porul and Artha

Book 3 :	Inpam or Kama

In the three books, Porutpal deals directly with the king and this state in Arasiyal and Angariyal in the course of 57 chapters. Thirukkural is one of the ancient Tamil works, which devotes exclusive attention to the discussion of polity.

3.2 LIFE OF THIRUVALLUVAR

Thiruvalluvar commonly known as valluvar is a Tamil poet and philosopher whose contribution to Tamil literature is the Thirukural. It is believed that he was born either in Thirumayali (Mylapore) Chennai in Tamilnadu or in Thirunainar kurinji village in Kanyakumari district of Tamilnadu. Thiruvalluvar had lived sometime between 4th century BC and 1st century BC Thiruvalluvar is well known as the author of Thirukural, a collection and couplets on Ethics, Politics and Economic matters and love. The text is considered an expectional and widely cherished work of Tamil literature.

Almost no authentic information available about Valluvar. His life and likely background for variously by inferred from his literature work by different biographies. Various Claims have been made regarding Valluvars family background and occupation in the Colonial era literature all inspired from the selective section of his treat hagiographies published since the colonial era started in Tamilnadu. One traditional variation claims there he was a paraiyar weaver, another theory is that

he was an out caste. Born to a Paria women and Brahmin father, another, theory is that he must have been from the agricultural caste of Vellalars because he extols agriculture in his work. Mr Ragava Iyengar speculated that Valluvar is his name is a variation of Vallabha the designation of royal officer. Vayapuri pillai suggested Valluvar derived his name from valluvan (Paraiyar caste of Royal drummers) and Theorized that he was the chief of the Proclamation A analogues Trumpet major of an army.

3.3 IMPORTANCE OF THIRUVALLUVAR

The Other name for Thiruvalluvar is Dievapulavar, Poyyir pulavar, Nanmuganar, Perunavalar. Thirukural has been Divided into 3 sections namely Arathupal, Porupal and Inbathupal consisting of totally 1330 kural with 133 adigaram, one Adigaram contains 10 kural. It is one among the pathinen keel kanakku nool. Thirukural contains everything nothing is left.Thirukural has been translated into 100 languages. The other name of Thirukural is muppal, Deivanool, Poiyyamozhi and etc.

3.4 PORUTPAL

The second book devoted to a discussion of Artha, which is relevance to politics. The morally - oriented king is fully eulogised. There is reference to the six elements of a kingdom. The king is expected to be kind, just and impartial. Miserliness, pride and sensuality are regarded as the great evils of the monarch. Dharma and artha are considered equal. Thiruvalluvar is Aram means discipline. Basis of the life of human beings is Aram. Politics and society is not much differentiated, and Aram links both together. Thirukkural stresses both Aram (Dharma) and Porul (Meaning).

The concept of Aram is easily rendered into the word Dharma without the latter's religious connotation. Order is the better word. Thiruvalluvar attempted to indicate that order is the basis for the development of human civilisation, and wherever order is reflected in the thought, word and deed of human beings, there is bound to be progress and peace. Thirukkural lays down the principles of order is external as well as internal conduct of man. But fortunatley or unfortunately, while Arthasastra and Dharmasastras serve more as a guide books for the ruler, but Thirukkural does not be so 57 chapters look at polity, from the point of view of ruler. The king is given advice. Rest portion of the Thirukkural is addressed to the people. So some writers say that thirukkural is devoted to the discussion of civil society. Aram of valluvar is not the same as Manu Dharma. According to Thiruvalluvar Aram finds expression in the household and is socio-political in connotation rather

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than religious. It is totally independent of Varna. Ashrawa, sacrifices and rituals. Valluvar considers love be the positive and sustaining force of life and the basis for all constructive and productive activities. Valluvar treats the family as the basic unit of the state.

3.5   THE STATE

The state described by Valluvar consists of King at the centre. Already we have seen that family is the basic concept of society. His state is the family writ large and the authority of king over the subjects is not unlike the parental authority.

Freedom is defined by Valluvar as conduct within the frame of Aram and can be secured by one's discharge of moral duties kural lays down that one must do to the best of his ability and knowledge, always strive to do the righteous theory towards others. This may be described as voluntary performance of self-imposed duties. The Thiruvalluvar's society is not stratified into Varnas. It does not stress Asramas. It wished to strengthen the basic unit the family. Kural deplores a householder who renounces the world and seeks sanyasa. Kural judges all men not by their wealth or birth but by their conduct. In the Indian context it is radical thinking and the ideal polity which kural envisages revolves around a self-sustaining, self-helping organic community.

3.6   KINGSHIP AND JUSTICE

Thirukkural envisages an ideal monarchy. Thiruvalluvar says "He is a lion among monarchs who owns these things army, people, wealth, counsel, friends and forts'. This comes very close to the saptanga theory of state. Among the seven constituents, king is also one.

King is responsible for the governance of the country is expected to possess certain qualification. King must be a man of knowledge. King should acquire knowledge by reading the number of scholarly books. He should possess all the good qualities like wisdom, diligence, honesty. And apart from all there self-discipline is essential for the ruler. The king must know how to develop the resources of his kingdom, how to enrich the treasury, how to preserve his wealth and how to spend it wordly. The king must be a man of firmliness, but must avoid harshness. He must protect the subjects like a god. The king should know the resources that are available in the country. Exploit the resources in full. There must be the maximum usages. There must be equitable distributions of produced goods. The rule of the king must relieve the people from excessive starvation, irremediable epidemics and destructive toes.

We have already seen that the king should have very good knowledge. It needs for the king "to speak in are assembly without fullness of knowledge is like playing chess without squares". It is his fully not to fear what must be feared and wisdom to fear what must be feared. Kural lays emphasis upon the self-discipline of the ruler. Follow the king must be the principle followed. If the king corrects his own fault, the people will also correct their fault. The king should always cultivate the friendship the wise and should not have friendship with evil doers.

Coming to the duties of the king, the most important duty is to protect the people of the country. The main duty of a king is to know quickly all that happens at all time. To know about the happening the king should develop a sound espionage system. The spies are appointed to watch and report to the king about the happenings in the state. Thiruvalluvar attaches great importance to the institution of spies. Valluvar says "The spy service and authoritative books on state craft should be deemed as the two eyes of the king."

The king must pay attention to the personnel employed. The concept of the principle of the right man for the right job. "which the king does not regard all alike but regards each according to his merit many dwell happily on that account". The king must avoid neglecting the regular duties. He should have in mind the purpose and goal of the State. Kural advises the king to aim to high-level ideals. Even when the king meets failures he must laugh and overcome them. People constitute one of the important elements of the state. In monarchy also the total power rests with the people. The king should always act according to the wishes of the people. The king should always act very friendly towards the people.

3.7   MINISTRY

Thiruvalluvar discusses in detail about the ministry. Valluvar says "A minister is one who is wise in the choice of means and reason and skilled in the execution of rare enterprises".

Ministry is a very important element in the state. Ministers play a very important role in advising the king in carrying out his duties. On the basis of availability of resources, and analysing the situation the ministry helps the king. Apart from this methods used to execute the policies of the king must be taken care by the ministers. When the king faces difficulties, ministers help the king to overcome the difficulties. Decisions are taken by the king with the advice of the ministers, and also helps to implement the decisions taken, without delay. The works taken by the king should not be left incomplete, if it is left incomplete it may create tension in the mind of the people which may lead to agitation. Ministers should have

thorough knowledge of law so that they can do the work in a right and true manner. Valluvar says "Far better are seventy crores of enemies for a king than a minister at his side who intends his ruin"

A minister must be competent so that he can be an asset to that state and its victory. The successful discharging of duties of ministers lies in the eloquence of his speech, systematic, logical and meaningful presentation of facts, Ministers must have the capacity to influence and convince the king, in a polished manner.Ends and means is very much emphasized by Valluvar. Kural says the purity of means is very much essential in both good and bad situations. There must be firmness of purpose. These too can be showed only by the ministers.

3.8   DIPLOMACY

According to Valluvar ambassadors are indispensable kural describes the qualifications essential for an ambassador. It says "A loving native, high birth and manners that captivate princes", which are essential qualifications for an ambassador". A thorough knowledge of politics is very much essential for the ambassador. He must be an effective speaker. Valluvar says, he is the ambassador who fearlessly seeks his sovereigns good though it should cost him life.

3.9   FORTRESS

There is a separate section in Thiruvalluvar on forts. Forts are to be strong, impregnably and of good height and thickness. All objects needed for war and means of defence is kept inside the fort. This fortress is essential to those who attack toes ofcourse for defence also it is very much essential. A fortress must own a fort of walers, an open space, a hill and forest nearby. It is built in such a way that it cannot be easily stormed. Everything needed for life in case of emergency is stored inside the fort. Army and its heroism is very much essential for the protection of Fortress. Army should be incapable of being corrupted. They must always offer united resistance. The army should know how to stand the enemy's onset.

3.10   ALLIES

Analysing the importance of allies in international sphere kural considers the friendship is the most difficult one to acquire according to Valluvar there is no better defence against one's foes than friendship. Thirukkural says "Friendship is that which prevents was leading to ruin, persuades entry into ways that are right and shares the suffering in the time of adversity.

The king must identify his enemies both within and without the state. The king must maintain proper relations between himself and his subjects, there by themselves do not constitute any advantage for him. Kural explains welfare state and describes the king as welfare king, the king with his affection and sound judgement, conquers evil and maintains peace and progress.

3.11 CONCLUSION

Valluvar beautifully explains the polity, monarchy and also the community. The Kural deals with sociological ethics. It prescribes norms and make for social accommodation, harmony and fraternity. It wished to foster.amity, peace and good will among the people of the society.

LET US SUM UP

Kural is attributed to Thiruvalluvar. The reputed and revered teacher of the book Valluvar has in the shape of precepts and sermons, inculcated moral and social teaching which is to establish peace, Fraternity and justice. Thirukkural occupies a very important place in Tamil ethical literature. it is not a book on political theory in the narrow sense but it contains social, moral and political injunctions. It is entirely free from the atmosphere of dogmatism. Kural is very moderate in its tone in laying down political injunction. Its teachings are simple and can be easily understood.

CHECK YOUR PROGRESS

1. Thiruvalluvar was born either in Thirumailai in Chennai or in Thirunainar kurichi a village in _____ District of Tamil Nadu.

    a) Thirunalveli   b)Kanya kumari   c) Thoothukudi
    d) Virudhunagar

2. Thiruvalluvar would have lived sometimes between_____

    a) 2nd century BC and 3rd century BC.
    b) 1st century BC and 2nd century BC.
    c) 4th century BC and the 1st century BC.
    d) 5thcentury BC and 4th century BC.

3. Porutpal consist of _____ Athikaram.

    a) 70   b) 38   c) 25   d) 40

4. Thiruvalluvar says he is a _____ among monarchs Who owns these, army, people, wealth, counsel friends and forts.

    a) Lion   b) tiger   c) elephant   d) bear

GLOSSARY

Couplets	:	Two Lines
Aram	:	Dharma
Spying	:	Secretly warching
Ally	:	Friendship

ANSWER TO CHECK YOUR PROGRESS

1. Kanya kumari

2. 4th century BC and the 1st century BC

3. 70

4. Lion

MODEL QUESTION

1. Explain the views of Thiruvalluvar on State.

2. Bring out the views of Thiruvalluvar on Kingship and Justice.

3. What is the view of Thiruvalluvar on Ministry?

4. Critically Analyse the "Polity" in Thirukkural.

SUGGESTED READINGS

1. Dr. Vishnoo Bhagwan (1999) *Indian Political Thinkers*, Atma Ram & Sons Publications, New Delhi.

2. Ram Chandra Gupta, (2001) *Great Political Thinkers East and West*, Lakshmi Narain Agarwal, Education Publisher, Agra-3

3. Mohanty k. D. (2001), *IndianPolitical Tradition*, Anmol Publications Pvt.Lid, New Delhi.

4. Altekar A.S. (1992) *State and Government – In Ancient India*, Motilal Banarsidass Publishers Private Limited, New Delhi.

UNIT - 4

FEATURES OF MEDIEVAL INDIAN POLITICAL THOUGHT

STRUCTURE

>   **Overview**
>
>   **Learning Objectives**
>
>   **4.1   Introduction**
>
>   **4.2   Schools of Medieval Political Thought**
>
>   **4.3   Features of medieval Political thought**
>
>   **4.4   Conclusion**
>
>   **Let us sum up**
>
>   **Check Your Progress**
>
>   **Glossary**
>
>   **Answers to check your Progress**
>
>   **Model Questions**
>
>   **Suggested reading**

OVERVIEW

In India the mediaeval ages maybe said to begin with the end of the Gupta period. It is a longer duration than the Eeropean middle ages. During this period there are five Schools of political thought in India.

LEARNING OBJECTIVES

After going through this unit, you will be able to

➢   Understand the defferent scholars of thought.

➢   Know the period of medeival age of India.

➢   Discuss the features of medeival political thought.

4.1   INTRODUCTION

In India the mediaeval period starts from the end of the Gupta period and it's said with the end of the year 1757. There were five Schools of political thought in India during that period. The main features of the period are creativism in India, original contribution different racial and cultrual background, followed their own independent and cultural and religious traditions.

4.2   SCHOOLS OF MEDIEVAL POLITICAL THOUGHT

There are five schools of political thought in India in the medieval period. the feudal monarchical ideas of the writers of the 'Heroic Age' Viragatha Kala the religious traditionalism of the writers of the Bhakti school whose devotional poetry centring round the personalities of Krishna and Rama evoked great sympathetic responses from the hearts of the people. the Islamic theocratic conceptions of the Turko-Afghan and Mughal periodst. the synthetic sociology of Nanak and Kabira who worked to bring Islam and Hinduism together, and the political and social ideas of the Maratha saints who taught individualism, social equalitarianism and an elevated moral code. But the roots of the modern age in India cannot be traced to this Maratha renaissance. The Maratha leaders, at their best, including Mahadaji Scindia were exponents of their sectional dominance and were not the pathfinders of an all-India nationalism.

Although from the standpoint of historical existence, Kāmandaka, Soma- deva, Chandesvara and Sukra belonged to the Indian Middle Ages, from the standpoint of the basic structure of their ideas they may be said to belong to the ancient period because the fundamental framework of their thought is "ancient" and Kamandaka leans heavily on Kautilya's Arthasastra.

4.3   FEATURES OF MEDIEVAL POLITICAL THOUGHT

There is an important feature to be noted with reference to the main streams of the medieval Indian political thought. It is true that the creativism of the middle ages in India was mainly in the scholastic and theological domains. Scholars like Anandagiri, Govindananda and Appaya Dikshita were not original philosophical thinkers. Vachaspati, Sriharsha, Nagesha Bhatta and Bhattoji Dikshita did, however, produce some original works. But it appears mysterious that to the realm of social and political thought there was no major important contribution.

During the period of the Turko-Afghan and Mughal rulers, there was no original contribution of a fundamental character to political theory. Berni's work is, perhaps, the sole book of a theoretical type. But even this work does It is rather surprising that when not have any deep philosophical content. there was a collision between the respective. protagonists of different civilizational values, the problems of political philosophy, in such a state of transition, were not seriously tackled. The Babarnāmā and the Jahangirnāmā appear more or less like diaries and autobiographical records. Occasionally, they may contain a sentence or two regarding political power but there is absolutely no discussion of the problems of

rights, legitimacy, resistance or the nature of limitations on political authority. Works like the Ain-i-Akbari and the Fatwa Alamgiri are concerned with the details of administration and laws rather than with the problems of political philosophy and juristic theory. Perhaps the basic reason why the Islamic theologians and scholars could not make any serious original contribution to political philosophy was that according to them, politics was not an autonomous sphere of enquiry. According to the Islamic theory, total power belonged to God and the earthly ruler was only his vice regent or delegate. For his actions, the latter was responsible to God and like all human beings, on the Day of Judgment he would be held accountable for his acts of omission and commission. Hence, in such a context the question of any contractual and enforceable accountability to the people did not arise. If a ruler owed fidelity to God, that was enough. There was no detailed probe into the theoretical foundations of his relations with people.

During the medieval period, people of different racial structure and cultural background came into dynamic conflict. The rulers of the Slave, the Khilzi, the Tughlaq and the Saiyad dynasties were Turks. The Lodis and Shershah were Afghans. Babar had inherited Turkish blood from his father's side and Mongol blood from his mother's. After Akbar, most of the rulers had also Hindu blood in them. Along with the adventures there came also a large number of other people belonging to the same racial stock and similar cultural background. Hence problems of racial and social accommodation became very acute and some liberal intellectuals and mystics pleaded for extended tolerance and fraternity in view of the acceptance of an all-pervasive divine immanence.

It appears that although the Turks, the Afghans and the Mughals had fighting capacity and were experts in the military art they did not have substantial intellectual potentialities. It may be true that during the time of Timur, the Institutes of Timur was composed but it does not have the same advanced intellectual character as the Institutes of Justinian. Thus it appears that from the standpoint of the evolution of original political theory, the medieval period in India was, not very fertile. The old Hindu tradition of political and legal enquiry was carried on by the writers on Rajaniti and the authors of Nibandhas on the Smritis. Also they were not strikingly original in any way but they certainly carried forward the old tradition. Among the Muslims, there was no fundamental original political thinking or creative commentary on jurisprudence.

The works written by the Muslims and the Hindus followed their own independent cultural and religious traditions. There was no fusion at the level of political theory nor was there any attempt made to evolve a polítical philosophy in the context of the confrontation and partial cojunction of two civilisations.

Some important works of the Hindu religion and philosophy like the Atharvavedal and the Ramayana were translated into Persian but the translations are unavailable. Only the translation of the Upanisbads made in the time of Dara Shikoah, which was again later on translated from the Persian into Latin had influence on modern thought. But it appears that no attempt was made to evolve a political philosophy based on the perenial tradition of natural law or eternal law, in this period. In the context of the Hindu religious traditions and on the basis of the Koranik theory of the sovereignty of God, it could have been possible to evolve a political philosophy which enunciated the superiority of eternal and natural laws to the existing structure of authority of the political or legal superior.

In the absence of a continued tradition of the production of creative and advanced works in the ficld of political theory, we have sometimes only to study, hypothetically, the political and legal bases of the administrative structure itself. And from this type of study it appears that there was no conception at all of the separation of powers among the Muslim theoreticians. In theory the king was not a law-maker but only a promulgator of laws. The judiciary was also not supposed to have any creative role in juristic formulations through its decisions perhaps because criminal law was supposed to be implemented on the basis of the Koranic principles.

4.4   CONCLUSION

After studying this unit,the students were able to know the medieval age in India, and not only ther they were able to study the various schools of thought during that period. They were able to understand the features of medieval Indian political Thought

LET US SUM UP

Medieval ages in India starts from the end of the Gupta period and to the end of the year 1757 with the battle of Plassey. It is a longer duration than the Eeropean middle ages there are five Schools political of thought in that period. During that period many important features have been noticed.

CHECK YOUR PROGRESS

1. The middle ages in India begin with the end of the_____Period.

   a) Chola   b) Gupta

   c) Maratha d) Rajput

2. There are_____Shoolts of thought in the middle ages in India

   a) One   b) Two

   c) Three   d) Five

3. Kamandaka leans heavily on_____

   a) Mance   b) Kautiya`s Arthasasthra

   c) thirukkural   d) Shantipava of Mahabharatha

4. Hindu religion and philosophy like Atharva vedal and the Remayana were translated in to_____

   a)Persian   b) German

   c) English   d) Latin

GLOSSARY

Social equalitarianism	: Equality in the society
Scholastic	: Concerning school and education
Theology	: Relating to religion
Autonomous	: Independent

ANSWER TO CHECK YOUR PROGRESS

1. Gupta
2. Five
3. Kautiya`s Arthasasthra
4. Persian

MODEL QUESTION

1. What are the various schools of India political thought in the middle ages.
2. Bring out the literature available during the middle ages in India.
3. Discuss the features of Indian political thought during the middle ages.
4. Discribe the different racial structure and cultural background during the middle ages in India.

SUGGESTED READINGS

1. Dr. Vishnoo Bhagwan (1999) *Indian Political Thinkers*, Atma Ram & Sons Publications, New Delhi.

2. Ram Chandra Gupta, (2001) *Great Political Thinkers East and West*, Lakshmi Narain Agarwal, Education Publisher, Agra-3

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UNIT- 5

RENAISSANCE IN INDIA: RAJA RAM MOHAN ROY, DADABHAI NAOROJI, DAYANANDHA SARASWATHI AND SWAMI VIVEKANANDA

STRUCTURE

Overview

Learning Objectives

5.1 **Introduction**

5.2 **Raja Ram Mohan Roy**

5.3 **Braihmo Samaj**

5.4 **Dadabai Naoroji and his Liberalism**

5.5 **Dayananda Saraswati life and history**

5.6 **Dayananda as a Preacher and Reformer**

5.7 **Opposition to Idolatary and Polytheism**

5.8 **Veda as an Ideal of Governance**

5.9 **Swaraj**

5.10 **Founder of Arya Samaj**

5.11 **Life history of Vivekananda**

5.12 **Political ideas of Vivekanda**

5.13 **Conclusion**

Let us sum up

Check Your Progress

Glossary

Answers to check your Progress

Model Questions

Suggested readings

OVERVIEW

Renaissance was a fervent period of European culture, artistic, political and economic rebirth following the Middle Ages. Indian renaissance is the rejunevation of Indian cultural life that puts on a new completely being adrift from old moorings. Renaissance stands for rebirth during the renaissance period many reforms have taken place in

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India by many Reformers particularly by Rajaram Mohan Roy, Dadabai Naoroji, Dayanand Saraswati and Swami Vivekananda. This unit tries to explain the contribution of the above Said reformers in India.

LEARNING OBJECTIVES

After going through this unit, you will be able to

➢ Understand the contribution of RajaRam Mohan Roy.

➢ Explain the economic foerndetions of Dadabai Naoroji.

➢ Know the views of Dayananda Saraswati on Vedas and contribution of Swami Vivekananda.

5.1 INTRODUCTION

Renaissance stands for rebirth and Indian relaissance refers to that period which was quest of knowledge and development of science and arts. In India during that period, Rajaram Mohan Roy has Started Brahmo Samaj. Dadabhai Naoroji pointed out the economic ruin of India by the British people. Dayananda Saraswati Started Arya Samaj and gave importance to Vedas and Swami Vivekananda has also contributed his social and political ideas.

5.2 RAJA RAM MOHAN ROY

In the religious reform movement Raja Ram Mohan Roy was the pioneer. He inaugurated the modern age in India. In the words of the biographer, Sophia D. Collect: 'Raja Ram Mohan Roy stands in history as the living bridge over which India marches from her unmeasured past to her incalculable future. He was the arch, which spanned the gulf that yawned between ancient caste and modern humanity, between superstition and science, between despotism and democracy, between immobile custom and a conservative progress, between Polytheism and theism.

5.3 BRAIHMO SAMAJ

Even when many educated Indians realized that the social system of the Hindus should be rejected, they did not embrace Christianity. 'Men of the type of Raja Ram Mohan Roy could not, and did not, shut their eyes to the superiority of Christianity from the ethical point of view. They despised in their hearts the idols;they saw through the pretensions of their priests and had long learnt to doubt the efficacies of their sacrifices.

Raja Ram Mohan Roy's attitude towards Christianity was: "I feel the New Testament, the moral precepts found in that book, they will be more likely to produce the desirable effect of improving the hearts and minds of men of different persuasions and degrees of understanding. For historical and some other passages are liable to the doubts and disputes of free-thinkers and anti-christians, especially miraculous relations, which are not much less wonderful than the fabricated tales handed down to the natives of Asia, and consequently would be apt, at least, to carry little weight with them.

On the contrary, moral doctrines, tending evidently to the maintenance of the peace and harmony of mankind at large, are beyond the reach of metaphysical perversion, and intelligible alike to the learned and the unlearned. But this separation between the 'essentials' and 'non-essentials' of the religion of Jesus was not acceptable to missionaries and they attacked Raja Ram Mohan Roy for his 'heathen' interpretation of, and meddling with, the Christian religion as the orthodox Hindu Pandits did for his unorthodox interpretation of Hinduism.

5.4   DADABAI NAOROJI AND HIS LIBERALISM

Dadabhai Naroji (1825-1917), known as the Grand Old Man of India, was a great patriarch of Indian nationalism. He was a unique figure in Indian public life for nearly half a century and had diverse experiences. In 1854, he was appointed professor of mathematics and natural philosophy in the Elphinstone College, Bombay. In 1875, he became a member of the Bombay Corporation. From 1892 to 1895, he remained a member of the British House of Commons. He was one of the founders of the Indian National Congress. He was elected President of the Indian National Congress thrice in 1886 at Calcutta, in 1893 at Lahore, and in 1906 again at Calcutta.

At the Calcutta Congress (1906), he announced that 'Swaraj' was the goal of India's political struggle. He was the 'pathfinder of Indian nationalism'. He was an original thinker, having profound knowledge of economics. He was one of the finest products of Western education in India. He was deeply impressed by Western liberalism. Though his writings lacked the systematic approach and profundity of Bentham, Adam Smith, or T.H. Green, it indicated a bold endeavour to explore the economic problems of India. His book Poverty and Un British Rule in India (1901) was regarded as a classic on Indian economics for a long time. He was a man of devoted patriotism and unble mished integrity.

Naroji laid the economic foundations of Indian nationalism. In his Poverty and Un British Rule in India, he expounded the drain theory'. His concept of drain' became as explosive a term in Indian social and political thinking as the concepts of 'class war' and 'exploitation' have been in the Marxian thought. Through the adoption of scientific mcthodology and statistics, he indicated the extent of economic ruin and exploitation of India by Britain. He was not a speculative thinker, for him facts and statistics were more important. As an empirical economist, he propounded the drain theory', based on evidence and facts. The drain of India's economic assets, he argued, retarded the growth of capital forination in the country and increased its poverty. India was getting poor because of the bleeding to the amount of thirty to forty million pounds every year. His drain theory' referred to the vast amount of wealth taken away from India in different forms:

(i)   Pensions to British officers.

(ii)   Payments to the War Office for the maintenance of British troops in India.

(iii)   Expenses of the Government of India in England and

(iv)   Earnings sent by British professional classes from India.

Thus, his main contention was that the existing financial relations between England and India were unjust and unfair. He upheld that the main cause of India's economic ruin was "the thoughtless and pitiless action of the British policy, it is the pitiless cating of India's substance in India, and the further pitiless drain to England".

5.5   DAYANANDA SARASWATI LIFE AND HISTORY

Dayananda Saraswati was one of the most and revered Indians who could awaken the people of India. He attacked idolatry, caste-system untouchability and religious-political colonization of India.Swami Dayananda Saraswati was born during a period when India in general and Hindu society in particular was at the cross-roads. There was a great struggle waging all around conflict between faith and philosophy, reason and religion, materialism and spiritualism all brought about by the impact of western ideas on Hindu culture. Dayananda (Childhood name Mulshankar) was born in 1824 in a small town of Tankara, Kathiawar in Western India. His father's name was Karshanji Lalji Tiwari (a Trivedi) and his mother's name as Amrita Ben. Dayananda's early education started from his family itself when he was five years of age and in his eight years he had to wear thread as a mark of being a Brahmin. His father's ambition was that Dayananda should be a master in the process

of worshipping the idol of Lord Shiva. However, future took him in different direction.

5.6   DAYANANDA AS A PREACHER AND REFORMER

To popularize his view he toured Agra, Gwalior and Jaipur and tried to prove at every place his own standpoint while discoursing with Pandits. Especially in April 1876, he actively preached day and night in Haridwar Fair, condemned idol worship and denounced pilgrimages with such vehemence, that it raised to storm of opposition against him. But Dayananda surprised every one through his deep study of the Vedas in a public debate organized at Varanasi under the auspices of the Maharaja. Being intolerant, the Pandits of Kashi issued writs of excommunicating him but of no avail. Dayananda went to Calcutta and delivered a series of lectures. He convinced the people not to believe in caste system, untouchability, Sati system and against Purdah (veil) system for women because all such systems are against the teachings of the Vedas. On the other hand, he preached social and gender-equality. From Calcutta, he went to Bombay where he founded Arya Samaj.

5.7   OPPOSITION TO IDOLATARY AND POLYTHEISM

Swami Dayananda strongly opposed Idol worship. In 1866, he preached, against idolatry at Haridwar and said idolatry was not only a misconcept but as something positively sinful. He also told the pilgrims there that sacred places and ritual bathing are of no religious value. They are outward show without having any sensitivity behind. He said, the worship of God should be performed in three ways i.e., by the study of the Vedas with a view to have knowledge of God, the observance of moral laws as the will of God and thirdly the worship of God by Fire or the homa-sacrifice one can get salvation by observing such principles.

Swami Dayananda rejected the concept to polytheism (worshipping God in different forms) as irrational. He said "there is only one god with all those attributes generally ascribed to him by monotheists. He is the creator first of the Vedas, then of the world, hence the Vedas are eternal as compared with the world, but non-eternal as compared with God." Some argue that the Veda talks about different Gods. Dayananda said Veda talks of only one powerful God, under which Devatas exits. Devatas can be only superior created being but can never be the divine power.In his religious ideas, Dayananda Saraswati was uncompromising and revolutionary but in his social ideas Dayananda was compromising and accepted some of the old social institutions and fought against the evil practices within it.

Dayananda dealt with some social problems like caste, untouchability, women and education. Because of the evil practices of caste, untouchability and suppression of women other religious like Christianity and Islam proved their broadness and superiority over Hinduism. Dayananda had served both human religious mission and helped the future generations to think in terms of an egalitarian polity.

5.8   VEDA AS AN IDEAL OF GOVERNANCE

Swami Dayananda Saraswathi had tremendous faith in the ideals of the Veda. According to him the Veda is the source of all types of knowledge, social, economic, political education, natural, scientific etc. So it should be the foundation of a new independent polity in India. Secondly, the Veda teaches the Indians all about the ideals of individual and social conduct of social governance and political philosophy. Thirdly Dayananda by emphasizing the Veda wanted to generate a sense of pride in the great heritage of India within each and every Indian. He initiated a process of 'confidence building' within the Indians. Hence he gave the clarion call 'back to the Vedas'.

5.9   SWARAJ

Dayananda was the first Indian to talk of "Swaraj". The political and economic slavery of Indians under British Raj, he gave a call that India should belong to Indians. While leaders like Raja Ram Mohan Roy justified the British rule in India. He advocated limited government. "The absolute government" said Dayananda "intoxicated with power ruins the subjects and eats them up. There should be no absolute and unrestricted power. Just as a lion or other flesh, eating beasts kill and devour fat and well grown animals, similarly absolute government destroys the state.He suggested that for democratically elected assemblies such as religious assembly, educational assembly and political assembly each would be a check upon the other. No individual should be vested with absolute power and the ruler should work in coordination with the assembly.Besides, Dayananda Saraswati also suggested for decentralization of power and authority. Power should not be concentrated at the capital. It should go to the grass roots level. Every village should be trated as an economic and political unit.

5.10   FOUNDER OF ARYA SAMAJ

Dayananda was a great missionary and reformer of Hindu society. He wanted to bring together all Hindus under one banner i.e., banner of dedication to religion, social reform and a conviction that this reform had to come through a revival of Vedic Dharma. With such

objective Dayananda when approached at Bombay agreed to form the organization known as the Arya Samaj, which came into existence on 10th April 1875.

The formation of the Arya Samaj had a very stormy beginning at Rajkot in January 1875. However, Dayananda was not disappointed. The enthusiasm to establish the Arya Samaj gained momentum after Swami visited Bombay. Finally, on 10th April 1875, the Arya Samaj of Bombay was formally inaugurated.

The Arya Samaj was formed to bring socio-religious reformations in the Hindu Society in particular and to initiate national awakening in the entire country in general. It, worked on the ideals and teaching of Dayananda Saraswati viz. the Veda is supreme; there is only one god, but god is formless and shapeless; ever individual is entitled to read the Veda and do the Homa; caste is man made and untouchability is inhumane, women have the same right as that of men. Child marriage, Sati system are great sin. Self-Government is better than good Government or alien rulers. Indians must use Indian goods etc. In other words, Arya Samaj should work for broadening the sphere of knowledge on the Veda, fight against Idol worship and Polytheism, Cateism, untouchability and work for national awakening. Thus the Arya Samaj's objective was not only religious but social and indirectly political. In started the crusade to save the Hindu religion from the dominance of dogmatism and fundamentalism, to remove social discriminations and establish social justice and to regenerate nationalist spirit.

5.11   LIFE HISTORY OF VIVEKANANDA

Swami Vivekananda was born on 12th January 1863 in a well-to-do and educated family. The period in which he was born was a period of regeneration and reformation in the world. Indians were not having the sense of confidence, pride and identity. In total India was suffering from social, cultural and political degeneration. Vivekananda was born in such a situation. After his birth, it was a period of awakening, regeneration and renaissance.

Vivekananda's father Viswanath Datta was an advocate of Calcutta High court; he was a man of calm and cool nature. Where as his mother Bhubeneswari Devi was a religious woman. A pious and religious lady she gave birth to 'Bireswar' that is Swami Vivekananda. His father later changed his name into 'Narendranath'. Narendranath was very much influenced by the mother. Actually, she was his first guru. He learnt English and Bengali alphabets from his mother. His mother made him very much familiar with Mahabharatha and Ramayana. So he became

worshipper of Ram and Sita, later he became the sincere worshipper of Siva. From his younger days, Vivekananda showed enormous talent. He was always chanting hymns to gods and goddesses. He had the inborn quality to master the lessons simply by listening to the hymns. He became a ninth class student in the Ishwar Chandra Vidyasagar's Metropolitan Institution, at the age of eight years. He was not only a thorough reader but also showed keen interest in games, sports, and gymnosium. In his later life, he has started seeking intellectual pursuit. He has started reading more and more religious and philosophical books.

During his college days, he was a unique personality. Even at the age of sixteen, he has become thorough in history and literature. He studied for one year at the Presidency College, Calcutta. Then he joined general Assembly's institution formed by the Scottish general mission board. He has mastered western logic. During the U.G. Course, he developed interest in western philosophy and History. Then he became a student of Law. It is very much interesting to note that Vivekananda learnt music from Ahmad khan and Beni Gupta.

5.12   POLITICAL IDEAS OF VIVEKANDA

Vivekananda said openly that his philosophy should not be interpreted as political philosophy. Swamiji thought that be must concentrate on religious philosophy rather than politics. He did not like to waste his energy on political controversy. But his religious philosophy had a close bearing on the political life of his period. Of course, Vivekananda has patriotism for the country. He wished to uplift the poor and downtrodden. Many politicians of his period drew inspiration from him. He was one of the architects of patriotism.

Religion and Politics: Vivekananda said that no political philosophy could flourish in India unless it was closely associated with religious. Religion only spiritualises politics and makes it healthy. Ages together in India political life has never been divorced from religious life. Nerve-centre of Indian political life is religion.

State-activities: Vivekananda was very much moved by the starvation and poverty in India. A State must aim at improving economic conditions and eradicating poverty. Every one should be given a rightful place in the society. A weak state could not survive for long. He wanted to develop patriotism in India, particularly in the minds of Youngmen.

Socialism and Swamiji: Vivekananda was a socialist in his heart. Because he always wanted to help the poverty-strike. He saw religion

and god in the poor and not in the rich. But the very much differed from modern socialist. He did not accept the materialistic interpretation of history and in the concept of a casteless and classless society.

Concept of freedom: Swami Vivekananda believed in the concept of freedom. For the proper growth and development of human beings freedom is essential Vivekananda advocated freedom at national and international level. He always wants positive approach to solve the problems of the nation.Swami Vivekananda was a contemporary of Rabindranath Tagore. He was very much influenced by the great poet. Vivekananda led the Indian Renaissance. Further he revolutionised the Indian thinking.

Social thought: Eventhough Swamiji was a religious philosopher, he had number of social ideas. The concept of social reform of Vivekananda of Vivekananda was to improve the conditions of women in our society. He said the social status of women must be improved.
Swami was against all forms of priests, crafts and casteism. He also condemned 'untouchability'. He said the growth of caste and untouchability are twin cancer of Indian society.

Vivekananda believed that a proper educational system will solve the economic conditions of the social system. He said the present educational pattern lacks reality. Indian educational system did not produce patriots but created a class of different culture. He wanted to restructure the Indian educational system suited to national requirements.

Swami Vivekananda wanted to revive our ancient Indian glory. People must be morally strong to face any difficulty and problem. Every one should struggle for the noble cause. Swami died in the year 1902. To conclude it can be said that Vivekananda established close relationship between religions, ethics and morality with the social and political life of the nation.

5.13 CONCLUSION

During the period of renaissance in India,the social reformers put many social Ideas. Raja Ram Mohan strived for the abolition of Sati, Naoroji, the grand Oldman of India, who was the member of the British house of common critised the policy of British. Dayanand Saraswati said to go back to Vedas, Swami Vivekananda brought to prominense to India by addressing in USA.

LET US SUM UP

Renaissance brought many changes in India particularly in art, and literature. Social evils were condemned by the social reformers. Among the reformers Raja Ram Mohan Roy, Dayananda, Saraswati and Swami Vivekananda were notable.

CHECK YOUR PROGRESS

1. Brahmo Samaj was formed by_____

    a) Raja Ram Mohan Roy   b) Dayanandha Saraswathi

    c) Swami Vivekananda   d) Dadabhai Naoroji

2. The slongan go back to Vedas was said by_____

    a) Dayanandha Saraswathi   b) Raja Ram Mohan Roy
    c) Swami Vivekananda   d) Dadabhai Naoroji

3. Poverty and un-british rule in India Written by_____

    a) Raja Ram Mohan Roy   b) Dayanandha Saraswathi

    c) Swami Vivekananda   d) Dadabhai Naoroji

4. _____Was a member of British House of Commons

    a) Raja Ram Mohan Roy   b) Dayanandha Saraswathi

    c) Swami Vivekananda   d) Dadabhai Naoroji

GLOSSARY

Orthodox   : Confirming with traditional accepted

                                         beliefs.

Pioneer   : One who leads any ideas.

Verna cular language   : Mother language.

Polytheism   : many religions

ANSWER TO CHECK YOUR PROGRESS

1.   Raja Ram Mohan Roy
2.   Dayanandha Saraswathi
3.   Dadabhai Naoroji
4.   Dadabhai Naoroji

MODEL QUESTION

1. Explain the social Ideas of Raja Ram Mohan Roy
2. Explain Dadabai Naoroji's Drain theory.
3. Discuss the Dayanand's view's on Vedas
4. Describe the Social ideas of Swami Vivekananda.

SUGGESTED READINGS

1. Dr. Vishnoo Bhagwan (1999) *Indian Political Thinkers*, Atma Ram & Sons Publications, New Delhi.

2. Ram Chandra Gupta, (2001) *Great Political Thinkers East and West*, Lakshmi Narain Agarwal, Education Publisher, Agra-3

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Block II

Moderate and Extremist Thinkers

Unit - 6	Gopala Krishna Gokhale
Unit - 7	Bala Gangadhar Tilak (1856-1920)
Unit - 8	Sri Aurobindo (1872-1950)

UNIT - 6

GOPALA KRISHNA GOKHALE

STRUCTURE

OVERVIEW

Gopala Krishna Gokhale is the son of mother India. A Maharashtra by birth, he led the millions of Indian to the path of self-government. He dedicated his whole life to the service of the country he was the great disciple of Ranade and mentor of Gandhi. He started servants of India Society to train men prepared to devote their dives to the cause of India. in 1905 he was chosen as president of the Indian National Congress. Gokhale took the duties and responsibilities of public life very seriously for him public life was a life time business which demanded self-effacing service and head work. Gokhale emphasised the Hindu- Muslim unity. This unit deals about the early Life of Gokhale, Gokhale's involvement in politics, Gokhale's views on public service, his role in servants of India society and political Ideas.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢   Know the life of Gokhale.

➢   Understand the political involvement of Gokhale.

➢   Learn the Gokhale`s role in the congress.

➢   Explain his views about public service.

➢   Study the political ideas of Gokhale.

6.1   EARLY LIFE

Gopala Krishna Gokhale, the great disciple of Ranade, the mentor of Gandhi. Mahatma Gandhi once described him as the ideal servant of India and accepted him as his political guru. Gopala Krishna Gokhale dedicated his whole life to the service of the country.

Gopala Krishna Gokhale was born on May 9, 1866, in a small village in Tanagiri District in Maharastra State. He belonged to the famous Chitapavan community of Brahmins. The ancestors of Gokhale had played an honourable part in the national history of the Marathas. Gopalakrishna spent the hand what the real India of villages was, and how it felt and what it needed. When he was about 13 years of age, his father died, and his mother had to shift to another village in another district where his elder brother held a job.

Gopalakrishna was sent to Kolhapur for his secondary education at the age of ten. Having passed the matriculation examination in 1881. Gokhale first joined the Rajaram College at Kolhapur for the first year examination, and next the Deccan College, Poona, and finally the Elphinstone College, Bombay, from where graduated in 1884.

After passing B.A. examination, Gokhale decided to adopt education as his career and joined the Deccan Educational Society of Poona as a life member. He took the pledge to serve the Society for a period 20 years on a salary of Rs. 75/- p.m. The decision meant the renunciation of all ambitions for wealth and prosperity. His brother was at first opposed to the idea, but in the and gave way, Gokhale never regretted the decision, and proved to be a very good and helpful teacher. At the Fergusson College. Gokhale came into contact with Tilak and Agarker, both of whom were his college agues.

6.2   DECCAN EDUCATION SOCIETY

By fare the most important influence on Gopalakrishna during his stay at the Fergusson College was that of Mahadev Govind Ranade. Ranade soon perceived the potentialities of Gopalakrishna Gokhale and set himself to the task of developing them by an exacting process of training. Gokhale, on his side, entertained the highest respect for Ranade and would never sit down in his presence; he regarded himself as the disciple of the latter.

Ranade also made Gokhale one of the secretaries of the Sarvajanik Sabha of Poona, which was at that time the chief political association in India. Besides work as a secretary of the Poona Sarvajanik Sabha, Gokhale had also much work to do as the Secretary of the Deccan Educational Society.

It may be added that, though Agarkar and Tilak had together brought into existence the Deccan Educational Society and the New English High School, the two could not pull on together, and drifted apart. As a consequence, two different factions came into being in Poona. One of them was led by Tilak and the other by Agarkar. Gokhale belonged to the latter group. The differences between the two groups came to a head on the occasion of the annual sessions of the Congress held at Poona in 1895. Tilak's group captured the Sarvajanik Sabha in 1896, and Gopalakrishna Gokhale resigned its secretary ship, With the help and advice of Ranade he started a new society, the Deccan Sabha, which continued to do the constructive work thitherto performed by the Sarvajinik Sabha.

6.3   GOKHALE AND POLITICS

Gokhale used his visit to England to propagate the interests of India by making several speeches on Indian affairs and contacting Mr. Morley, the liberal lieutenant of Gladstone, with a view to enlisting his sympathies for the Indian cause. Shortly after the Congress session was over, Gokhale again sailed for England for the third time where he arrived in April 1906.

Gokhale expected much from the Morley-Minto Reforms; they however turned out to be must disappoint in practice. Almost the very first act of the Reformed Council was to place on the statue book the press Act which made free criticism of the government very difficult. It also rejected the Elementary Education Bill sponsored by Gokhale. Gokhale began his career as a legislator in the Bombay Legislative Council to which he was elected from the Central Division of the Presidency in a three

cornered contest. When the Government showed scant regard for the pinion expressed by popular representatives on the Land Alienation Bill and secured its passage through the Legislative Council with the help of its official majority, all the elected members led by Pherozeshah Mehta and Gopala Krishna Gokhale marched out of the Council Hall by way of protest. This was the first walk-out staged by the elected reresentatives of the people; it was resorted to by the Liberals and not by the Extremists. It had some effect on the Government.

Gopala Krishna Gokhale became a member of the Viceroy's Legislative Council at the early age of thirty-six and continued to serve the country from there till and end of his life.

6.4   GOKHALE AND CONGRESS

Gopala Krishna Gokhale joined the Indian National Congress for the first time in 1889, and attended its sessions almost regularly except during the period 1897 to 1904 when he deliberately kept himself in the background. He was one of the Secretaries of the Bombay Provincial Congress for three years from 1901 to 1903, and the Additional joint Secretary of the Congress from 1903 to 1906. In these capacities he was entrusted with responsible work on the organizational side after the split in the Congress in 1907 Gokhale was appointed member of the Constitution Committee, which drafted a new constitution for the congress. In 1905 he was chosen as President of the National Congress when he was only 39 years of age.

Gokhale showed great tact and courage in handling the situation at the Banaras session and was able to preserve the unity of the organization. The differences between the old leadership of which he himself was an important part and the newly arisen extremist group led by Tilak, Lajpat Rai and Bipin Chandra Pal however proved to be unyielding, and despite his best efforts to keep the two wings together the split occurred at Surat in 1907. Gokhale continued his efforts to re-unity the Congress from 1911 onwards. He had been much disappointed with the actual working of the Morley-Minto reforms, and was also convinced of the futility and weakness of the programme of the Extremists. The attempt at compromise made by Gokhale and Annie Besant thus failed.

6.5   GOKHALE AND PUBLIC SERVICE

Gokhale took the duties and responsibilities of public life very seriously; for him public was a life-time business which demanded self-effacing service and hard work. Workers must be trained for it. Patriotism alone was not sufficient to make a person a good and

trustworthy public worker; it must be directed into fruitful channels by study, knowledge of the needs of the situation and practical work. Secondly, Gokhale believed that the aim of a public worker must be to serve the people and toil for their improvement; considerations of personal gain or advancement must not influence his conduct. Gokhale demanded of the members of his Society not only dedication but also simplicity, purity and a vow of poverty or renunciation. The third noteworthy aspect of Gokhale's conception of public life is its intimate connection with morality and religion. He was convinced that Indians would listen with readiness and eagerness to those persons who approached the problems of life a moral and religious point of view. Gokhale sought to spiritualize political life long before Gandhiji insisted upon purity of means and purity of motives. The Servants of India Society was conceived by him as an instrument or medium for the realization of this exalted conception of public life.

'One essential condition of success in this work is that a sufficient number of our countrymen must now come forward to devote themselves to the cause in the spirit in which religious work is undertaken. Public life must be spiritualized. Love of counter must be fill the heart that all else shall as of little moment at its side**.**

6.6   GOKHALE AND SERVANTS OF INDIA SOCIETY

'The Servants of India Society' will train men prepared to devote their lives to the cause of the country in a religious spirit, and well seek to promote, by all constitutional means, the national interests of the Indian people. Its members will direct their efforts principally towards

(i) Creating among the people, by example and by precept, a deep and passionate love of the Motherland, seeking its highest fulfillment in service and sacrifice;

(ii) Organizing the work of political education and agitation, basing it on a careful study of public questions, and strengthening generally the public life of the country;

(iii) Promoting relations of cordial goodwill and cooperation among the different communities;

(iv) Assisting educational movements, specially those for the education of women, the education of the backward classes, and industrial development of the country;

(v) helping forward the industrial development of the Society will be at Poona, where it will maintain a home for its members, and attached to it a library for the study of subjects bearing on its work.

"The Pledges taken by a new member joining the Society are as follows:

1. That the country will always be first in his thoughts and that he will give to her service the best that is in him.

2. That in serving the country he will seek no personal advantage for himself.

3. That he will regard all Indians as brothers, and will work for the advancement of all without distinction of caste and creed.

4. That he will be content with such provision for himself and his family as the society may be able to make and that he will.

5. That he will lead a pure personal life.

6. That he will engage in no personal quarrel with any one.

7. That he will always keep in view the aim of the society, and watch over its interests with the utmost zeal, doing all he can to advance its work; and that he will never do anything which is inconsistent with the objects of the society.

The Servants of Indian Society came into existence on the 12th of June, 1905, with four members: Gokhale, the First Member, and three other. namely, devadhar, patvardhan and Dravid. At first the affairs of the Society were conducted by Gokhale himself; at a later stage they came to be managed by a committee of three. Any income accruing to them went to the general funds of the Society. Members were to receive a five years training covering economic and social studies and practical work. The society has been doing laudable work since its inception, and has given of the country veteran leaders' life Srinivas Sastri, Hridaya Nath Kunzru and Thakkar Bapa.

The End-years of hard work and incessant toil had told upon the health of Gopalakrishna Gokhale. The strenuous work in connection with the Islington Commission and the South African tour had worn out the physical frame. He returned from England before the competition of his work in connection with the Islington Commission. The end came before he could write his minute of dissent. Gokhale left for his heavenly abode on the 19th February, 1915.

6.7   POLITICAL IDEAS OF GOKHALE

The following are the main ingredients of the political faith of Gokhale. Belief in the providential character of British rule and the maintenance of connection with Britain for the good of India.The superiority of the constitutional over the method of obstruction and voilence.Spiritualization of Politics.Hindu-Muslim unity and unity between the two wings of the Congress.Necessity of social reform. We would add a few words under each head.

The first article in the political faith of Gopalakrishna Gokhale was the necessity of British connection to India; the goal he placed before himself and his countrymen was Dominion Status or self-government for India as an integral part of the British Empire. He did not for a moment entrain the thought of India severing political connection with Great Britain. The members of the Servants of India Society were enquired to 'frankly accept the British connection as ordained in the inscrutable dispensation of Providence, for India's good'. In this respect Gokhale followed in the footsteps of his guru, Mahadev Govind Ranade, the great Indian patriarch. Dababhai Naoroji, the veteran Bombay Knight, Sir Pherozeshah Mehta, and other Liberal leaders.

Gokhale accepted British rule as divinely ordained because of his firm conviction that through it God was preparing India for self-governing. He held that there was a moral purpose behind British rule over our country. It was to associate the people with the work of administration which was destined to become ours in due course of time.

British rulers gave to India peace and order and western education both of which were absolutely necessary for her future progress. It was from the maintenance of these two prerequisites of progress that Gokhale wanted India to remain a member of the British Empire.

How true are the words of Gokhale that it is not difficult to crate disorder in out country at any time. Today our progress has received a serious set-back because of the prevalence of disorderly and chaotic conditions in various parts of the country. Strikes, bandhs, gheroas, and the emergence of various types of senas (e.g. Shiva Sena in Bombay, Lachit Sena in Assam, and a parallel Sena in Kerala), and the anti-Hindu and anti-English riots and student demonstrations have created and atmosphere highly inimical to democracy and progress. All this has happened within twenty years of the departure of the British.

Gokhale set high value to the preservation of peace and order because it is only under peaceful and orderly conditions of life that community can engage itself in the task of removing its own defects and shortcoming sand introduce social reform. It was a firm conviction of Gokhale that in the past Indians fell easy victims to foreign invaders because of the social and moral evils that had crept into the community and sapped its vitality. Before they could rise and achieve freedom those evils had to be removed. British provided the best opportunity for it. This is amply proved by the rise of numerous movements of social and religious reform during the latter half of the nineteenth century in our country.Unfortunately, it is this western learning which is still very necessary for our progress in science, and industry that we are trying to oust by our craze for regional languages.

Summing up. We may say that Gokhale stood for Dominion statues for India as an integral part of the British Empire because he recognized that for better or for worse, the destinies of India were linked with those of England and that it was only under British rule that Indians could acquire that sense of responsibility and the training which are indispensable for the working of democratic institutions. He thought that a long and labourious period of apprenticeship in the principles and practices of representative government was absolutely necessary for acquiring the capacity for self-government, and this could be best attained under British tutelage.

Gokhale was convinced that nothing was impossible under British rule, that wrongs could be righted and constitutional reforms obtained by co-operating with the duty constituted authorities and by persuading and negotiating with them,. He would always work for a honourable compromise with the Government and would try all proper means and methods to change the mind and heart of the rules. But he would not employ violent or obstructinist methods it will have adverse effect on peace and order in the country, but would never compromise national honour and demands of justice. Moreover, he was convinced that the method of violence and opposition antagonized the Government and added tot the sufferings of the people, which were already heavy.

Positively considered, it means exerting pressure on constitutional authorities by the creation of a strong public opinion in the country and its expression through all the constitutional means available namely, free speech, free association, free press, meetings, processions, delegations etc., constructive criticism of the government is an integral part of it. It also includes all those activities. Which go to

demonstrate the fitness of the people for self-government. Negatively considered, it excludes the use of violence, preaching of hatred, siding with the enemies f the government and ablating foreign invasion. In the strict sense of the term resort to soul force or Satyagraha can also be included in it.

Finally, we may add that the constitutional method demands caution and belief in gradualism. The goal of self-government could not be attained in one big leap and all at once; progress towards it could be gradual and piecemeal. Gokhale and other leaders were not dreamers of idea deramers and utopias; they did not ask for what was obviously impracticable under the conditions of those days, they demanded what they thought was practicable and what they could message manage after obtaining it.

It may be stated that Gokhale always insisted on the primacy of means over ends. He was always on the principle the politics could be means of serving the people only if it were spiritualized. He established the servants the Indian society chiefly with a view to the spritualization of politics. Much of the work it was accepted to do was directed towards the building up in the country of a higher type of character and capacity than was available. He realized that swarajya by itself was no panacea if the people did not develop the requisite type f character, and that before a nation would win liberty it had to deserve it. Gokhale was led to rely more and more on the help and advice of British Liberals because he was painfully aware of the moral weakness of the people and their vulnerability. This is an aspect of his political philosophy, which we should bear in mind even today.

In the fourth place, Gokhale was a great advocate of Hindu Muslim unity; he firmly believed that there was not future for India as a nation, unless there developed between the two great communities a spirit of co-operation f a sufficiently stable character. To achieve this end he himself retrained from joining in controverses likely to embitter the relations between the two communities and advised others to do the same.Gokhale was opposed to all movements, which tended to develop among the Hindus the spirit of class consciousness against the Muslims. He was not enamored of the Ganapathi and Shivaji festivals started by Tilak. This made him rather unpopular with the masses; he however did not care popularity.

In the course of his presidential address at Banaras he said: "The devotion to motherland, which is enshrined in the higher Swadeshi is India needs today above everything else that the gospel of the devotion

should be preached to high and low, to prince and to peasant, in town and in hamlet, till the service of motherland becomes with us as overmastering a passion as it is in Japan. But he advised great caution in linking the concept of Swadeshi with the political weapon of boycott, which though legitimate, had to be wielded on extreme occasions only.

6.8 CONCLUSION

Gopala Krishna Gokhale a maderate, and mentor of Mahatma Gandhi, was born in1866 and died in 1915. He was elected as president of indian National Congress in 1905. The Same year he Started the servants of india society. He took the dutics and responsibilities of public life very seriunsly. He emphasised the Hindu – Muslim unity.

LET US SUM UP

We have discussed the social, political and economic ideas of Gokhale. He was a liberal in out book. He believed in slow development. A self-less servant of India, he worshipped the mother country. His liberalism, political ideas and his role in congress has been brought in this unit.

CHECK YOUR PROGRESS

1. Gopala Krishna Gokhale was the great disciple of_____.
   a) Gandhi   b) Renade   c) Nehru   d) Dadabai Naorj.
2. Gokhale graduated from the Elphinstone college in the year_____.
   a) 1885   b) 1884   c) 1890   d) 1883
3. In_____ Gokhale was Chosen as president of the indian national congress.
   a) 1903   b) 1904   c) 1910   d) 1905

4.The servants of Indian society came in to existence in the

   year_____

   a) 1905   b) 1910   c) 1904   d) 1915

GLOSSARY

Society : Organisction of the people formed for particular
                        purpose.

ingredients : Component part or element.

gherous : aprotest in which workers prevent enployers
                        leaving a place of work until demands are met.

gospel : The reaching of revelation of christ.

ANSWER TO CHECK YOUR PROGRESS

1.   Renade

2.   1884

3.   1905

4.   1905

MODEL QUESTION

1.   Write a note about Deccan Education Society.

2.   Bring out the role of Gokhale in the Congress.

3.   Discuss the policies of servant of India society

4.   Explain the political ideas of Gokhale.

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UNIT –7

BALA GANGADHAR TILAK (1856-1920)

STRUCTURE

OVERVIEW

Mother India has produced many political leaders and the leaders have contributed a lot for getting India independence. During the freedom struggle there are different groups having different views, Moderates like Gokhale and Ranede, extremist like Tilak, Biplin Chandra

pal and terrorist like Bhagat Singh M.N.Roy Balagangadhar Tilak belonged to the extremist. group and he gave his oun slogan "Swaraj is my Birth Night, and I will have it". He started his oun news paper kesari by which he inculcated the national felling in the mind of the indian people.He started to celetrate the Ganapathi festival and sivaji festival and it is contiuing even to day. This unit tries to explain the political ideas of Bala Gangadhar Tilak.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Know the life history of Tilak.
➢ Understand the Connotations Tilak`s Swaraj.
➢ Explain Tilak`s views on Nationalism.
➢ Discuss his views on economic independence.

7.1 INTRODUCTION

Bal Gangadhar Tilak represented the forces of extreme nationalism during the freedom struggle of India. Through his dynamism, dedication and versatile genius, he could be the pathfinder of India's freedom. His impressive role as a restless nationalist, a crusader for political freedom, a fearless journalist and a committed educationalist made him a 'living force' for all times to come. His slogan, 'Swaraj is my birth right and I will have it' still evokes the revolutionary thoughts and makes the struggle for freedom vibrant. His years of rigorous imprisonment, indomitable courage to declare war against the British rule, concern for the downtroddens and identification with the masses made him the first popular leader in India's political history. He became truly the 'darling of Indian people' and came to be adored as 'Lokmanya'. Jawaharlal Nehru rightly pointed out that the real symbol of the new age was Bal Gangadhar Tilak".

7.2 LIFE AND CONTRIBUTION

Before an attempt is made to delineate the political ideas of Bal Gangadhar Tilak, it is of pivotal importance to know the life, the influence of his time which shaped his ideas and the contributions that he made to the Indian political tradition.

Childhood: Tilak's childhood started in the midst of an orthodox Brahminical order. His father, Gangadhar Pant was an orthodox Hindu Brahmin. His father was a school master who subsequently was promoted to the post of inspector of schools. Gangadhar Pant achieved mastery over the Marathi and the Sanskrit language. He was also very

proficient in Mathematics. For his excellence as a teacher, people used to respect him as Guruji. He wrote a book on Trigonometry for which he received a prize from the Director of Education. Bal Gangadhar's mother was Parwatibai. She was also a religious lady and always prayed god for a male child. God blessed her with a son, who became Lokmanya later on and determined the course of history. He was be known as Bal Gangadhar Tilak. boys took named as Keshav according to family deity; his sister called him Bal and later he was known as Balwant Rao. Finally, he came to

After the transfer of his father from Ratnagiri to Poona, Bal Gangadhar Tilak was admittedinto a Marathi School in Poona, his aunt. From his childhood, he led a very simple life but as a But during this time, he lost his mother. Bal Gangadhar Tilak inherited his father's excellence in Sanskrit and Mathematics. He joined the city school where he completed three standards in two years.

When Bal Gangadhar Tilak was reading in Standard VI, at the age of sixteen, he got married to Tapi, a girl of ten years age. But when he entered into Matric class, his father Gangadhar Pant fell ill and died on 31st August, 1871. But this did not deter matriculation examination of Bombay University in December, 1872.

College Life: Bal Gangadhar Tilak joined the Deccan College at Poona in the year 1872 as a resident student. Since he was physically very weak, he concentrated on physical exercise. He came to the conclusion that health is the basic of all success in life. He devoted more times in gymnasium and neglected his studies. After passing B.A. in Mathematics he decided to undertake course in Law. In order to pursue an independent life, he decided to be a lawyer.

7.3 TILAK AS A EDITOR OF THE 'KESARI'

Tilak his friend Agarkar and others also believed in making the public opinion alert and effective. Hence they established two leading newspapers i.e., the Mahratta and other the Kesari. One was published in Marathi and the other, the Kesari in English.

Especially the Kesari or "Lion" was designed to work as a mouthpiece of the people's problems, mass education and popular agitation. By 1882 the Kesari had become one of the leading newspapers in Western India.

7.4 LEADER OF EXTREMIST GROUP IN THE FREEDOM STRUGGLE

Freedom struggle of India was led by leaders having different perceptions of their own. Some leaders like Ranade, Gokhale had 'moderate' approach. Aurobindo Ghosh, M.N. Roy, Bhagat Singh, Khudiram had 'terrorist approach and some others like Lala Lajpat Rai, Bipin Chandra Pal had extremist approach; Bal Gangadhar Tilak though initially had moderate mind but subsequently changed his mind to that of an extremist because he lost faith in British administration.

Tilak joined the Indian National Congress in 1889. At that time Congress leaders adopted the method of prayer and petitions and restored strong faith in the British sense of justice. Tilak began as a moderate. During this phase he said that he did not desire to weaken the government but "to render it impregnable to all assaults whether from Russians or any other foes". He asked for greater association of Indians in the administration. But later on his impression changed. In 1897 he said "for the last twelve years Indians have been shouting hoarse about their grievances but has no more affected the government than the sound of a gnat". But his real extremism became vivid during the middle of the first decade of this century. He strongly advocated that political liberation of India lay not in supplication but in self-assertion, not in submission but in direct action. "Political rights", he said "will have to be fought for. The moderates think these can be won by persuasion; we think that they can only be got by strong pressure".

Tilak realised that the British Raj had caused much harm to the economy of India. The government remained indifferent to the people's cause during famine and plague. Tilak as the member of Bombay Legislative Council lambasted the Government for being indifferent to the mass suffering of the people during famine.

7.5 CONNOTATIONS OF TILAK'S SWARAJ

Swaraj was one of the main political goals of Bal Gangadhar Tilak. Though Tilak entered into the Indian National Congress as a moderate, he lost faith in British bureaucracy and British judiciary. So he wrote the time has come to demand 'swaraj' or 'self-government'. No piece meal reform will do. The system of present administration is ruinous to the country. It must "mend or end". But Tilak borrowed the term Swaraj from the Vedic term "Swarajyam". The term Swaraj was used in the Vedanta to indicate the highest spiritual state, where in the individual having realised his identity with the universal, was not merely freed from bondage, but was established in perfect harmony with all else

in the world. This Vedic concept of Swaraj is different from the Western concept of 'freedom' or 'independence': "Swaraj' is a positive concept implying self-subjection, self-realisation, self-rule or self-regulation. So for Tilak, Śwaraj is both a political right and a moral necessity. Politically swaraj means, according to Tilak, the ruler and the ruled are of the same country, same religion or race. Secondly it refers to a well governed state or system of rule of law. Third, it means a government promoting the well-being of the people. Fourthly, it means a government elected by and responsible to the people. Tilak's main highlight was people's participation in the Government. He endorsed the slogan which Dadabhai Naroji had given at the Calcutta conference of 1906, namely that the thirst for self-government (self-rule) cannot be assuaged by good government (Surajya). In this way, his concept of swaraj is nationalistic. He gave his famous slogan 'Swaraj is the birth-right of Indians' at Lucknow Congress of 1916. But Tilak's concept of swaraj also has moral foundations. Self-control and self- realisation also leads to swaraj. It can be attained through spiritualism to be pursued by the individual. But individual cannot pursue this without swaraj in political sphere. Both are correlated.

7.6   POLITICAL GOAL

Bal Gangadhar Tilak was a revivalist, who believed in the national and political regeneration of India. His slogan 'Swaraj is my birth-right' made him an extremist in the freedom struggle of India. But an indepth analysis of his changing role performance during the struggle would reveal that Tilak was neither an extremist nor a moderate but a realist. He set up his political goals and techniques depending upon the situation. His changing stance from swaraj to Home Rule, from non-cooperation to responsive cooperation bears testimony to the observation made above. Tilak once said "The extremists of today will be moderates of tomorrow, just as the moderates of today were extremists of yesterday. Every new party begins as extremists and ends as moderate. We, must therefore study the present and work out a programme to meet the present condition" Accordingly from the political programmes adopted by Tilak at different times the following political goals have been discerned.

Nationalism: Nationalism, according to Tilak, "is not a visible and concrete entity but is a kind of sentiment, an idea and in generating this idea, the historical memories of the great figures of a country plays a significant part". Accordingly he made Ganapati festival a "mass public

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function" in stead of a private affair. He wanted to regenerate a sense of unity among the people of Maharashtra especially the Hindus.

In such public function both Brahmins and non-Brahmins could take part. He also introduced Shivaji Festival to make the people nostalgic about India's past and create confidence in them. Shivaji, a historic figure was the symbol of resistance against injustice and oppression. Some critics criticised Tilak for bringing up anti- Muslim symbols. But that was not his intention. Just as Shivaji opposed the oppressive rule of Muslims, he called upon the people both Hindus and Muslims to oppose the oppressive rule of British bureaucracy. Nor he was a Hindu revivalist. No doubt he had deep faith in Hindu religion and culture but he was not opposed to Muslim interests either. He extended support to the Khilafat Movement.

Even Jinnah, M.A. Ansari praised the nationalistic and compromising attitude of Tilak for whose counsel and moderation Lucknow Pact of 1916 could be achieved. Hence he was neither a Hindu fanatic nor a Hindu nationalist. Besides, Tilak's nationalism had economic foundation. He realised that British Government was using India as its biggest market and destroying Indian industries. Hence he vociferously declared "Swadeshi and Swadeshi alone should be our battle cry". He called upon the people to boycott British goods. But Tilak's nationalism though based on religious, historical symbols never suffered from narrow aggressiveness. Tilak wrote in his "Gita-Rahasya" "love of the country is only a step to cosmopolitanism" and believed in the Sanskrit Shloka "Vasudhaiv Kutumbakam" which means that for the wise men of generous feelings the whole world is one big family.

7.7   ECONOMIC INDEPENDENCE

Tilak realised that the Britishers were not simply satisfied with holding the ruling power in their hands. They also captured the trade and industries of India. As a result our trade was ruined and industries collapsed. The people of India were used as the largest market by the British Industries. The Indians had to pay taxes to meet the comfort and luxury of the British people. Our agricultural products went to British and their finished products were sold in the Indian market. Swadeshi cannot be possible without boycott. Hence he called upon the people to agitate against the British policies. But at the same time Sivadeshi should be adopted by each and every Indian. The objective of swadeshi therefore is to make Indians free from being slaves. Tilak said there is the violent pressure of the three d's daridrya (poverty), dushkal (famine) and dravyashosha (sucking) up of wealth constantly troubling us.

Every one must come out for sacrifice and adopt swadeshi. Swadeshi cannot be possible without boycott. People should boycott the British goods and commodities. Every effort should be made by the Indian to establish indigenous industries and buy Indian goods. Self-reliance and self-sacrifice should be the way of life of every Indian. People must get ready to refuse to pay tax and refuse to assist in the collection of revenue. All these efforts would make us courageous to fight against the exploitation made by the British.

Decentralisation of Finance: Tilak demanded decentralisation of finances by giving more financial power to the provincial governments. In an article on the "Decentralisation of the provincial finance" published in the quarterly of 'Sarvajanika Sabha' he wrote that the supreme Government was like an intemperate husband who came to the wife, the provincial government asking her to surrender all her savings. He therefore, demanded that there should be a limitation on the power of supreme Government to draw on provincial resources to a fixed amount. At the same time it should be levied on a definite and just basis.

7.8   HOME RULES AS A POLITICAL GOAL

After 1914, Tilak had compromised with his earlier radical stand. He had two objectives before him. Since war had already started between Britain and Germany in 1914 he extended cooperation to the British Government to defeat the militarist Germany. Secondly, he nurtured the idea of "Unity' among the Congressmen by bridging the gap between the moderates and the extremists, the Muslim League and the Indian National Congress. Hence he softened his stand on Swaraj and started organising the Home Rule Movement in India.

He established the Home Rule League in India in the year 1916. He made it clear that within the British empire the Indians must have their right to rule themselves. He was supported by the English liberals like Mrs. Annie Besant. The people of India must be given more and more power in the administration of the country. The monopolistic rule of British bureaucracy should end. Tilak went to London to influence the British statesman and public opinion in favour of Indian people's demand. The Government of India Act which gave some power to the people was the result of Tilak's struggle for Home Rule in India.

7.9   NATIONAL AWAKENING THROUGH RELIGIOUS SYMBOLS

Tilak was a nationalist belonging to the tradition of Bankim Chandra and Aurobindo. His interest in Sanskrit literature made him a true orientalist. Religious Prescriptions through Bhagawat Gita,

Mahabharata and the Ramayana made him a avowed follower of 'self-sacrifice' and 'self-abnegation'. These religious scripture also influenced him to be a crusader against injustice in the society. As a nationalist, he appealed the people especially the Hindu to rise above the occasion and restore their faith India's culture and civilisation. As a mark of his technique of mass awakening, he revived some of the old practices of Hindu religion. He therefore, introduced Lord Ganesh Destival, a Hindu God, as a public function in Maharashtra with two objectives to revive the nationalist spirit and to bring onenean among the people. He also introduced Shivaji festival to remind the people about the herole deeds of Shivaji and to generate a feeling among the people that they belonged to Shivaji's India. He called upon every Indian to ahun western influences and feel proud of India's glorious past.

7.10 SWADESHI

Swadeshi originally means use of indigenous commodities and to give up the use of foreign goods. Swadeshi stands for economic freedom and aims at ending economie exploitation. It is generally believed that Gandhij first talked of Swadeshi, But a historical study reveals that long before Gandhi, Tilak had given a call to start swadeshi movement in India. During Bengal partition he said " the love of nation is one's first duty Swadeshi and Swadeshi alone be our cry for ever and by this we will grow in spite of the wishes of the rulers". Tilak used swadeshi in dual sense ie, economic and political Realising that Britishers had destroyed our trade and industry, drained our resources, he called upon the people to start swadeshi movement. He appealed the people to prefer Indian goods but where Indian goods were not available, they should be ready for sacrifice. Tilak also wanted to use Swadeshi as a political weapon. Restoring faith in our own economic system, culture and civilisation would finally provoke us to take control of our political system. Hence he said "the objectives of the movement is to do away with the system under which we are treated like slaves by Europeans and to force the government to give us all the rights of British citizenship". Tilak became the real Swadeshi in his personal life.

7.11 BOYCOTT

Tilak advocated 'boycott' as a political technique for three different reasons i.e., firstly, to carry out the mission of swadeshi movement which would not be successful without boycotting the foreign goods, secondly, to protest against the repressive laws and burdensome taxes on the people, thirdly, to serve as a substitute for war and violent methods which he thought, would not have been possible to apply

successfully against the Britishers. Fourthly, by applying the technique of boycott he wanted to create a "mass movement" against the British Government. Thus boycott was used by Tilak as an economic, political, nationalistic and democratic weapon. When excise duty on Indian cloth was raised in order to balance the customs duty imposed on British cloth, Tilak made a scathing attack on British Government policy to impose new tax and appealed the Indians to boycott foreign cloth and use swadeshi cloth. He cited examples of Americans who threw tea boxes into the sea and refused to pay taxes to the British Government.

7.12   PASSIVE RESISTANCE

Though Tilak was boiling within to launch a forceful active movement against the British rule, he was paralysed by the inept, cowardice attitude of some section of Indians. Hence he pursued a very mild form of resistance against the British administration. The idea of passive resistance was conceived by Tilak at Delhi Congress session. According to Lala Lajpat Rai, Tilak thought of passive resistance programmes with different objectives such as (1) to destroy the hypnotic spell which had made the people and the country accept the ominpotence of their rulers (2) to create a passionate love of liberty accompanied by a spirit of sacrifice and readiness to suffer for the cause of the country and (3) to win India's independence." But this idea of passive resistance was popularised only after the Calcutta Congress in December, 1906.

7.13   REVOLUTION AS A POLITICAL TECHNIQUE

Tilak was a nationalist and political revolutionary. He always protested against the injustice done to the Indian masses and the tyranny inflicted upon the people by the British bureaucracy. In one of his article entitled: "Will the peasants have to revolt?", he pointed out that, when people were taxed inhumanly, trade was declining, Government was becoming very costly, people would have no other way, but to revolt. He called upon the people to fight injustice and misrule, if they wanted to live like human beings. Though he sometimes justified the use of violence in the revolution, as a practical revolutionary he suggested to eschew violence. Because use of violence may be risky and may not be fruitful. Especially in Indian situation he said violent revolution would make the British authorities more aggressive and they would use state machinery to suppress the revolt. He was a positive and constructive revolutionary. His idea was not to create chaos in the society but to see that Indian masses became the master of their own

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administration. His revolutionary methods were neither communistic nor Gandhian in approach. It had its own original application.

7.14 RESPONSIVE COOPERATION AS A POLITICAL TECHNIQUE

Tilak coined this phrase "Responsive Cooperation" in the year 1919 when he was going to Amritsar to attend the Congress session. But Tilak has said the term "extremist" and "moderates' were interchangeable. Hence, responsive cooperation had always guided his political action. Because his political objective was "to accept whatever is given but to continue to agitate for more". He explained the meaning of responsive cooperation at Amritsar; "we are expected to cooperate; but first there must be something to cooperate over. Let the authorities declare in what way they are prepared to cooperate with us and we will assure them that if they cooperate, we will surely reciprocate. Cooperation is not a one way traffic it is mutual, what I call responsive".

7.15 CONCLUSION

Tilak was the first mass leader in modern India His courage, dedication and conviction made him permanent in the memory of the people. But he was misunderstood for some of his rigid stand on some common issues. Critics condemned him as a reactionary when he opposed social reform bills like Age of Consent Bill and education of women by Christians. He was also branded as a 'Hindu nationalist and anti-secular' when he introduced Lord Ganesh, the Hindu God, as the symbol of national unity. He was also criticised as a conservative for his reference to old Indian religious scriptures like Bhagavad Gita and the Mahabharat and Opposition to western culture.

LET US SUM UP

Tilak's fight for Swaraj, crusade against injustice, oppression and tyranny, his endeavour to create an effective public opinion through newspapers like the Kesari and the Mahratta, his emphasis on mass education, his concern for the peasants, workers, tillers and the downtrodden, his identification with the masses, and his call for national awakening in India made him a symbol of nationalism and liberalism in India. An indepth study will reveal that his nationalism was allergic to emotionalism. He represented realism in Indian politics. His unique political acumen made him sanguine about his political techniques. But his realism never led him to support politics of power and violence.

CHECK YOUR PROGRESS

1. The Slogan "Swaraj is my right and I will have it" is said by_____.

    a) Gokhale   b) Gandhi   c) Tilakd) Nehru

2. The News paper "Kasari" was Started by_____

    a) Jinnah   b) Jqbal   c) Ahammedkhan

    d) Tilak

3. Tilak Joined the indian National Congress in_____.

    a) 1885   b) 1886   c) 1888   d) 1889

4. Tilak Coined the Phrase,Responsive Cooperation in the year_____.

    a) 1920   b) 1919   c) 1905   d) 1910

GLOSSARY

Swaraj	:	Self Government.
Passive resistance	:	mild form of resistance.
Responsive Cooperation	:	Cooperation form both sides.
Aristocrats	:	Wealthy people.

ANSWER TO CHECK YOUR PROGRESS

1. Tilak
2. Tilak
3. 1889
4. 1919

MODEL QUESTION

1. Bring out the connotation of Tilak`s Swaraj.
2. What is Nationalism according to Tilak?
3. Explain the concept of Passive Resistance by Tilak.
4. Discuss the views of Tilak regarding Swadeshi.

SUGGESTED READINGS

1. Dr. Vishnoo Bhagwan (1999) *Indian Political Thinkers*, Atma Ram & Sons Publications, New Delhi.
2. Ram Chandra Gupta, (2001) *Great Political Thinkers East and West*, Lakshmi Narain Agarwal, Education Publisher, Agra-3
3. Mohanty k. D. (2001), *IndianPolitical Tradition*, Anmol Publications Pvt.Lid, New Delhi.

UNIT – 8

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SRI AUROBINDO (1872-1950)
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STRUCTURE

OVERVIEW

Sri Aurobindo is considered as one of the most dominant figures in the history of the Indian renaissance and Indian Nationalism. He is regarded as the most accomplished of modern Indian political thinker. He was a great poet, a profound thinker, a notable meta physician, an ardent patriatist. This unit tries to explain the political Ideas of Sri Aurobindo in the Indian politics.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Understand thebackground of Sri Aurobindo.

➢ Explain the Aurobindo`s views on Spiritual Nationalism.

➢ Know the views of Aurobindo on Purna Swaraj.

➢ Explain the views of Aurobindo on violent Resistance and Passive Resistance.

8.1 INTRODUCTION

Aurobindo was a pioneer of neo-nationalism in india. He had his educationa in England. He organised a secret society called lotus and Dagger for the uplift of his motherland. The became a nationalist friends took a now of liberating India form the shackles of slovery. His participation in Indian politics was only for six years form 1905 to 1910. During that period, he proved one of those redical leaders of the early 20th century who transformed Indian nationalism in to a mighty mass movement.

He was charged of criminal conspiracy but was released after a year`s of confiment in Alipun jail. At the age of thirly eight, he withdrew from the politics. Leaving the political activities, he became a spiritualist while at panichery he was engrossed in spiritual sadhana and was also engaged in literary pursuits.

8.2 A BRIEF BACKGROUND

Aurobindo was born on August 15, 1872 at Calcutta. His father, Dr. Krishandhan Ghosh was a renowned medical man of Calcutta and had sought his medical education from Aberdeen University, England. The westernised influence induced Dr. Ghosh to educate his children in western style. Hence, Aurobindo proved to be one of the most systematic and learned of all modern Indian thinkers. He is described as one of the most dominant figures in the History of the Indian renaissance and Indian nationalism. Romain Rolland regarded him as the highest synthesis of the genius of the East and the West and the prince among the Indian Thinkers.' Dr. Radhakrishnan regarded him as the most accomplished of modern Indian Political Thinker'. His genius to such an extent also impressed Tagore as he prophesied that through him India should express her massage to the world. He described him as the 'messiah of Indian Culture'.

There is no denying the fact that Aurobindo was a great poet, a profound thinker, a notable metaphysician, a great seer and an ardent patriot. He had indeed an amazingly creative personality, with a deep insight into the hoary past, a tight grip on the present and prophetic vision of the future.

Aurobindo's participation in Indian politics lasted for six years i.e. from 1905 to 1910. During this short period, his influence on the Indian Politics was decisive. He proved one of those radical leaders of the early 20th century who transformed Indian nationalism into a mighty mass movement and did not confine it to a few arm-chair politicians and amateur freedom fighters. He condemned the moderates; for their policy of petition and prayers. He became editor of a daily-Bande Matram, started by B.C. Paul. Through this Daily, he aroused the educated masses of India. He was charged of criminal conspiracy but was released after a year's confinement in Alipur jail. At the age of thirty eight, he withdrew from politics. In Bande Matram he wrote "We must first ourselves be free in heart before our country is free! Thereafter, he took to meditation and yoga.

While at Pondicherry, he was engrossed in spiritual "Sadhana.' He was also engaged in literary pursuits. He produced great works viz. The Life Divine, Essays on Gita: Synthesis of Yoga, Ideal of Human Unity: Defense of Indian Culture; Renaissance of India, Basis of Yoga: Riddles of the World. The sage of Pondicherry breathed his last in 1950.

8.3   AUROBINDO`S VIEWS ON SPIRITUAL NATIONALISM

Aurobindo was a pioneer of neo-nationalism in India. He did not consider moderates and liberals as nationalists. He considered them more patriotic than nationalist. They loved India but could not get her souls. They did not believe in spiritual greatness and basic genius of India. They aimed at the reproduction of Europe in India. In a lecture published in 1908, he argues that nationalisra is not a mere political programme. It is a religion through which we strive to recognize the presence of God in the nation and in our fellow countrymen.

Thus Aurobindo believed in the divinity of the Motherland. India is a divine power and a spiritual and not geographical entity. In his words nation is "not a piece of carth, nor a figure of speech nor a fiction of mind. It is a might composed of all the Shakties of millions of units that make up the nation just as Bhawani Mahishasur Mardini sprang into being from the Shakti of all the millions of gods assembled and in one mass of force and welded into unity. The Shakti, we call in India Bhawani Bharti, is the living unity of Shakties of 300 million people.

The Indian nation signifies a power that welds the powers of all Indians into a living unity, Love for the Mother, joy of sell-forgetfulness, and pride of self-immolation in service to Her can prove miraculous for the country, groaning under the heels of the foreign rulers. Aurobindo, fight for national liberation can be equated with a holy sacrifice (Yajna). The sacrifice must be full und perfect if Motherland, the goddess is to be propitiated. The fruit of this perfect sacrifice is freedom. Anybody fighting for this dom is not merely a fighter for political liberation but is a Talgious crusader. In his words "Nationalism is a religion that has one from God Nationalism is a creed which you shall have to love-If you are going to be a nationalist, if you are going to assent to this religion of nationalist, you must do it, in the religious spirit. You must remember that you are the instruments of God-Nationalism is not going to be crushed. Nationalism survives in the strength of God and it is not possible to crush it whatever weapons are brought against it. Nationalism is immortal." As such anti-partition movement in Bengal was not prompted by any political self-interest but by a religious faith.

He encouraged nationalists by emphasising that nationalism cannot be crushed as it emanates from God. He elevated the demand for national freedom to a religious faith so that the masses could be awakened. He exhorted the Indians to fulfil the Heaven-appointed mission of regenerating the human race spiritually. In order to accomplish that mission, she must attain complete National independence. India, according to him needed freedom as much as the world needed her spiritual guidance India must fill the world with spiritual light so that the western nations may not suffer from agony and exhaustion caused due to materialism. If the Indian nation remained deprived of freedom, mankind would remain without spiritual light, which alone could save it from decay and preserve its vitality.

In fact Aurobindo's creed of Nationalism was not narrow and fanatical. It was of a cosmopolitan character. Nationalism was, according to him, only a necessary stage in the social and political evolution of man. Ultimately, he aimed at human unity through a world union and felt that the spiritual foundations of such a consummation could be found through a religion of humanity and the feeling of inner oneness. He did not care for the restrictions of caste, creed, religion, territorial boundaries, colour, race or sex. His spiritual bond of unity comprised the world as a whole. He once remarked, "Are we going to sacrifice our national destiny to the whims and interests of the foreigners or are we going to take ourselves seriously and struggle for the rights to live that we may fulfil in this world our Heaven appointed mission."

Spiritual guidance of the world presently actuated with materialistic values was thus to be the mission of liberated India, according to the great Yogi. Thus his nationalism was neither chauvinism nor a narrow jingoism. He aimed at liberation of India because she was to be a spiritual fountain head of humanity and play the vital role of cultural ambassodor of spiritual East to the material West. Thus his natinalism took the whole world as one humanity. In this way, he proved that spiritualism can bind the whole world.

Thus his concept of nationalism had an international purpose. India could hereby guide the world if she remained bound hand and foot. Evidently India's freedom was in his view a pre-requisite of bigger role she was destined to play. In the words of Karan Singh, "He firmly held the view that it is India that's destined to spearhead the next phase of human evolution.

8.4   AUROBINDO`S VIEWS ON PURNA SWARAJ

Purna Swaraj according to Aurobindo was to be the objective of India Nationalism. National government alone can restore capacity and energy of a nation which was fast decaying under foreign domination.Hence Aurobindo did not appreciate the misguided attempt of Moderate Nationalists to achieve limited objective viz reforms in the legislative councils, separation of judiciary from the executive, Indianization of the civil service etc. Moderates believed in the policy of sending petitions to the British Government and praying for constitutional reforms. Aurobindo felt that such measures were partial and thus ineffective. These could not create a responsible constitutional government. He described foreign rule as "unnatural and fatal to a nation" and was of the view that the subject nation became dependent, disorganised and lost its powers by atrophy.

Thus there could be no national development without national liberty. Further, self-government was essential not only for individual development but also for the full development of national strength. An alien government developed oniy a privileged class attached to it, being well-versed in the alien language and steeped in its interest. The masses stood neglected. The universal political consciousness of the subject nation was possible only when self-government was achieved.

8.5   VIEWS ON VIOLENT RESISTANCE

The failure of constitutional methods for the revoking of partition of Bengal led to serious thinking on the possibility of resorting to direct action to attain the objective. Aurobindo felt the necessity and

justification of violent resistance for the sake of national liberation. The subject masses could legitimately resort to armed revolts if they could gain their objective quickly. However, they must properly judge the feasibility and practical utility of violent rebellion in a particular situation.

In the early years of his political career, Aurobindo felt that a violent overthrow of the Brisish rulers was not altogether impossible. The strength of the British troops in India is not awe-inspiring. The Indian society may be incited to revolt. Popular resistance may simultaneously be organized to liquidate British power forcefully. Arms may be procured from outside, guerilla forces may be raised and Britain's military might may be overpowered successfully. He was of the view that a band of trained ascetics will act not only as spiritual guides but also the directors of a violent revolution. They will provide a spiritual anchorage for the national struggle.

However, Aurobindo was fully acquainted with the fact that such an armed revolt could succeed only if the people were thoroughly united and suitably organised. Such conditions of a successful mass insurrection were not immediately fulfilled. Hence on purely technical grounds, he felt that under the circumstances, passive resistance was the best device for getting rid of the Brtitish domination. The sporadic acts of terrorism or assassination of British officials did lead to demoralization of the British and contributed to the loosening of their grip on India. However, such uncoordinated acts could hardly secure national freedom.

8.6 VIEWS ON PASSIVE RESISTANCE

Passive resistance can be properly construed if distinction between aggressive or active and passive resistance is explained, as pointed by Aurobindo. The method of the aggressive resistance implies abstaining from doing something by which he would be helping the Government, whereas the method of the passive resistance implies abstaining from doing something by which he would be helping the Government, such as purchasing foreign goods, sending children to schools controlled or aided by Government, making use of the courts and seeking the help, advice, or protection of the administration. Social boycott of such people who co-operate with the government in the above matters is to be undertaken by the passive resistance, the evil example if unpunished, may be disastrous and eat fatally into the enthusiastic passion and serried unity indispensable to such a movement.

8.7   VIEWS ON WAR

Aurobindo's views on relations between the individual and the wider society are said to be the most balanced and integrated among Indian thinkers of the period. He is of the view that the phenomenon of war can disappear only when man develops a sense of unity with his fellowmen and when he learns to live in greater consciousness of universal values. He feels that at least hall the wars were due to extension of commerce, the lust for the increased production and interchange, the desire for adding to markets and glutting them with commodities and the piling up a huge burden of unnecessary necessities.

The end of monarchical regimes and the emergence of democracy were considered as the harbinger of peace but it has proved an illusion. Likewise the establishment of the court of International Arbitration could not eradicate wars and usher in peace though the world had fondled a hope for such a possibility. Hence Aurobindo concludes that so long as war does not become psychologically impossible, it will remain or even if banished for a while, will return. Only when man becomes aware of other men not merely as brothers but as parts of himself and when he has learnt to live in greater consciousness of universal values, war will come to an end."

8.8   VIEWS ON WORLD UNITY AND WORLD GOVERNMENT

Aurobindo as a great visionary, also saw the vision of a world government. Though he was quite conscious of the disparaging features and dangerous possibilities existing in the world viz, ideological divisions and the cold war, the arms race and nuclear rivalry, yet he thought that some kind of world union was inevitable. He attributed this to, "drive of nature the compulsion of circumstances and the present and future needs of mankind." He felt that the increasing closeness of common interest or at least the interlacing and inter-relation of interests in a large and yet larger circle resulted in the emergence of national states and national empires.

The force of a common uniting sentiment helped by external circumstances such as the need for safety against external aggression led to development of Federation. In his opinion, a world state will evolve naturally, as a man is imbued with the desire to unify himself with the others of his species. However the development of common interests and sentiments, is apt to facilitate the inception of an international world organization dedicated to the maintenance of peace.

The foremost interests according to him, were security for the prevention of a world war in this atomiç age and the optimum use of science and technology to raise standards of living throughtout the world. The urge for humanitarian way of life was a potent sentiment behind such a international world organization. Common interests and the common sentiments would in due course lead to the creation of a world state. Such a world state would be sort of confederation of frec nationalitics.

In his words, "some kind of confederation of the people for commom human ends for the removal of all causes of strife and différence for the interrelation and the recognition of mutual aid and interchange yet leaving to each unit a full internal freedom and power of self determination would be the principle of this unity." In such a World confederation, perfect equality will prevail. Ample freedom would be given to the nations constituting the world state. A world union will be based on self-determination. It will not be dominated by pride, ego and selfishness of some nation. It will be governed by humanity. He opines in his ideal of Human Unity," A natural psychological unity would emerge among the humanity at large. In the presence of such a psychological unity, the world union would become indestructible."

He, however, emphasised that the world union will be based on spiritual religion of humanity. Spiritual collectivism would subdue the spiritual claims of components and spiritualized community would subdue social and political chaos of the modern world. A spiritual society, alone could build the future richness and good life. Such a society is apt to usher in, as the human beings were the vehicles through which the divinc reality found expression. All egoisms will disappear and kingdom of divine reality (Spirit) on earth will dawn. The idea takes Aurobindo close to anarchist conception of a classless and stateless society.

8.9   VIEWS ON CAPITALISM AND SOCIALISM

He was critical of modern capitalism. Like Dadabhal Naoroji, he spoke of the Imperialistic drain on Indian financial resources, He was critical of the tendencies towards centralization, concentration, trust in the modern Capitalism, He was critical of socialism also as it resulted in growth of an omnipotent authoritarian state, Bureauracy, in a socialist state got undue importance and resulted in authoritarian regimentation, Though he was a critic of socialism, Aurobindo accepted the socialistic ideal as a starting point. He emphasised that the socialist objective of equal opportunity and the guarantee of a social and economic minimum to all was a laudable goal for organized social life.

8.10   CONCEPT OF SPIRITUAL FREEDOM

Aurobindo accepts the ideal of inner spiritual freedom. He opined that the mechancial necessity of nature can be eliminated if man becomes the agent of a supramental spiritual force. He recognized that India had learnt the idea of social and political freedom from the West. However, he felt that if a man attained spiritual freedom, he could gain social and political freedom as well. "He wrote, we must first ourselves be free in heart before our country is free. Hence he renounced politics in order to seek spiritual development and the ultimate reconciliation of mankind and India during the remaining years of his life. He defined freedom as to obedience to the laws of one's being which to him meant the laws of God. In fact, his conception of freedom represents a fusion of ideas of Rousseau and Bhagvad Gita.

8.11   CONCLUSION

Aurobindo, a political lieutenant of Tilak was one of the early architects of Indian nation. Besides being an patriot, he was a lover of humanity. He not only championed the cause of India's independence during 1907-1909 but also stood for world unity through a world confederation.

LET US SUM UP

Aurobindo one of the most systematic and learned of all modern Indian thinkers. He had his higher eduction in England. He actively participated in the Indian politics for six years. He was in Jail for me in Alipur for conspiracy. He with drew from politics at the age of thirly eight. Settling at Pondicherry, he engaged in spirituang activities establishing an Ashram. He has expressed his views on spiritual nationalism, purna swaraj, passive resistance views on world unity and world government, concept of spiritual freedom etc.

CHECK YOUR PROGRESS

1.   Aurobindo was sent to _____ by his father to have higher education.

a) England   b) German   c) America   d) Japan

2.   Aurobindo`s participation in indian politics lasted for six years from_____

a) 1900 to 1905   b) 1905 to 1910   c) 1920 to 1925 d) 1917 to 1922

3.   Aurobindo became editor of a daily Bande Matram, Started by_____

a) Tilak   b) Nehru   c) Gandhi   d) B.C.Paul

4. At the age of _____Aurobindo withdrew from politics.

   a) Twenty-eight b) Thirly-eight c) Forty-eight d) Twenty-five

GLOSSARY

Renaissance : a situation when there is new interest in a

particular subjict, form of art, etc after a period when it was not popular.

Metaphysician : a person one who studies about the

branch of philosophy that deals with the nature of existance truth and knowlege.

Assassination : murdering a person for political reasons.

Passive resistance : a method implies abstaining from doing

some thing by which he would be helping the government such as purchasing foreign goods etc.

ANSWER TO CHECK YOUR PROGRESS

1. England.

2. 1905 to 1910

3. B.C.Paul

4. Thirly-eight

MODEL QUESTION

1. What is spiritual Nationalism according to Sri Aurobindo?

2. Explain the concept "Purne Swaraj" by Aurobindo.

3. Bring out the views of Aurobindo on World unity and world Government.

4. Discuss Aurobindo`s Concpet of Spiritual freedom.

SUGGESTED READINGS

1. Dr. Vishnoo Bhagwan (1999) *Indian Political Thinkers*, Atma Ram & Sons Publications, New Delhi.

2. Ram Chandra Gupta, (2001) *Great Political Thinkers East and West*, Lakshmi Narain Agarwal, Education Publisher, Agra-3

3. Mohanty k. D. (2001), *IndianPolitical Tradition*, Anmol Publications Pvt.Lid, New Delhi.

Block III

Unit -9   Mahatma Gandhi – Non – Violence, Satyagraha,
           Religion

Unit -10   Sarvodaya and Grama Swaraj and Cooperation

UNIT - 9

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MAHATMA GANDHI– NON – VIOLENCE,

SATYAGRAHA, RELIGION

</div>

STRUCTURE

Overview

Learning Objectives

9.1   Introduction

9.2   Gandhi`s Biography

9.3   Influences on Gandhi's Works

9.4   Concept of Means and Ends by Gandhi

9.5   Gandhi`s views on Satyagraha

9.6   Techniques of Satyagraha

9.7   Gandhi on Non-violence

9.8   Gandhi and Religion

9.9   Conclusion

Let us sum up

Check your Progress

Glossary

Answers to check your Progress

Model Questions

Suggested readings

OVERVIEW

Many leaders have Sacrificed their life for the cause of their own country, some have contributed for the liberation of their county and some have devoted to their life for the uplitment of backward class downtrodden and ethnic race. Forexample Mahatma Gandhi sacrificed his life for the liberation of india from the British people. Nelson Mondela devoted his life against ethnic race. Martim Luther king fought for the rights of Negro people. This unit tries to trace out the Mahatma Gandhi on non-violence, Satyagraha and Religion.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Understand his views on non-violence.

➢ Know the life of Mahatma Gandhi.

➢ Explain his Concept of Means andends.

➢ Describe his views on satyegraha and its techniques.

9.1 INTRODUCTION

Mahatma Gandhi who attained eternal famous because of his method of non-violence and satyagraha is father of Indian nation. Basically a lawyer and he went to south Africa to attend a case and settled there for 20 years and practised the satyagraha method for the rights of the Indian people in south Africa, He spearheaded the Indian national movement and followed the method of non-Cooperation and civil disobedience movement at last, India got independence in the year 1947, by his efforts.

9.2 GANDHI`S BIOGRAPHY

One of the distinguished political deities in the annals of Indian political thought in modern India is Mohan Das Karamchand Gandhi, popularly known as Mahatma Gandhi or Bapu. He was born on 2 October 1869, in Kathiawar district of Gujarat. After completing his schooling, he left for London to study Law in 1888. He studied law, and became a qualified lawyer certified by the Bar Council and returned to India. He began to practise law at Rajkot and Mumbai. In 1893, he left for South Africa to defend a case for a Gujarati Muslim merchant. It was during his travel in South Africa that the social and economic situation of the people there moved him, especially the racial discrimination. Since then, he spent nearly 20 years in South Africa and strived his best for the improvement in the conditions of the Indians. He was deeply affected by the brutal behaviour of the government against Asians and Africans and pleaded for legal equality and social justice.

After his return to India in 1914, he involved himself totally in the freedom struggle that demanded independence from the British rule. It is with his entry into politics that there had been a renewed vigour and vitality to the freedom movement. It was Gandhi who initiated a nation-wide hartal in the form of Satyagraha as against the Rowlatt Act. In 1920, he was elected the first President of the All-India Home Rule Movement and since then, Gandhi initiated the historic non-cooperation movement against the British rule. However, the movement was

unsuccessful in attaining its goal –Swaraj for the country. Next, Gandhi began the civil disobedience movement that had much greater space for activity compared to the earlier movements. However, this movement too ended abruptly due to the Gandhi-Irwin Pact. In 1942, he launched the Quit India Movement that was successful in putting some pressure on the British government for conceding Poorna Swaraj (Total Freedom) for India. Further, the success of the Labour Party in taking over the reigns of the government in England also helped in recognizing India's thirst for freedom. All these events eventually helped India in achieving independence under the leadership of Gandhi. However, on 30 January 1948, Nathuram Godse, a Hindu revivalist, assassinated Gandhi. Gandhi was successfully associated with the freedom struggle from an early stage till India attained an independent nation status.

9.3   INFLUENCES ON GANDHI'S WORKS

Gandhi was thoroughly influenced by the writings of Ruskin Bond, Henry David Thoreau and Leo Tolstoy. Apart from the writings of the above-mentioned authors, the Vedas, the Bhagwad Gita, the Bible and the Quran, the Zend Avesta had a tremendous impact on him and inspired him to take the path of truthfulness and morality in both his public and private life. His teachings and preachings reflect a fusion of both the Eastern and Western thought. In the end, he strongly adhered to two principles, viz., truth and non-violence. He believed in the concept of Karmayogi and, in fact, practised the same.

Gandhi was a prolific writer and a journalist. He wrote his autobiography, My Experiments with Truth in 1925 and 'Satyagraha in South Africa in 1928. Gandhi also contributed a number of articles and editorials to a number of newspapers prior to independence such as Indian Opinion (1903), Young India (1919), Navajivan (1919) and Harijan (1933). He was also instrumental in bringing to light a number of pamphlets that described the significance of Gita, the need for constructive programmes for the development of the country as well as the implications of Hind Swaraj.

9.4   CONCEPT OF MEANS AND ENDS BY GANDHI

Gandhi firmly believed in ethics, morality and truth. He outrightly rejected the Machiavellian or Kautilya's doctrine that 'ends justify the means' and refuted the idea that political expediency is a viable norm for conducting public affairs. He stated that the means must be viewed as a seed and the tree as the end product. According to Gandhi, adopting immoral means would distort the vision of man. A state can be unified through good means and not divisive bad means. Gandhi suggested that

violence, fraud, deceit and treachery would always work adversely and also disrupt human unity. In other words, Gandhi spiritualized politics and attempted to make an individual as well as the society moral in outlook. Politics, according to him, is not manipulation, acquisition or perpetuation of power. He, in fact, discarded power politics as an end in itself.

9.5   GANDHI`S VIEWS ON SATYAGRAHA

Gandhi's concept of Satyagraha is an exceptional and novel way to resist evil. This is the heart and soul of the entire Gandhian theory and philosophy, and his exclusive contribution to the modern Indian political thought. Through this mechanism, Gandhi aimed at resisting any kind of unjust, impure or untruthful acts. This concept also aims at furtherance of love and self-purification. Satyagraha can be regarded as a vindication of truth by taking self-suffering in the form of love. It is the weapon of the bravest and the strongest. It is an antidote for coercion. It was believed that Satyagraha enables elevation of spiritual and moral qualities of an individual. The main function of a Satyagraha is not to injure the enemy by any means.

9.6   TECHNIQUES OF SATYAGRAHA

Some of the major techniques of Satyagraha are non-cooperation, civil disobedience, Hijrat, fasting and strike. The following is a brief explanation of each of the techniques.Non-cooperation is, therefore, one of the weapons of Satyagraha to force the unjust and immoral power to rectify his mistakes. The main goal of non-cooperation is to strike the imagination of people as well as the social ostracism or picketing. Hartal should be occasionally used based on the non-violent and voluntary measures. The social ostracism is a kind of social boycott against those who defy public opinion. Gandhi suggested in a limited sense, picketing as another weapon that relies on the force of public opinion. Non-cooperation cannot be regarded as a negative creed, but it is very much a positive philosophy of constructive and social development.

Civil Disobedience: According to Gandhi, civil disobedience is an effective and blood- less substitute for the armed revolt. This is another method of violating the established order of the state in a non-violent and peaceful fashion. However, necessary care has to be taken to make the entire act more sincere, respectful and principled. It should never be carried out with ill-will and hatred. It needs careful planning and practise and without this the entire act might lose its vitality and significance.

Hijrat: Etymologically, the term implies voluntary exile from one's permanent place of habitation. One of the main reasons for the people to resort to Hijrat is when they feel oppressed either due to loss of self-respect or honourable living; they attempt to migrate permanently to other places. In simple terms, it is a protest against the oppressor. Gandhi suggested this measure to the Harijans mainly due to their oppression, especially by the dominant classes in some places.

Fasting: This was another strong weapon suggested by Gandhi in his non-violent struggle for freedom. However, he was clear that this act of fasting must not be used as and when, and at every occasion. He stated that unwarranted use of the device would lose its importance, and for this reason, he suggested that it must be sparingly used. Gandhi was of the opinion that those who are spiritually fit and have purity of mind and thought, humility, discipline and faith should alone undertake fasting. It should not be viewed as the physical stamina, but the spiritual content of fasting that gives it greater significance and credibility.

Strike: The last device a Satyagraha uses is the strike demanding justice for legitimate cause as well as the redressal of grievances. Strike is considered a voluntary suffering undertaken for the transformation of the erring opponent. Gandhi was not in favour of Marxist principle of class war and forceful takeover of the means of production from the bourgeoisie. He was of the opinion that a firm or an industry is like a trust under either the capitalists or the labour. A strike is meant to end injustice, inefficiency, corruption and shortsightedness of the capitalists. However, in strikes adequate care has to be taken to ensure that it remains non-violent as well as peaceful and makes their demands meaningful, just and feasible.

9.7   GANDHI ON NON-VIOLENCE

It is not correct to say that non-violence has been the creed of Gandhi. In fact, during World War I, Gandhi wanted his countrymen to take up arms in defence of the British Empire. He was of the opinion that there cannot be any relationship between the brave and effeminate, and if the Indians did not help the Britishers, he feared that they would be branded as cowards and for Indians to become free, they should learn to use arms. This call to take up arms given by Gandhi, who by then perfected the art of non-violence in South Africa, surprised a number of people then. In fact, Gandhi himself was conscious of the apparent inconsistencies in his thought process, and after some years he explained that it was a mixed motive that had prompted him to give the call to take up arms.

One of the prime reasons was that he hoped that by helping the war efforts of the British India would be able to strengthen its case for Swaraj. However, there was a change in his perception towards violence; and he began to believe that non-violence was the only way to achieve independence. He even called off the non-cooperation movement that had started in Chaura Chauri that led to great amount of violence. As time passed, Gandhi's faith in non-violence became stronger and at the 1919 Congress, he moved a resolution that condemned the Jallianwala Bagh massacre and also disapproved the violence on the crowd. Gandhi, despite great amount of criticism from leaders like Motilal Nehru, Chittaranjan Das and others for his impractical and visionary outlook, claimed that non-violence was the law of the civilized man as violence was the law of the brute. In one of the articles titled, The Doctrine of the Sword, written in the 1920s, Gandhi stated that if India takes up the doctrine of the sword, she may gain momentary victory. Then India would not be a pride of his heart. He reiterated that his life was dedicated to the service of India through the religion of non-violence, which he believed was the root of Hinduism.

Gandhi tried his best to change the constitution of the Congress, which stated that Congress would adopt peaceful and legitimate means for the attainment of Swaraj, and Gandhi wanted to ensure that the Congress would adopt truthful and non-violent means. But this attempt by Gandhi was persistently attacked by the Swarajists; and the latter also believed that political organizations like the Congress can never achieve success if it accepts non-violence as the creed. Over a period of time, Gandhi realized that while non-violence is an end in itself for him, for many others, it became a means to achieve the end, and that was independence.It was during the Quit India Movement, that Gandhi's theory of non-violence was put to severe test.

Gandhi suspended the Civil Disobedience Movement because of the outbreak of violence at Chaura Chauri, as he could not disassociate from the diabolical crimes of Chaura Chauri, and realized that he was playing with the fire. At the start of the Quit India Movement in 1942, Gandhi warned the Congress workers that if people use violence against the Englishmen, they would not find him alive in their midst to witness it. Despite this warning, Gandhi had his own apprehensions in such a surcharged atmosphere wherein there was every possibility of the people to go overboard and use violence. For this, he however, made certain allowances wherein everyone was free to go to the fullest length but only under ahimsa.

The term 'fullest length' refers to a general strike if it becomes a dire necessity. He was even prepared to tolerate violence at least for 15 days. While the Quit India Movement was being carried out, a number of Gandhi's colleagues were of the opinion that destruction of property and dislocation of communication without destruction of life was permissible. In fact, Gandhi himself made a distinction between life and property as far as non-violence is concerned. He stated that he would destroy a harmful machine without regret but not a human being. Though there were incidents of violence against life, Gandhi justified such incidents by stating that though mob violence is bad enough they were minimal in comparison to the vast size of the country and its population.

9.8   GANDHI AND RELIGION

Gandhi was primarily a man of religion. His religion was based on truth and love, and non-violence. It is his religion that became his philosophy of life, and it gave him strength. Gandhi expressed the opinion that religion can become a basis for friendship among all mankind. He strongly believed that religion does not teach mutual enmity. He considered that different religions as the different roads going towards the same destination. Gandhi out of his own experiences and readings came to the conclusion that all religions are based on the same principles, namely, truth and love. He claimed that religion is a binding force and not a dividing force. He was greatly perturbed by the fighting among people in the name of religion, and, in fact, laid his life for the sake of religious unity.

Gandhi believed in the concept of Sarvadharma Samanatva, which means equal respect for all creeds and faiths. But he very clearly stated that equal regard does not mean that one should adopt other's religion. It only refers to understanding the opinions expressed by other religions while adhering to one's own views. It means emphasizing on the point of agreements than on disagreements. By being a Hindu, Gandhi considered religion as being most tolerant and that it gives scope for worshiping all prophets of the world. Gandhi once quoted that Hinduism tells everyone to worship God according to his/her faith or dharma, and hence it lives at peace with all other religions. Hinduism, according to Gandhi, is not a mere religion, but a way of life, wherein there is a relentless pursuit of truth. Gandhi was successful in understanding the spirit of other religions, especially by virtue of being a Hindu.

According to Gandhi, the main aim of religion is to make a one-on-one interaction between God and humans. He believed God is identical with truth. He perceived God through the service of humanity, because God lives in the heart of being or for that matter in every one of his creations. Gandhi believed that there is no every human issue of having only one religion because God himself created different religions and no one has the power to question the same. Gandhi opined the ultimate aim of the human being is the vision of God and for this purpose, all activities-be it social, political or economic-must aim at the realization of God.

Gandhi supported two different notions of reality that helped in correctly judging the faiths of various religions. He had a balanced regional approach that led him to take the whole world in the embrace of his love. He believed in the twin doctrine of Satya and Ahimsa. The term Satya means truth and Ahimsa means non-violence. These two principles helped Gandhi in evolving a comprehensive view of religion that was far beyond the narrow sectarianism. For Gandhi there is no higher way of worshipping God than serving the poor and identifying God in them. He, out of personal choice, wanted to travel in third class compartment and usually clad himself in a loin cloth that reminded him that he was one among the poor millions and that he belonged to the lower order of mankind and where humanity and love were found to be the richest. Gandhi understood the term 'love' in terms of non-violence. It was based on this understanding that Gandhi attempted to enlighten people that differences in the various religions were only in terms of their approach to God. He believed that truth and love are the two instruments that bind us to one another and also to the God.

Gandhi further laid out three important virtues of a religious person: firstly, truth as a divine quality, secondly, non-violence or ahimsa and thirdly the virtue is brahmacharya. He opined that ahimsa as the supreme religious duty in accordance with the teachings of the Mahabharata. If one does not believe in non-violence, he has no kindness for others. Thus, sympathy and kindness towards all men becomes the basis of true religion. In simple terms, religion for Gandhi consists of worshipping God or reading a religious book. Religious life meant identification with mankind. He regarded religion as self-realization, as the striving of the human personality to express itself in service, suffering and sacrifice.

Further, Gandhi had a very rational outlook towards religion. He opined that religion should be able to solve the day-to-day problems because it is a practical discipline. He outrightly rejected any religion that does not appeal to reason and is in conflict with morality. He believed that once humans lose their morality they cease to be religious, and selfishness and narrow-mindedness creep in. Thus, religion demands genuine consideration for all faiths.

9.9   CONCLUSION

Gandhi was influenced by the writings of Ruskim bond, Henry David Thoreau and Leo Tolstoy. Apart from the Writings of the above mentioned authors, the vedas, the Bhagavad gita, the Bible and the quran the lend Averta had a tramending impact on his and inspired his to take the path of truthfulness and morality in both his public and private life. His teachings and preaching's reflect a fusion of both the Easter and western thought. In the end he strongly adhred to two principles, viz, truth and non-violence. Gandhi believed firmly in ethics, morality and truth. Gandhi Stated that means must be viewed as a seed and the tree as the end product.

LET US SUM UP

Gandhi had his legal education in England. He went to SouthAfrica to attend for a case. In south Africa he had the opportunity of practising non-violence and satyagraha returning to end, he followed the same practice in the Indian social for the independence of india. Gandhi not only expressed his views on non-violence and satyagraha but he also expressed his views on sarvodaya and Swaraj. Gandhi gave importance to the Indian villages and wanted to see it as Ramrajya.

CHECK YOUR PROGRESS

1. After completing his scholling Gandhi left for London to study law in the year_____
    a) 1880 b) 1885 c) 1888 d) 1890
2. Gandhi wrolte his autubiography, My Experiment with Truth in_____.
    a) 1920 b) 1919 c) 1918 d) 1925
3. In_____ Gandhi was elected the first president of the All-India Home rule Movement.
    a) 1920 b) 1919 c) 1930 d) 1940
4. Gandhi Reitereted that his life was dedicated to the service of india through the religion of non-violence whice he believed was the root of_____
    a) Hindusm b) Islam c) Jainism d) Buddhism

GLOSSARY

Satya graha	:	a vindication of truth by taking self-suffering of love and self purification.
Sarvodaya	:	Welfare of all.
Hijrat	:	Voluntary exile from one`s Permanent place of habitation.
Sarvadharma Samanatva	:	equal respect for all creds and faitis

ANSWER TO CHECK YOUR PROGRESS

1. 1888
2. 1925
3. 1920
4. Hindusm

MODEL QUESTION

1. Explain Gandhi`s views on non-cooperation.
2. Discuss Gandhi`s views on religion.
3. Write a note on influences on Gandhi`s works
4. What is Satyagraha and What are its various techiques?

SUGGESTED READINGS

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UNIT - 10

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**SARVODAYA AND
GRAMA SWARAJ AND COOPERATION**

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STRUCTURE

OVERVIEW

Mahatma Gandhi an apostle of Ahimsa is a believer of non-violence and satyagraha. In his political philosophy he never deviated from the truth and rightful way. In his philosophy he totally reflect the Machiavellian method to achieve the goals. This unit tries to explain the Mahatma Gandhi's views on Sarvodaya gram Swaraj and Cooperation.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢   Understand the concept of Satyagraha.

➢   Know the meaning and inplications of Swaraj.

➢   Explain the Gram Swaraj.

10.1 INTRODUCTION

Mahatma Gandhi,who is called the father of Indian Nation. Sacrificed his whole life, for the Indian independence. For achieving independence Gandhi followed the Satya graha, non-violence and Ahimsa. He was an advocate of Swaraj or self rule and insisted that every Indian village should be Ram Rajya where no evil in cidents in it. He never followed immoral way for achieving the things.

10.2 CONCEPT OF SARVODAYA

The concept of Sarvodaya is one of the main foundations of Canadian ideology and technique. It is the most original contemporary contribution to political thought.29 In modern times, Mahatma Gandhi was the first to use the word 'Sarvodaya' whose literary meaning is 'the welfare of all': But this literary meaning does not represent the view of Gandhi properly. Sarvodaya of Gandhi rather implies the art and science of moblising the physical economic and spiritual resources at the disposal of society in the service of general good. It represents a socialist order in which the growth and upliftment of every one will be ensured. Before developing this concept, Gandhiji was influenced by John Ruskin's book 'Unto this Last' and published in Gujarathi an adaptation of Ruskin's book which he entitled as 'Sarvodaya'.

But Gandhiji had borrowed the word from a Jain scripture by Acharya Samantabhadra. Sarvodaya came as a true panacea for all types of social, economic and political evils in the society. It seeks the happiness of each and all. In this way it is superior to the utilitarian concept of 'greatest hapiness of the greatest number'. Dada Dharmadhikari highlighted the distinction between Sarvodaya and western Isms which speaks of three stages in the evolution of humanist thought; first came Darwin with his advocation of the principle of the survival of the fittest; next came Huxley with the doctrine 'live and let live' and today, 'sarvodaya' going one step further asserts 'Live in order to help others live'.

10.3 IMPLICATIONS OF SARVODAYA

"Sarvodaya' of Gandhiji as a doctrine of new social, political and economic order stands on different foundations and has many implications. It has rejected the existing social, economic and political order and has sought for a new. A brief analysis is made below with regard to different aspects of Sarvodaya.

Ethical Aspect: The concept of Sarvodaya has originated from 'positive' concept of human nature. Because any system can thrive or decay depending upon the human nature. Like any other anarchist, Sarvodaya discards the assumption of the 'wicked man' or 'the selfish man'. Rather according to this concept man is essentially good. But due to external evil forces, his goodness may get distracted'. But that goodness continues to remain the same whatever be its outward manifestation. It strongly believes that there is an innate nobility even in an apparently ignoble man. So even if a man gets distracted, he can be put into right path. Sarvodaya believes that human character can improve either by Tapasya (self effort) or by appeals made to him by others through such non-violent techniques as Satyagraha, non-cooperation and fasting.

Political Aspect: Sarvodaya of Gandhi also condemned the existing political order and suggested the establishment of a 'truly democratic order'. Gandhiji viewed the present state system as an organised violence. He said that the state is a soulless machine and can never be weaned from violence to which it owes its very existence. Sarvodaya also condemned the majority rule, elections, political parties, and centralisation of power. Parties are "conspiracies against the people". There is the monopoly of'rich' to get the party-tickets. Elections are compared to tuberculosis and leaders to "bidders at the auction of popularity". He rejected majority rule because majority rule may not enact policies for the entire society. He said'. it is a slavery to be amenable to majority, no matter what its decisions are On the other hand Gandhiji wanted a 'stateless democracy' in which even weakest have the same opportunity as the strongest. In such a state, every one is his own ruler. He rules himself in such a manner that he is never a hindrance to his neighbour. In the ideal state, therefore, there is no political power, because there is no state. The ideal democracy will be a federation of satyagrahi village communities based on non-violence. It can only be of groups settled in villages in which voluntary co-operation is the condition of dignified and peaceful co-existence.

Economic Aspect: Gandhiji's Sarvodaya economy which aims at welfare of all, is founded on the philosophy of limited wants. Any economy worth the name must aim at promoting welfare but in the west, welfare has largely been understood with reference to availability of material goods and "bodily welfare". It is based on craze for more and more well being. On the other hand, Gandhiji believed "Civilization in the real sense of the term consists not the multiplication but in the deliberate and voluntary reduction of wants. This alone promotes real happiness and contentment and increases capacity for service" Peace can never

be achieved if our accumulation of wants go on increasing. Our economy should be based on 'simple living, high thinking. An economy based on mass production provokes man to have more and more, and if this haunt, individual gets lost. Gandhiji admitted that matter is necessary for man. He said, "it is god enough to talk of God while we are sitting after a nice breakfast. But for millions of poor God can only appear as bread and butter". Hence Gandhiji also gives emphasis on developing an economy which ensures 'a balanced diet, adequate clothing for the protection of the body against heat and cold and a clean well-ventilated house to live in'. Accordingly he fought for an economy free from exploitation and corruption, limitation of human wants, equality and basic needs for all.

10.4   ESTIMATE OF SARVODAYA

However, Sarvodaya may be utopian but there is no utopia from which man cannot learn something. Sarvodaya is no exception. Sarvodaya's attack on excessive state control, centralisation, brute majority and 'pushbutton economy with excessive consumerism' can teach all generations to guard against blatant materialism and excessive centralised coercive authority. Thus Gandhiji's concept of Sarvodaya aimed at establishing socialism in its own form quite different from western socialism or Marxian socialism. As described above, it not only rejected the idea of a powerful state having majority dominance to bring about socialism but also discarded the use of force and violence as the basic elements of socialism. On the contrary, Gandhian socialism recognised the inner strength and apacity of each individual and made in a base of socialism. His Sarvodaya society ensured a society free from exploitation and offered the opportunity to each and every one to prosper and work for the well being of all. Accordingly Gandhiji's Sarvodaya created a condition not for participatory democracy but also for establishing a new form of socialism.

10.5   MEANING AND IMPLICATIONS OF SWARAJ

Gandhiji gave a positive concept of 'swaraj'. Swaraj means self-rule. It means 'not to allow any outside power in the world to exercise control over oneself and not to exercise power over any other. These two things together make swaraj no submission and no exploitation'.? Thus swaraj has 'nationalist as well individualist implications but leads to international and social responsibilities. For a nation Swaraj means, as mentioned above, freedom from foreign rule and in that sense Gandhiji also finally demanded the exit of Britishers from India. A free nation, in Gandhiji's opinion, cannot be selfish and need not be an isolationist.

Gandhiji was both a nationalist and internationalist. So he said Indian nationalism must organise itself for the benefit and service of humanity.

Another implication of Swaraj as mentioned above, is 'self- rule' for the individual. It is equated with 'freedom to choose' and 'freedom to decide'. Without individual freedom, national freedom becomes meaningless. He declared that the 'Swaraj of people means the sum total of the Swaraj (Self-rule) of each individual'. It means real participatory democracy should be established where every individual must be in a position to rule himself (politically and economically) and participate the functioning of the political system. Appropriately he said 'Swaraj for me means freedom for the meanest of my countrymen. I am not interested in freeing India merely from English yoke. I am bent upon freeing India from any yoke whatsoever".

In real swaraj it is not acquisition of authority by a few, but the acquisition of the capacity by all to resist authority when it is abused. He rightly argued, true democracy cannot be worked out by twenty men sitting at the centre. It has to be worked out from below by the people of every village. Though there will be a central government, it should not be on western model of democracy. The state should be there to carry out the will of the people and not to dictate them or force them to do according to its will.

Democracy should not be converted to mobocracy. Democracy is an impossible thing until the power is shared by all. Hence he made it clear that democracy should not be identified with the rule of majority. Swaraj will be an absurdity if individuals have to surrender their judgement to majority. Therefore Gandhiji said Swaraj should provide equal opportunity to all to express themselves and in which none suffers under forced opinion. Under it, there is no recognition of any separate race, caste or religion. Hence he said swaraj of my dream is the poor man's swaraj. The necessaries of life should be enjoyed by all in common with those enjoyed by the princes and moneyed people.

10.6 MEANS OF ACHIEVING SWARAJ

But how to achieve swaraj and maintain it? Gandhiji very strongly believed that swaraj can be achieved by the application of truth, non-violence and satyagraha. Swaraj achieved by a non- violent satyagraha can bring 'permanent freedom' for a country. But after the attainment of swaraj a country should develop a 'true democratic polity' in which every individual is capable of resisting the absolute authority and ventilate his views freely.

There should be decentralisation of power and authority. As mentioned earlier, Gandhiji, no doubt recognised the need for a central government but he said it should be structured not as a pyramid but as an oceanic circle. To quote him "In this structure composed of innumerable villages, there will be ever-widening never ascending circles. Life will not be a pyramid with the apex sustained by the bottom. But it will be an oceanic circle whose centre will be individual always, ready to perish for the village, the la: _r ready to perish for the circle of villages, till at last the whole becomes one life composed of individuals, never aggressive in their arrogance but ever humble, sharing the majority of the oceanic circle of which they are integral units."

Besides this structural suggestion, Gandhiji also suggested that Swaraj can be achieved by 'moral autonomy' which demands 'self purification'. Because it enables the individual to claim individual rights on moral ground. Such claims are more effective in politics and society. Swaraj also depends upon the 'self-discipline of the individuals, and self-control. There should be 'mass participation of the people who can bring mass movement and can educate the people politically. Gandhiji, hence, rightly said "Purna Swaraj denotes a condition of things when the dumb and lame millions will speak and walk. That swaraj cannot be achieved by force but by organisation and unity".

10.7   GRAM SWARAJ

Decentralised village communities (Gram Rajyam) Sarvodaya emphasises the self-sufficient village community system. Under this scheme, every village becomes self-reliant and exhibits a State in miniature. Sarvodaya aims at elevating people. Every village will have a village council which is composed of a member from every family. This council elects unanimously an executive community which is responsible for conducting all affairs of the village. The council has the lands of the village in the form of a trust and makes periodic allotments to the farmers. In such a system there is no case of ownership of land providing the idea of mine and thine. There is an element of absolute co-operation and collaboration. It is an ownership by the village coupled by individual cultivation. The sarvodaya philosophy accepts the cardinal principle of universalisation of self-government. Under such a system the citizens tend to be vigilant, active and participative in co-operative action. Samagra-seva, the all round service to humanity is the ideal of sarvodaya. Sarvodaya is an embodiment of the total and integral well-being of man in modern times.

10.8 COOPERATION

My notion of co-operation is that the land would be held in co-operation by the owners and tilled and cultivated also in co-operation. This would cause a saving of labour, capital, tools, etc. The owners would work in co-operation and own capital, tools, animals, seeds, etc. in co-operation. Co-operative farming of my conception would change the face of the land and banish poverty and idleness from their midst. All this is only possible if people become friends of one another and as one family. When that happy event takes place there would be no ugly sore in the form of a communal problem

The system of co-operation is far more necessary for the agriculturists. The land belongs to the State therefore it yields the largest return when it is worked co-operatively.

10.9 CONCLUSION

Mahatma Gandhi a mass tader of the people, was the true follower of Gokhale, one of the leaders of moderate. He found his oun way in the Indian politics which attracted the whole world. He wanted the Hindu- Musilim unity. He wanted to solve the problems through the non-violence methods.

LET US SUM UP

Mahatma Gandhi was the first to use the word Sarvodaya whose literally meaning is the welfare of all. It represents a socialist order in which the growth and upliftment of every one will be ensured. Gandhi's concept of Swaraj means self rule. It means not to allow any outside power in the world to exercise controller one self and not to exercise power every any other. It has nationalst as well individualst implications but leads to international and social responsibilities. Not only Gandhi advocate to Gram Swaraj he also advocate cooperation for doing the things.

CHECK YOUR PROGRESS

1. The book "unto the Last" written by_____.
   a) John Ruskin   b) Lao Tolstory

   c) Thoreau   d) Mahatma Gandhi

2. Not allowing any out sidet power in the world to exercise control over oneself and not to execise power over any other is_____
   a) Self rule   b) foreigh rule c) Animsa   d) Satyagraha

3. Gandhi`s concept of Sarvodaya aimed at establishliy socialism in its oun from quite different from western socialism or_____.
   a) Syndicalism   b) Fabianism   c) liberalism   d) Marxian Socialism
4. Gandhi`s wrote his book Satyagraha in South Africa in_____
   a) 1928   b) 1925   c) 1930   d) 1915

GLOSSARY

Purna Swaraj   : Complete self rule.

Rema Rajya   : a society guided by satya and ahimsa

Sarvodaya   : welfare of all

Tapasya   : self-effort

ANSWER TO CHECK YOUR PROGRESS

1. John Ruskin
2. Self rule
3. Marxian Socialism
4. 1928

MODEL QUESTION

1. What is Sarvodaya and explain its implications?

2. Bring out the implications of Swaraj.

3. What is Gram Swaraj According to Gandhi.

4. Describe Gandhi`s views on Cooperation.

SUGGESTED READINGS

1. Dr. Vishnoo Bhagwan (1999) *Indian Political Thinkers*, Atma Ram & Sons Publications, New Delhi.

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Block IV

Hindu and Muslim Political Thinkers

UNIT - 11

DADABHAI NAOROJI (1825-1917)

STRUCTURE

OVERVIEW

During the British rule many Indian leaders have expressed their regarding the continuation of it. Some leaders have expressed political ideas, like, Swaraj, home rule. Rarely leaders like Naoroji expressed the economic views regarding the ruins of India bye the British rule. Dadabai Naoroji who was called as grand Oldman of India was a moderate. Who represented India in the British house of commons and he was also the president of indian National Congress for thrice. His book Poverty and Unbritish Rule in India was regarded as a classic on Indian economics for a long time. This unit tries to explain the political views of Dadabai Naoroji.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Know the Biography of Dadabhai Naoroji.

➢ Understand his economic foundactions of indian nationalismt.

➢ Explain Naoroji`s political ideas and his methods of achieving goals.

11.1 INTRODUCTION

Dadabhai Naoroji the liberalist in Indian politics is considered as grand old man of India. Belonged to parsi family. A highly educated leader during his period of professional he devoted himself whole heartedly to all sorts of Reforms social, educational, and political and religious. He carried his eady political activities through Bombay Association which was established in the year 1852. He represented India in the British house of commons for 3 years. He is known for his economic forudation of Indian Nationalism.

11.2 A BRIEF BIOGRAPHY

Dadabhai was born on September 4, 1825 in a Parsi family. His father-Naoroji Palavji, a Parsi priest breathed his last when Dadabhai was only four years old. He was brought up by his mother-Manckbai. He was educated in a school established by the Native Education Society at Bombay in early twenties of the century. He was selected for college education by Professor Bal Gangadhar Shastri along with other eleven promising students. He proved to be one of the most prominent students of Elphinstone Institution of Bombay. Keeping in view his towering genius, Sir Erskin Perry, Chief Justice of Bombay and President of the Board of Education offered to stand half of the cost of his trip to England for the study of law and return to the Bar. The proposal could materialize as Parsi community, expressed apprehensions that a visit and stay in England may induce him to forsake the faith of his forefathers. Soon after, he accepted the post of Head Native Assistant of Elphinstone School. Two years later, he assigned Professorship of Mathematics and Natural Philosophy-a coveted post held by an Indian for the first time. He served the Elphinstone College till 1855. Thereafter, he left for England to manage the business of Cama and Co- a famous Parsifirm as its partner.

During this period of Professorship, Dadabhai devoted himself whole-heartedly to all sorts of reforms-social, educational, political and religious. He championed the cause of female education. He was instrumental in the establishment of many girls schools in the city. He advocated remarriage of Hindu widows, and suggested religious reforms and temperance. He founded some prominent institutions like the Student's Literary and Scientific Society, the Bombay Association, the Framjee Cowasjee Institute, the Irance Fund, the Parsi Gurnasium, the Widow Remarriage Association and the Victoria and Albert Museum. He carried on his early political activities through Bombay Association

whichwas established on August 26, 1852. The Dadabhai died on June 30, 1917.

11.3   HIS ECONOMIC FORM DEFINES OF INDIAN NATIONALISM

Naroji laid the economic foundations of Indian nationalism. In his Poverty and Un-British Rule in India, he expounded the 'drain theory'. His concept of drain' became as explosive a term in Indian social and political thinking as the concepts of 'class-war' and 'exploitation' have been in the Marxian thought. Through the adoption of scientific methodology and statistics, he indicated the extent of economic ruin and exploitation of India by Britain. He was not a speculative thinker, for him facts and statistics were more important. As an empirical economist, he propounded the drain theory', on the basis of evidence and facts. The drain of India's economic assets, he argued, retarded the growth of capital forination in the country and increased its poverty. India was getting poor because of the 'bleeding to the amount of thirty to forty million pounds every year. His drain theory' referred to the vast amount of wealth taken away from India in different forms:

(i) Pensions to British officers;

(ii) Payments to the War Office for the maintenance of British troops in

India

(iii) Expenses of the Government of India in England and

(iv) Earnings sent by British professional classes from India.

Thus his main contention was that the existing financial relations between England and India were unjust and unfair. He upheld that the main cause of India's economic ruin was "the thoughtless and pitiless action of the British policy, it is the pitiless cating of India's substance in India, and the further pitiless drain to England".

Naroji was opposed to the merciless drain of India's capital and her resources. The evil of the foreign rule involved the triple loss of wealth, wisdom and work. The bleeding of the country was in contravention to the canons of justice and the maxims of political economy. It was a painful and cruel phenomenon. It had subjected India to a ceaseless process of economic destruction. It had 'exhausted the very 'life-blood of the country. Hence the only way for the promotion of economic prosperity of India was to check the ruinous drain. He said: "..not till this disastrous drain was duly checked and not till the people of India were restored to their natural rights in their own country was there any hope for the material amelioration of India".

11.4 HIS SOCIALISTIC LEANING

Dadabhai was conscious of the gradual sweeping of the tide of socialism all the world over. He elicited cooperation from the British Socialists. Hyndman, a keen socialist of the times, was his close friend. He attended the International Socialists' Congress at Amsterdam which lasted from August 14 to August 20, 1904. At the Congress he unmasked the Britisher's policy of drain of Indian resources resulting in abject poverty and economic destitution of the Indians. In a meeting held at Holborn Town Hall he moved a resolution seeking a universal system of old age pension. He pleaded for Industrial Commissioner's Courts in his wellknown pamphlet-'The Rights of Labour, "He vindicated the claim of the labour as a property.

However, Dadabhai cannot be compared with Marx-his contemporary and a keen Socialists. Both Marx and Dadbhai were conscious of the fact that the British were tool in the hands of the Britishers' intention over Indian finances. According to Marx, the British wanted India as a market for their commodities though Dadabhai felt that the British wanted India as much for the investment of their capital as for the disposal of their goods. The latter wanted the British capital to compete on fair and equal terms and not enjoy monopoly position. He went to the extent of suggesting free trade between India and England. Such a free trade between the two countries could however be possible if India was allowed to have free command over their resources.

11.5 HIS POLITICAL IDEAS

Naroji's liberal outlook was clearly visible in his political ideas. Like other exponents of Indian liberalism, Naroji upheld the concept of the moral foundations of political authority. He argued that despotism degenerates the holders of political power, and it deadens their moral sensibilities. He said: "The British rule in India is descending to the lower level of Asiatic despotism It is extraordinary how nature may revenge itself for the present unnatural course of England in India, if England, not yet much trained by this demoralisation, does not, in good time, check this new leaven that is gradually fermenting among her people". Naroji, thus, was well aware of the moral evils of despotic imperialism. As against brute force, he preferred moral force. The real basis of political power, according to him, vested in the union of hearts, feelings and sentiments. For him, justice, morality and ethics alone were the durable bases of holding political structures together.

Naroji had a profound faith in the civilising role of the British rule in India, and openly recognized some of the benefits of British rule. The

introduction of Western education, trained administrative personnel and mechanical technology like Railwys, were the gifts of the British civilization, but he frankly exposed the evils of the then prevailing system of government. He wrote. "the present system of government is destructive and despotic to the Indians and Un-British and suicidal to Britain. On the other hand, a truly British course can and will certainly be vastly beneficient both to Britain and India".

Naroji believed that the interests of India and England were allied rather than antagonistic. It was because of this belief that he said: "If we do really ask what is right and reasonable, we may be sure that, sooner or later, the British government will actually give what we ask for. We should, therefore, preserve having confidence in the conscience of England and rest assured that the English nation will grudge no sacrifice to prove the sincerity of their desire to do whatever is just and right".Naroji, therefore, believed in the method of prayers and petitions. For him, it was not a method of mendicancy; it was the conventional method of approaching higher authorities.

11.6   HIS POLITICAL METHOD FOR ACHIEVEMENTS OF GOALS

Dadabhai stood for constitutional methods for the achievement of his goal. His early demands of holding of competitive examinations simultaneously in India and in England, the reform of the Legislative Councils or his later demand of Swaraj or Self- government within the British Empire were to be fulfilled through constitutional agitation. Such an agitation postulated: (a) faith in the justice of our cause (b) faith in the sense of justice and fairplay of the British people; (c)persistent and tireless efforts towards convincing the British of soundness and justice of our demand. Dadabhai had full faith in the fairness and justice of the British.

Hence he exhorted his countrymen to convince the British of the genuineness of their demands so that fair-minded Britishers could concede them. He strove hard to enlighten the British public about the un-British character of British rule in India. He made attempt to arouse the British conscience regarding its duty towards India. Through his active persuasion, the Indian National Congress set up a committee in England in 1899 with Sir William Wedderburn as its chairman. The committee was however dissolved in 1921 when Gandhiji launched his non-violent non-cooperation movement to achieve India's goal of Swaraj. Evidently Dadabhai 's method was one of petitions and prayers which later on was dubbed by the Extremists as 'mendicancy.

His coneption of non-violent constitutional struggle was however more comprehensive than that of other liberalists like Gokhale and Pherozesha Mehta. In it, there was room for Swadeshi and Boycott which found favour with Bengali leaders of the time. In fact, as already said, change in his attitude occurred at a later stage when Bengal was partitioned by the British. Hence to some, Dadabhai seems to be closer to the extremists rather than the moderates amongst the Congressites. He had faith, as said in the preceding pages in the inherent goodness and sense of fairness and justice of the Britishers but his faith was terribly shaken when the latter failed to fulfil their solemn pledges. His advocacy of boycott at a later stage, was indeed the outcome of this disappointment. However he did not completely feel despaired. Perseverance was the keynote of his philosophy. He found a ray of hope in the benign declaration of the then British Prime Minister-Henry Campbell Bannerman and John Morley- the Secretary of State for India. Unfortunately, he could not live longer enough as to read Montagu's declaration in Parliament on August 20, 1917.

11.7   CONCLUSION

Dadabhai Naoroji deserved the title of Grand man of India. He was undoubtedly one of the early patriots and architects of modern India. Gokhale aptly portrayed Dadabhai as one of the most perfect examples of the highest type of patriotism. He outshone his contemporaries and organised public life in India forty years before the inception of Indian National Congress.' His concept of economic drain was explosive and thought provoking as the concept of class-struggle and exploitation envisaged by Karl Marx. He was undoubtedly a pioneer in laying down economic foundations of Indian Nationalism. He did not believe in rehetorical abstractions and generalisation but 'on facts and figures'. Hence it will not be an exaggeration to call him imperical economist who suggested economic foundations of socialist thought in India. However he cannot be equatod with the top ranking economists like Ricardo, Mill and Marx.

LET US SUM UP

Dadabhai early approach of seeking concessions from the benevolent British rulors through constitutional methods was in tune with the time. The Indian masses were unaware of the notion of rights and unconscious of the evils of domination of allen rulers. However, with the passage of time, when Dadabhal along with other contemporaries succeeded in infusing life in the slumbrous souls, goal before him also underwent a change. He himself became the prophet of sell government

which according to him, was the only panacea of our politicals ills. It will not be out of place to point out that Dadabhai aimed at self government for his countrymen within British Empire as British subjects whereas ardent patriots like Tilak asked for Purna Swaraj as their birth-right. His theme of exploration of India by Britain was at a later stage developed even further by the extremists.

CHECK YOUR PROGRESS

1. Dadabai Naoroji carried on his early political activities, through_____ which was established in 1852.

   a) Madras native Association   b) Bomboy Association
   c) Culcutta Association   d) Gujarat Assiocation

2. Naoroji was professor of_____.

   a) Mathe matics   b) Physics   c) Chemistry   d) Psychalogy

3. Dadhabai Naoroji was born in the year_____.

   a) 1825   b) 1830   c) 1835   d) 1820

4. Dadhabai Naoroji was a contemporary of _____.
   a) Karal Marx   b) Lenin   c) Mao-Tse-Tunq   d) Stalin

GLOSSARY

Breathed his last   : dead

Mendicancy   : begging

Deserved   :suitable

benevolent   : liberal

ANSWER TO CHECK YOUR PROGRESS

1. Bomboy Association
2. Mathe matics
3. 1825
4. Karal Marx

MODEL QUESTION

1. Explain Naoroji`s views on economic foundction of indian nationalism.
2. Bring out the political ideas of Dadhabai Naoroji.
3. Discuss the Contribution of Dadhabai Naoroji to the indian politics.
4. Why is Naoroji called as a liberalist?

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UNIT - 12

VINAYAK DAMODAR SAVARKAR

STRUCTURE

OVERVIEW

Under the Hindu political thought Madan Mohan Malaviya, V.D. Savarkar, Dr. Shyama Prasad Mookerjee are the three prominent thinkers. Without studying V.D. Savarkar the study of Hindu philosophy would not be complete. V.D. Savarkar was a shining star among the patriots of India. He has written Mary books, among them the most important is Hindutva, Savarkar by nature was a revolutionary even from the Start of his political life. He always believed in the superiority of Hindu culture and civilisation. Hindutva became the main concept for Savarkar. Savarkar wished to see India a Hindu Rastra and he was of the view that minorities cannot be a hindrance to the growth and development of majority. This unit tries to explain the political ideas of V.D.Savarkar.

LEARNING OBJECTIVES

After studing this unit, you will be able to

➢ Learn the life history of V.D. Savarkar.

➢ Know about Hindu Rashtra.

➢ Understand the contribution of V.D. Savarkar to Indian political thought.

12.1   INTRODUCTION

V.D. Savarkar was one of the patriots who suffered a lot for the sake of independence of the country. He considered the love of the country is the most important factor above everything. He was bold enough to criticise whatever appears against the national interest. V.D. Savarkar was born in 1883 in Ratnagiri District. He had his early education in India. During school days he showed deep interest and love for Hinduism. He went to the extent of controlling the excesses of Muslims. As a student he gave all support to Swadeshi Movement, and took deep interest in politics. In the college he organised a campaign for burning foreign cloth which led to the dismissal of Savarkar from the college.

V.D. Savarkar got a recommendation letter from Tilak in the year 1906, to study in England. He got fellowship from Shyamji Verma, a friend of Tilak Verma was an Indian Revolutionary in England. The purpose was to consolidate the revolutionary movement in India. Savarkar met and came into contact with many number of revolutionaries. He was arrested in the year 1910. Because he has made certain speeches in India in the year 1906. So he was arrested and brought to India. On the way Savarkar tried to escape but he was re-arrested. He was found guilty of treason and was deported to Andaman. In 1923 he was brought back to India. He was kept at Ratnagiri. Till 1937 a promise has been taken from him that he would not participate in active politics in India. This period was properly utilised by Savarkar. He has consolidated and united the Hindus. After his release he has joined the Hindu Mahasabha. He became its president, and remained its president for so many years.

Another important factor here that in 1948 when Mahatma Gandhi was shot dead, Savarkar was also tried but later acquitted by the judge. He left the world on February 26, 1966.

12.2   HIS WORKS

Savarkar wrote articles and gave inspiring speeches to awaken the Hindu to understand the realities of life.

His significant publications are

1. My Transportation for Life

2. Hindu Pad Padshahi

3. Hindutva

4. The Indian war of Independence 1857.

12.3 POLITICAL IDEAS OF SAVARKAR

Savarkar was a revolutionary even from the very start of his political life. He always believed in the superiority of Hindu culture and civilisation. 'Hindutva' became the main concept for Savarkar. He developed and defined the term Hindutva. Hindutva was different and broader than the term Hinduism. The three essential qualities of Hindutva are 1) Rashtra, 2) Jati, 3) Sanskrit.

A person should respect the territorial integrity and geographical sanctity of our national borders is rashtra. The individual must be ready to sacrifice everything for the sake of protecting the geographical boundaries no individual should have extra-territorial attachments.

Jati he means that every believer in Hindutva should belong to a family which has Hindu blood sanskrit he means that every on should have faith in the superiority of ancient Indian culture and civilisation. He gave very much importance to Hindutva.

Hinduism and Savarkar: We have already seen that Savarkar was a true and sincere Hindu. He tried to consolidate the Hindus of India. Hinduism was the most ancient religion in the world. It has very rich traditions and culture. Hinduism is a dynamic religion so it will never decay. It is both homogeneous and helvogeneous. Many other world religious have drawn inspirations from Hinduism. The Hinduism only made Savarkar the spiritual leader of the world.

Making a distinction between Hindutva and Hinduism. Savarkar said that Hindutva is more comprehensive and broader than Hinduism Hindutva was a social, economic and political concept according to Savarkar. It is more closer to nationalism than religious concept. Savarkar had great faith in the capacity of Hindus to run and manage their own affairs. The political degradation of that time was due to the cirumstances beyond their control. Hindu capacity only can further develop India after alien rule had come to an end.

Non-violence and Savarkar: Savarkar could not accept non-violence as God. Social and political problems could not be solved through non-violence. Non-violence can be treated only as a relative term and not as an absolute term. He felt in India condition and circumstances non-violence is impracticable. To fight against imperiality it is better to use violence, moral preachings will not help to drive the foreigners. So to active the objectives and reach the goal, violence is essential said Savarkar.   Savarkar said a forum like National Congress is essential to express the pubic opinion and view points and but he felt that the

method adopted by congress is not suitable to the then India conditions. Even the 'Quit India' movement of Mahatma Gandhi was not liked by Savarkar. He felt that India was not yet ready for national struggle.Savarkar could not accept the view of partition of India. He was for united India, partition was against national interest. he was very bitter towards partition of the country.

In the year 1939, the Congress Ministers resigned in the princes, when the II world war broke out. The National Congress felt that India should boycott was efforts and nothing for the war efforts should be given to England. But Savarkar was of different opinion. he had extended kind co-operation to government. He has different views in the mind. He thought that it will an opportunity for Hindus to undergo military training, get acquainted with methods of struggle and new techniques of war equipments. With the above ideas he was able to satisfy the Hindu Mahasabha. The question in the mind of Savarkar was why the minorities in India is not contributing to the national progress. India was a homogeneous country in which various communities and different religious people live together. He further said that in the interest of minorities themselves, they should co-operate with the majority for the good will of the nation.

12.4 HIS VIEWS ABOUT HINDU RASHTRA

Savarkar felt that India is a land of Hindu. He had faith in the superiority of Hindu culture. So he wished to see India a Hindu Rashtra. For Savarkar Hindus love everything that is Indian so it is a Hindu Rashtra. But he made it clear that this should not lead to the conclusion that in this country religious minorities cannot live or develop. Minorities cannot be a hindrance to the growth and development of majority.

Interpretation of Indian History: According to Savarkar there have been six glorious epochs in Indian History. The first war Mauryan Empire founded by Chandra Gupta Maurya under the guidance of Kautilya. Second epoch was when pshymitra destroyed Greek power in India. Vikramadiya's age was the third speech, when cultural and political heritages revived in India.

Yasho Dharma of malwa defeated the Hans in 925 A.D. Which was the fourth period. Foundation of Maratha power, was another epoch, because it challenged the Muslim forces in India. This was the fifth period. The last and the sixth period was British owr in India. Savarkar has all praise for Sivaji, who also concentrated on setting up a Hindu Kingdom. He accepted that Sepoy Mutiny of 1857 was really the first war of Independence.

12.5 SOCIAL IDEAS OF SAVARKAR

Savarkar wanted to reform the degenerating Hindu society. he wished to infuse new spirit into Hindu society. He wanted to eradicate the evils in Hindu society. When he was interned Ratnagiri he raised his voice against untouchability. Savarkar said untouchability is a curse on the fair name of Hinduism. Savarkar suggested the establishment of mixed schools in which boys of all castes, both high and low, of they study together, the spirit of oneness and brotherhood will develop. Untouchables must be allowed to enter the temples, according to Savarkar. Savarkar helped the erection of a patit pavan temple in which the low castes and down-trodden were permitted entry. All community inter-dining must be arranged for abolisher of caste differences. These factors will create reforms in the society.

12.6 CONCLUSION

Savarkar was a revolutionary by birth. He was a top ranking patriot. He differed both in methods and outlook from the national Congress. he was the moring force behind Hindu Mahasabha. He was the leader of the masses and enjoyed wide respect. His concept of Hindu Rashtra was suitable reply to the cry of Pakistan. Even though he had misunderstanding with Congress, they aid glowing tributes to Savarkar after his death.

LET US SUM UP

Savarkar was a leading Hindu political thinker. He was a top ranking quality patriot. His activities were based on the role and object of honouring India. He was able to consolidate all the Hindus of India. Because of him only Hindu Mahasabha became an All India body. He is a real patriot of the time. Hindutava became the main concept for Savarkar. He developed and defined the term Hindutva. He felt in indian condition and circumstarces non violence is impracticable and he also felr that the method adopted by congress is not suitable to the then Indian Condition`s. Savarkar Wanted to establish Hindu Rashtra.

CHECK YOUR PROGRESS

1. V.D.Savakar got a recommendation letter from_____in the year 1906, to study in England.

   a) Gokhale   b) Gandhi   c) Tilak   d) Ranade

2. According to Savarkar there have been _____glorious epochs in Indian History.

   a) Six   b) Three   c) Four   d) Two

3. Savarkar felt that India is a land of_____

   a) Hindu b) Muslim   c) Jews   d) Parsi

4. When Savarkar was interned in_____raised voice against untouchability.

   a) Yervada   b) Ratnagiri   c) Puzhal   d) Tihar

GLOSSARY

Non-Violence   : actions based on Ahimsa and Satyagraha

Imperialism   : a policy of extending a country`s power through

                                colonozationby using military force.

Partition   : dividing the nation

Homogeneous   : belonging to the same group

ANSWER TO CHECK YOUR PROGRESS

1. Tilak
2. Six
3. Hindu
4. Ratnagiri

MODEL QUESTION

1. Explain the views of V.D.Savarkar on Hinduism.
2. What is Hindu Rastra according to V.D.Savarkar.
3. How is Indian History interpreted by V.D.Savarkar.
4. Bring out the social ideas of V.D.Savarkar.

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UNIT - 13

MOHAMMED ALI JINNAH

STRUCTURE

OVERVIEW

Hindus and Muslims are two important religious communities in India. These two communities had different cultures and characters. During the British rule Muslims who were Minorities brought number of changes in the political life of India Mohammed Ali Jinnah, was the true founder of Pakistan. He was the man who expounded and developed the two-nation theory. He also fought for Hindu-Muslim unity. Like other Muslim thinkers Jinnah fought for Muslim unity. This Unit will analyse the contribution of Mohammed Ali Jinnah in the Indian Politics.

LEARNING OBJECTIVES

After Studing this unit, you will be able to

➢ Understand the life of Jinnah

➢ Know the changing outlook of Jinnah

➢ Explain the political ideas of Jinnah

➢ Learn an evaluation of Jinnah`s contribution to the Indian Politics.

13.1 INTRODUCTION

Mohammed Ali Jhinnah was the creator of Pakistan. He was able to unite the Muslim population of India. He was an inspiring personality. He had broad vision. He was a powerful personality. He was living in a period when the Independent struggle was going on vigorously. Indian National Congress was the forum for expressing India Public opinion Muslims of India could not get the growth like that of Hindus. The Muslims could not keep pace with the advancement of Nation. There was backwardness in economy as well as in education. At this juncture Syed Ahmed Khan worked for upliftment of Muslims. The work which was undertaken by Syed Ahmed Khan was continued by Mohammed Ali Jinnah. Jinnah lived in these circumstances.

13.2 HIS EARLY LIFE

In the year 1876, Mohammed Ali Jinnah was born in Karachi. He had his early education in Karachi. He did his higher education in law in England. In England he met Dadabhai Naoroji the grand old man of India. In the year 1896 he came back to India from England. He started his career as lawyer in Bombay slowly Jinnah became a popular lawyer. In the beginning stages of his profession, he showed no interest in politics. Later he slowly started showing interest in the politics of the country. He came closer to the liberals rather than the extremists. In 1906 he became the Secretary to Dadabhai Naoroji. Surprisingly during this period he was not at all interested in participating in religious organizations like that of Muslim league which was led by Sir Syed Ahmad Khan.

In course of time the political situation was slowly changing. Gokhale was a very popular leader at that time. There was the struggle for independence in the gorm of Dominion status. Prayer and petition was the method adopted, by liberals to achieve independence. At that juncture Muslim Nationalism was started exerting pressure on Jinnah. The year 1916 is an unforgettable year in Jinnah's life. In that year Jinnah became the president of All India Muslim League session held in

Lucknow. In that session he spoke about Hindu-Muslim unity. He stressed the national unity and integrity and national development, rather than communal development. In the year 1919 to show his protest against the passing Rowlett Act, he resigned his Legislative Assembly membership. In 1925 in the Legislative Assembly he said that he was always for national unity. He considered nationalism as the most important concept above everything else.

13.3   POLITICAL IDEAS OF JINNAH

Jinnah was the best ambassador of Hindu-Muslim unity. During the early period of his life and political development he struggled a lot to bring the Hindus and Muslims together. He said that this Unity will solve most of the problems of India. At that time Syed Ahmed Khan was making propaganda for partition of the country. But this did not appeal to the national leader Jinnah. Later, when his 14 point formula was rejected, he became the supporter of Muslim League. He felt the Congress could not provide any satisfactory solution to the problems of Muslims. He further said that Muslims unless organised together shall get their due share in India Administration.

After analysing the Indian situation, Jinnah considered the creation of Two-nation. He told that Muslims in India were not a religious or numerical minority. Further it was not the question of majority or minority but the problems faced by the country. So the whole problem should be discussed on a different angle. He felt that the Muslims in India were a different nation than the Hindus. The Muslims worship different God in a different way. They did not have sentimental attachments with the places of worship of Hindus. Both of them are having differing type culture. So there is nothing wrong in having two nations. He further felt that Hindus were deliberately attempting to subordinate the Muslims. The Muslims were innocent and ignorant and could not understand the tricks of Hindus.

Indian National Congress: In the first half of his life he thought congress was a good organization to establish the unity of India. He praised its national and secular character. But his views and opinions changed after he joined the Muslim League. He told his Muslim breathen that Indian National Congress as a Hindu organization.It does not protect the interests of Indian Muslims. All the policies and programmes of the Congress subordinated the interest of Muslims. The Hindus will never allow the development of culture and civilisation and economic backwardness of Muslims. He further challenged the secular character of Congress. He said Muslim League must have the right to nominate

Muslims to the Legislative and also to Viceroy's council. Some Muslims were nominated by the congress who were called as nationalist Muslims. For example Maulana Abukalam Azad was nominated to the executive council of governor general. This could not be encouraged according to Jinnah.

13.4 CHANGE OF JINNAH FROM NATIONALIST TO A COMMUNALIST

Because of maximum pressure from Muslim community, Jinnah, the nationalist became the communalist. In 1912 his close contacts with the Muslim League was established. This became so close when Jinnah accepted the invitation to attend a special meeting of the League. Till now he was talking about Hindu-Muslim unity, but in 1913 he became a member of the league. But till now he is not interested in communal organizations. In 1915 he had discussion with League members and made request to work for unity of Congress and League. He was able to convince the Muslim League and Congress-League pact was signed in the year 1916. In the same year he became the President of the League. But Jinnah different totally from Mahatma Gandhi's programme of now-cooperation. He openly opposed to Gandhian approaches. Because of this difference in 1920 he left the Indian National Congress for ever.

Jinnah was again elected as the President of the Muslim League in 1920. British government, that is government of India appointed a committee called Mudiman Committee to examine the working of Governments of India Act, 1919. Jinnah was appointed as a member in this committee. Till now he was not bitter against congress. He further felt that Hindu-Muslim unity was only an internal affair of the Indians.

In the year 1928 Jinnah opposed the Nehru Report and gave his 14 point formula for solving Hindu-Muslim problem. Jinnah's Report was based on the idea of making India a weak federation with maximum autonomy to the provinces. He wanted safeguards for minority communities. He stressed for communal electorate. When this formula was rejected Jinnah became upset. This frustration changed him totally. He felt that Muslims were also not united. In 1929 he opposed the Congress openly.

After participating in First and Second round Table Conferences Jinnah found that there was no solution to Indian political problems. He further felt the mistake was on the part of Indian National Congress. He wanted to settledown in England. He even purchased an estate in England to settle their permanently.

In the year 1933 Nawabzadu Liaquat Ali met Jinnah and convinced him to return back to India. In 1933 and 1935 Jinnah came to India twice for some other personal work. In the year 1935 his family's decision made him to come back to India.1937 is an important year, when Jinnah became a communalist. In 1940 Jinnah started fighting for partition of the country. In all the negotiations with the British Government Jinnah represented the Muslim League. He was successful in 1947 and got Pakistan separated. But unfortunately Jinnah could not live for longtime to enjoy the Independence of Pakistan. Jinnah died on 11th September, 1948.

13.5   AS A MEMBER OF IMPERIAL LEGISLATIVE COUNCIL

As a member of the Imperial Legislative council to which he was elected by the Muslim electorates of Bombay in 1910 and again in 1916, he stood for Gokhale's Elementary Bill, the transfer of Ships Restriction Bill, the Indian Criminal Law Amendment Bill To begin with, he was strongly opposed to Separate electoratos and pleaded against them.

In the very first mecting of the Imperial Legislative Council held in Calcutta on January 25, 1910, Jinnah crossed words with Lord Minto-the then Viceroy of India over the conditions of Indians in South Africa. He observed, "If I may say at the outset it is most painful question...a question which has roused the feelings of all classes in this country to the highest pitch of indignation and horror at the harsh and cruel treatment that is meted out to Indians in South Africa. "The Vicerory objccted to the word 'cruel used by Jinnah. Jinnah retorted." Well my Lord, I should feel inclined to use much stronger language but I am fully aware of the Constitution of this Council and I do not wish to trespass for one single moment; but I do say this that the treatment that is mcted out to Indians is the harshest which can possibly be imagined and as I said before, the feelings in this country is unanimous". Such a report to the Viceroy clearly reflects that Jinnah was imbibing in himself during these years, true nationalistic spirit

13.6   ATTEMPT TO BRING MUSLIM LEAGUE CLOSER TO CONGRESS

Another vital episode which speaks of nationalism in Jinnah is his embracing membership of the Muslim League on the instance of Muhammad Ali and Syed Wazir on the condition that his loyalty to the Muslims will not conflict with the national interest and impede national upsurge for freedom. As already pointed out, on his initiative, the Congress and the League organised their respective sessions in Bombay and paved the way for Hindu-Muslim entente. The joint scheme

framed by the League and the Congress was presented to the Britishers by a deputation of distinguished Indians like Jinnah, Srinivas Shastri Tej Bahadur Sapru and Wazir Hussian in 1917. In the session of League and Congress, the Lucknow Pact which recognized separate electorates and weightage to Muslims in the provinces where they were in minority, was agreed upon. Jinnah played a leading role in bringing the two organizations together through famous Lucknow Pact. In the words of Dr. Sukhbir, "The significance of the Lucknow Pact in the career of Jinnah was still greater. He had achieved his objective of bringing together the intellectual classes of Hindus and Muslims and was welcomed by both to be their respected and trusted leader.'

Words of Jinnah at the Lucknow Session of the League in December 1916, are self-revealing... "The circumstances in which we meet to day, are exceptional and mark a new epoch in the history of our country. ...The whole country is awakening to the call of destiny and is scanning the new horizons with eager and hope. A new spirit of earnestness, confidence and resolution is aboard in the land ... The Mussalmans of India would be false to themselves and the traditions of their past, had they not shared to the full, the new hope that is moving India's patriotic sons to-day or had they failed to respond to the call of their country. ... 10 He went to the extent of saying "The decisions that you may take in this historic hall at this historic session of the League, will go forth with all the force and weight that can legitimately be claimed by the chosen leaders and representatives of 70 million of Indian Mussalmans. On the nature of those decisions will depend in a large measure the fate of the India's future, of India's unity and of our common ideals and aspirations for constitutional freedoms."

13.7 HOME RULE LEAGUE AND JINNAH

Jinnah did not join Home Rule League of Tilak and Besant formed in April and September, 1916 respectively. Jinnah's Private Secretary so remarks, "The Home Rule Propaganda and Gandhi's writings were incomplete contrast to Mohammad Ali Jinnah's outlook on India's Political future." However after the internment of Mrs. Beasant, Jinnah joined the Bombay Home Rule League. As a member of the Home Rule League, he always stood for self-government. At the Calcutta Congress session held in 1917, he supported Congress League scheme and also the resolution on sell-government. All these facts make it crystal clear that Jinnah topk pride in being a nationalist and a Congressman, prior to 1921. His nationalist zeal and patriotic fervour

was unsurpassable till he left the national mainstream and joined the ranks of die-hard communalists.

Non-violence as a concept: Gandhi and Jinnah were opposite to each other. Jinnah has no liking for non-violence concept of Gandhi. Like Gandhi Jinnah also enjoyed the important position among Muslims. Gandhi was called as the Father of Nation; Jinnah was called Quid-i-Azam. However, both the leaders differed from each other radically and drastically. Both have different means of achieving the goal of independence. Jinnah never believed in the concept end will always justify the means. He has no objection to use violence in their attempts of struggle. Under the guidance of Jinnah the Muslims League organised Noakhali Yatra in 1946. This campaign was the example where all violent methods were used to establish the superiority of Muslims.

13.8 JINNAH'S BELIEF IN CONSTITUTIONAL METHOD

We must be very clear that Jinnah was not a revolutionary. And also he did not believe in revolutions. He was satisfied that Britishers ruling over India in the pattern of western constitutional democratic system. So he thought the change must be on the basis of democratic principle. He was clear that India was not suitable for any violent revolution. Any move on violent methods will lead to failure only. He thought by appealing to the mind of electorate, the power can be easily captured. As we have already seen Jinnah believed in communal electorate. India was not suitable for the working of Democracy, because there was no widespread education. India was accustomed to monarchical system and not to democratic pattern.

13.9 HIS VIEWS ABOUT THE CONSTITUTION OF INDIA

Jinnah said India was unfit for unitary form of government. In India people belonging to different religion and races, live together. For these type of people unitary pattern was not suitable. The only solution was federal set-up with clear division of powers said with clear division of powers, said Jinnah. The centre should be kept weak. It should be given minimum powers and functions. The provinces in this federal type should enjoy maximum autonomy and independence. The provinces must be given power to break away from the centre. Jinnah said in the centre Muslims should have atleast 1/3 representatives.

13.10 CONCLUSION

Jinnah was the founder of Pakistan. He was primarily responsible for melding the Muslims in India. He was an inspiring figure with broad vision and outlook. Jinnah was a very learned man. He was a very

learned man. He was familiar with both west and east culture.Jinnah was the best ambassador for Hindu- Muslim unity. Gandhi and Jinnah were opposite to leach other. Jinnah was not a revolutionary and storng believe of constitutional methods. Dissatisfied with the attitude of Congress he advocated two- national theory at last won it.

LET US SUM UP

A highly qualified leader, Mohammed Ali Jinnah was the real leader of Muslims. A leader, of the masses he was able to enter the mind and heart of the muslims. As said by Gokhale Jinnah was the best ambassador of Hindu-Muslim Unity. A chief exponent of Two-Nation Theory was Jinnah. He has grand success as the leader of Pakistan.

CHECK YOUR PROGRESS

1. Jinnah became the President of All India Muslim League in the year _____

   a) 1912   b) 1910   c) 1916   d) 1915

2. Jinnah became the secretary to Dadabhai Naoroj in the year_____
   a) 1910   b) 1912   c) 1906   d) 1920

3. Under the Guidance of Jinnah the Muslim League organised Noakhali yatra in_____
   a) 1946   b) 1920   c) 1930   d) 1935

4. After the internment of Mrs. Besant, Jinnah Joined the _____ Home Rule League.
   a) Madras   b) Bombay   c) Delhi   d) Calcutta

GLOSSARY

Communalist   : Allegiance to one`s ethci group rather wider

                         Society.

Nationalist   : Advocacy of Political Independence for a

                          Particular country.

Ambassader   : Promoter of a specified activity

Votary   : A devoted follower or advocate

ANSWER TO CHECK YOUR PROGRESS

1. 1916
2. 1906
3. 1946
4. Bombay

MODEL QUESTION

1. Narrate the life of Mohammed Ali Jinnah.
2. Why do Jinnah became communilist from Nationlist?
3. Trace out the efferts of Jinnah to bing Muslim League closer to congress.
4. Write a note about Home Rule of Jinnah.

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UNIT - 14

<div align="right">**SIR MUHAMMAD IQBAL**</div>

STRUCTURE

OVERVIEW

Like Mohammed Ali Jinnah and Sir Syed Ahmed Khan, Sir Muhammed Iqbal was also a nationalist turned into a communalist. Hindus and Muslims are two great Indian communities. Our history shows that these two communities failed to adjust themselves. In all the circumstances there was conflict between the Hindus and Muslims both of them considered themselves as superior. It became impossible for both of them to live in harmony. At this juncture Sir Muhammed Iqbal also appeared in the scene. In this unit we are going to analyse the political ideas of sir Muhammad Jqbal.

LEARNING OBJECTIVES

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

➢ Know about the life history of Iqbal
➢ Explain the causes for the change of ideology of Iqbal
➢ Understand his political ideas
➢ Evaluate the role of Iqbal in India politics

14.1 INTRODUCTION

Sir Muhammad Iqbal was one of the converts from Nationalism to communalism. In the beginning, he was very much for the unity of India. He had great praise for ancient India, its cultures and also for Indian civilisations. But a change came in the life of Iqbal. He became a communalist. He started preaching Islam as the solution to all problems. He was one of the thinkers who had the idea of partition of Pakistan.

14.2 HIS EARLY LIFE

Birth place of Muhammed Iqbal was Sialkot. He was born in 1873. He had his early education in Sialkot. A post-graduate in Philosophy he started his life career as a lecturer in oriental college. Later he has shifted to government college. When he was a lecturer he spoke on Hindu-Muslim unity. He had his higher education in Europe. He went to Europe in 1905, and stayed there for three years. He got his Ph.D. and also the law degree. This stay abroad brought changes in his life. He developed many important ideas in his mind. He got knighthood from the government of India in 1922.

In 1925 he became a member of Punjab legislative council. He remained as a member for 3 years. He was elected as the President of Muslim league. He has done services to Muslims, for the recognition of this he was given this position.Iqbal was nominated to participate and attend the 2nd and 3rd Round Table Conferences held in England. These conference were held to solve the dead look between the two communities and also to solve the constitutional problems in India. He died in Lahore in 1938.

14.3 HIS WORKS

Iqbal was a highly learned man. He was a powerful orator and author. He was a top-ranking poet of India. Actually he was not a political figure. All his political ideas are available in the work "Six lectures on the Reconstruction of Religious thought in Islam". This was the in a booklet form. Apart from this various articles have contributed by Iqbal to number of Journals as well as newspapers. There articles are quoted by B.A. Day in his "A study of Iqbal's Philosophy"

14.4 INFLUENCES ON MUHAMMAD IQBAL

As we have seen already iqbal is the early stages of his life was a sincere nationalist. But his stay in England brought a change in him. Thus a nationalist became a communalist. He felt that the partition of India was the only solution to the communal problem in India. He was

under the influence of European, when he stayed in England. He said the people of the continent were always very busy. He said he understood the value of busy activities. He further felt that Indians were not very much care about the busy activities. As the time passed iqbal understood that European were materialistic in approach. European never cared about solutions to religious problems. He said must exchange ideas with the west. He advised Muslim brother to the active in life and must love the religion. He considered religion above everything else.

14.5 POLITICAL IDEAS OF IQBAL

Iqbal's political ideas which may be extracted out of his articles and poems can be portrayed in two phases-prior to his going to Europe and after his return from Europe.

(A) As a Nationalist: Prior to his visit to Europe, i.e. before 1905, the young Iqbal wasan ardent nationalist. He adored his country and composed poems of mutnal love and national unity. His famous pocm 'Taranah-i Hind?became almost Indian Anthem. In this poem, he eulogikod India theland of his dream, in the words:The best in the world is our Hindustan,Weare her nightingales : She is our rose garden The lolly mountain that almost touches the sky,Is our guard and is our sentry, religion doesn't teachus mutual hatred All are Indians our home is HindustanTill now, this national song of Iqbal touches the cords of ourhearts and speaks volumes of his patriotic fervour. In another song,"Hindustani bachhon Ka qaumi geol" hc as a true nationalistdescribed India as a land where prophets preached national unity.

The English version of an extract of the poem is revealing. He said:

The country where Chishti delivered the message of truth, Where Nanak sang the song of unity The country which Tatars made their home, Which allured the Arabs from Arabia, And made them leave their land, That country is my home-that is my home.

In another poem 'Naya Shivala' (New Temple) Iqbal describes eachparticle of the dust of his motherland as a godi? Thus poems composedby Iqbal in earlier yeas rellect that he imbibed nationalistic spirit,

(B) Iqbal the Communalist: A visit to Europe brought a tremendous change in his views. Hewas no longer a nationalist. He was altogether a changed man. Hiscarlier assertion,"we aro Indians and India is our home" wassubstituted by altogether contrary version. He began to write,

"China,Arabia and India are ours", "We are Muslims and the whole worldis ours." Thus progressive Iqbal was changed to Iqbal-the reactionary.His carlier nationalism vanished. Instead he became an ardent'Khilafatist' and Pan-Istamist-In his famous poem 'Shikwah' andJawabe-i-Shikwah (complaint and answer) he clearly stated: 'Nation(qawm) is created and sustained by religion; I religion expired, there will be no nation"He condemned patriotism as a subtle form of idolatory whichIslam could not tolerate in any form. Hence he suggested itsreplacement by Islam. To him Islam was no longer just a religion,It was a race making force and the Muslims had become a race.

He started describing nationalism incompatible with the spirit ofMuslim brotherhood. He apprehended that the sentiment of nationalism might result in loosening the bonds of Islamic fraternity and induce elch Muslim country to develop the feelings of separate nationalism. His vehement support to the Khilafat cause conflicts clearly with his conception of universalism and confirms the contention that to him Pan-Islamism meant union of Muslim states. Moreover he felt that the slogan of an all-India nationalism would, if realized, mean the political ascendancy of the Hindus. As a staunch Muslim, he could not tolerate the domination of Muslims by Hindus.

He remarks: "When I realized that the conception of nationalism based on the differences of race and country was beginning to overshadow the world of Islam also and that the Muslims were in danger of giving up universality of their ideal in favour of a narrow patriotism and false nationalism, I felt it my duty as a Muslim and as a well-wisher of humanity to recall them back to their true role in the drama of human evolution." Hence he gave the slogan 'Back to early Islam'. He emphasised that Islam is neither nationalism nor imperialism but a league of nations which accepts the racial divergencies for political references and believes in ultimate union.

In his words : "My real purpose is look for a better social order to present a universally acceptable ideal before the world but it is impossible for me in this effort, to outline this ideal, to ignore the social system and values of Islam whose most important objective is to demolish all the artificial and pernicious distinctions of caste, creed, colour and economic status. .. No doubt I am intensely devoted to Islam but I have selected the islamic community as my starting point not because of any national or religious prejudice but because it is the most practicable line of approach to the problem.Hence Iqbal chose the

slogan 'Back to early Islam.' He stressed the concept of the Millat-the crystallization of Muslim fraternity.

'Kaba' was to be its geographical centre. Love for God and allegiance to Mohammed, the last prophet of God, was to fasten the bonds of Pan-Islamic union. The Divine law was to serve the guiding norm of the Millat;. His firm belief in the Pan-Islamic fraternity induced Iqbal to ridicule the League of Nations as a 'lean structure of European diplomacy which is apt to meet its doom, at no distant future. He vehemently denounced Congress as an organisation of Hindus. He challenged its representative character and identified it with the native princes of India. Hence he claimed that Muslim League alone possessed the sole right to represent the Muslims of India. He exhorted the Muslim brethrens to remain away from the Congress and join the League. He started casting aspersions on the sccular character of the National Congress.

He stressed that communalism was indispensable to the formation of a humonious whole in a country like India. He justified Muslims demand for the creation of Muslim India within India. He remarked 'Sclf government within the British empire or without it the formation of a consolidated North West Indian Muslim State appears to be the final destiny of Muslims at least of North West India.

In fact he was of the view that North West Indian Muslim statewould prove as the best defence of India against foreign invasionsboth of ideas and bayoncts. He said I therefore demand theformation of a consolidated muslim state in the best interests foran India and Islam. In India, it means security and peace, resultingof internal balance of power; for Islam an opportunity to rid itselfof stamp that Arbian imperialism was forced to give it .....Evidently this advocacy of a Muslim state resulted in emergenceof Pakistan at a later stage in fact culmination of two Nation Theory.

Why Iqbal opposed nationalism ?

The question arises as to why Iqbal, once an arch-nationalistfailed to remain in national main stream and embraced communalism.

Firslty, his visit to Europe brought a radical change in his views.Possibly the Europcans' influence weaned him from nationalism. Itneeds a thorough probe.

Sccondly, he realized that the slogan of All India Nationalism,if realized, might lead to perpetual political ascendancy of the Hinduswho were in

majority in India. Such a Hindu dominated policy mayimpede the cultural and religious development of the Muslimcommunity. Hence he had suggested a federal form of governmentwith a weak Centre, thus enabling the component units to enjoyautonomy. In a Presidential speech at the 1930 session of the Leaguehc remarked, "I would never advise the Muslims of India to a systemwhether of British or of Indian origin which virtually negativesprinciple of true federation or fails to recognise them as a distinctpolitical entity."

Thirdly, he considered Indian nationalism as bourgeoisenationalism and the Indian National Congress as the bourgeoiseassociation. He went to the extent of identifying Congress with thenative princes of India', in his Presidential address of 1930. Hencehe denounced both, Indian nationalism and the Congress whichpreached it.

Fourthly, Iqbal apprehended that the concept of Nationalism might develop separatist feelings in the Islamic brotherhood. Thus the bonds of Islamic unity may be loosened. He described the Western concept of Nationalsim as a deadly poison for the Muslim brotherhood and its active propagation a subtle design of imperialist powers to weaken Islam.

He substituted the Islamic concept of the whole world as the family of God' for 'accursed nationalism' and 'degraded imperialism."

Iqbal was a highly, literate man, having his higher education abroad. He was a great poet, who is popularly known as world poet. His major interest was in literature and not in politics. But because of the circumstances in India he entered politics. In the initial stages he was a nationalist and patriot. He said Indian culture was most rich and dynamic one and Indian country is a lovable country. In his famous work 'Tirana Hindustan', he has sang well about. India and her past cultural heritage. But unfortunately Iqbal changed himself into a narrow religious outlook in other words into a communalist.

Among his political ideas another important concept is democracy. Iqbal never believed in the Western Democracy. Because he felt that the Western Democracy is Materialistic in outlook. It has nor religious background or basis. He said about the evils of democracy. He showed total dis-satisfaction towards democracy.

Religion and Politics: Dr. Iqbal said that religion and politics must go together. They should not be separated. He could not accept the view that politics is not related to religion and they should be completely separated. But as a true and staurb Muhammedan and follower of Holy Quara Iqbal believed that the head of state should be represented in

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religion. Individual, state and religion are closely related with each other without religious base politics could not last long. If they are separated both of their will have the natural death.

His views about Socialism and Capitalism: Iqbal has no Socialistic or Capitalistic ideas as political philosopher. But as a true follower of Quaron he felt that there should not be exploitation of poor. It should be totally condemned. It brings out the view that he is opposed to capitalism. He further said that Capitalism and imperialism go together It shows that he has liking for socialism, because it is against capitalism. So he is nearer to Socialism than to Capitalism.

Iqbal was supported to Indian National Congress like other Muslim political thinkers. He too described Congress as a Hindu organization. He said he could not accept a particular religion representing the whole India. So he was against the principle of representation. At the same time he wanted representation to Muslims of India. He could not accept congress as a mass organization. It is dominated by the rulers of the Indian states. That is why he asked the Muslims of India to remain out of Congress. This went to the level of challenging the secular character of India.

14.6 MUSLIMS OF INDIA AND THEOCRACY

Iqbal felt that Muslim of India is a big minority. They had a peculiar position in India. They have not similarities with Hindus in culture. It is a very difficult for the Muslims to go hand in hand with Hindus. He wanted search for a separate homeland for Muslims. It will relieve them from Hindu domination and Control. So long as they stay in India they could not develop the brotherhood and fraternity among the Muslims.

Iqbal was theocratic in his outlook. When he became a staunch Muslim thinker, he began to stress the need for a government based on religion and religious foundation. He thought it could be the solution for number of problems. Modern problems of economic and political character cannot be solved with secularism. He thought the welfare of the people could be achieved through religion. A theocratic state always enjoys the blessings of god. Any low which is connected with religion can not be violated. For Iqbal religion was the age of man and state must try to satisfy it. Everyone in the society must believe in religion, which leads to the growth and develop of state.

14.7 INTERNATIONAL ORGANISATIONS

The concept in the mind of Iqbal was the muslims in the whole world are brothern. So he was against nationalism which have territorial limits. He could not support league of Nations because it stresses the idea of National-state. He gave Idea of pan-Islamism,. It means Islam was an International organisation found in the whole world. They will have the unity. Religion will serve the purpose of uniting the people. Through religious bonds. International unity of Muslims will establish justices, love and Fraternity.

14.8 CONCLUSION

Iqbal was a great leader of Muslims of India. He was able to motivate the Indian Muslims. He too was responsible for the partition of India. He had a very good name among the Muslims. He wanted to have an international brotherhood of Islam.

LET US SUM UP

In the initial stages of his political life, Iqbal was a nationalist and propagated for united India. He was a poet of great name and fame. In the beginning he has no political interest. As the time passed be became a nationalist and changed to communalist. He was one of those thinkers who gave the idea of partition of India on religious lines, leading to the creation of Pakistan.

CHECK YOUR PROGRESS

1. In_____ Muhammed Iqbal become a member of the Punjab Legislative counting.

    a) 1920   b) 1925   c) 1930   d) 1926

2. The concept in the mind of Iqbal was the_____ in the whole world are brothern.

    a) Hindus   b) Muslims   c) Christians d) Parsis

3. Iqbal got kinghthood from the government of india in _____
    a) 1922   b) 1920   c) 1930   d) 1935
4. "Back to early Islam" was advocated by

    a) Sir Sayed Ahammad Khan b) Muhammad Ali Jinnah

    c) Muhammad Iqbal   d) Khaffar khan

GLOSSARY

Conflict : A serious disagreement.

Socialism : A political and economic theory of social organisation which advocates that the means of production, distibution and exchange should be regulated by the community as a whole.

Capitalism : An aeconomic and political system in which a country`s trade and industry are contorlled by private ownership for profit rathar by the state.

Theocracy : Rule of the priesr in the name of god.

ANSWER TO CHECK YOUR PROGRESS

1. 1925
2. Muslims
3. 1922
4. Khaffar khan

MODEL QUESTION

1. Write a note about the influences on Muhammad Jqbal.
2. Narrate the views of Jqbal on International organisation.
3. Bring out Iqbal`s views on socialism and capitalism.
4. "Iqbal was theocratic in ontlook" – Discuss.

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Block V

Socialists and Reformists

UNIT - 15

<div align="right">**M.N. ROY (1893-1954)**</div>

STRUCTURE

OVERVIEW

Modern India has produced many leaders and scholars and these people strived hard for the development of India. One such a scholar was M.N.Roy who took keen interest in India national movement and advocate interaction methods of struggle. This unit tries to explain M.N.Roy's views on various subjects like, democracy,communism, nationalism, revolution and new New Humanism.

LEARNING OBJECTIVES

After going through this unit, you will be able to

➢   Understand the life history of M.N.Roy.

➢   Know his views on Marxism.

➢   Explain the his views on new Humanism.

15.1   INTRODUCTION

Narendra Nath Bhattacharya, know as M.N.Roy was one of the most systematic thinkers of modern India. He received his early education in Calcutta while he was only 14 years old he was arrested on charges of political decoity in Calcutt, he took keen interest in revolutionary activities and he visited a number of foreign countries.

15.2   EARLY LIFE OF M.N.ROY

M.N. Roy, considered as one of the most systematic thinkers of modern India, took keen interest in Indian national movement and advocated untraditional methods of struggle. Originally named Narendra Nath Bhattacharya, he was born in Bengal in 1893. He received his early education in Calcutta. From the very childhood he was fascinated by the activities of the Indian revolutionaries and wanted to take active part in national movement. The partition of gal and the bitter agitation which followed it provided him this opportunity. While he was only 14 years old he was arrested on the charge of political dacoity in Calcutta but the judge acquitted him. Thereafter he continued to take keen interest in revolutionary activities and visited a number of countries like Japan, China, Mexico, Germany, USSR and U.S.A. In 1915 he organised the Indian students at San Francisco to carry on national struggle. He changed his original name to M.N. Roy at this stage.

However, M.N. Roy found that the USA Government on account of its neutrality did not approve these national activities of the Indians and even contemplated his arrest. Therefore, he escaped to Mexico wherefrom he continued his revolutionary activities. During his stay at Mexico he also contributed several articles highlighting the poverty of India and the methods of exploitation adopted by the British in India. Scon he became a well-known socialist and organised the Communist Party of Mexico. Thus he became the founder of the first Communist Party outside Russia. In view of his activities he was invited to attend the Second World Congress of the Communist International. He took keen interest in the Congress and even pointed out certain defects in the resolutions sponsored by the official group headed by Lenin.

Roy was elected a member of the Central Asiatic Board constituted by the Communist Party to propogate the cause of Communism in India.During the next few years Roy made bid to organise the Indian national revolutionaries in Germany and started journal entitled Vanguard of Indian Independence. Roy was also made a member of the Presidium of Commintern at its 4th Conference. He was sent to propogate the cause of Communism in China, but could not achieve much success. In course of time he developed differences with the Communists and did not participate in the Sixth Congress of the Comintern. Thereupon Roy returned to India.

15.3   INFLUENCES AND WORKS OF M.N. ROY

M.N. Roy was greatly influenced by Marx. He studied Marx thoroughly and was greatly impressed by his ideology. However, he did not fully subscribe to Marxian point of view and differed from it in many respects. The Indian leaders like Swami Ram Tirth, Vivekanand, etc. Amongst the literary influences Bankim Chandra Chatterji's Anand Math exercised profound influence on him. Amongst the international events the victory of Japan over Russia in 1905 left a deep impact on his mind and convinced him that colonial subjects of Asia, including India, could also gain their independence through determination and proper organization.

The political philosophy of M.N. Roy is contained in his works like India in Transition: Revolution and Counter Revolution in China; Materialism: Science and Philosophy: On the Congress Constitution; People's Plan, National Government; Rise, Romanticism and Revolution, etc. M.N. Roy also established his own journals and contributed large number of articles in various papers. His ideas can be gleaned through all these writings.

15.3.1 MAIN IDEAS OF M.N.ROY

Individual Freedom and Nature of Man As noted above M.N. Roy was greatly fascinated by the ideology of Marx. But he was convinced that Communism could not provide a solution to the individual liberty. Therefore, he developed his own philosophy known as Radical Humanism. He considered the individual as an end in itself and held that the other organisations of society were only means to an end. He attached great importance to individual freedom and was not willing to subordinate it to any other factor such as religion, morality or even super natural power.

15.4   M.N. ROY IN INDIA

On arrival in India Roy tried to establish contacts with the Indian revolutionaries and consolidate his position. He attented the Karachi Session of the Indian National Congress at the invitation of Jawaharlal Nehru. In 1931 he was arrested and sentenced to six years imprisonment. After his release in 1936 he joined the Indian National Congress with a view to organise it on revolutionary basis. In 1939 he formed a League of the Radical Congressmen which continued to work for decentralization of authority and freedom from British imperialism within the Congress. During the war, however, Roy developed sharp differences with Congress. He favoured full support to the British Government in their struggle against Nazism and Fascism. He also condemned the Quit India Movement of Gandhi. As a result he grew quite unpopular with the Congress. In 1940 he left the Congress and formed the Radical Democratic Party. He was so much disgusted with the Congress that he even challenged the right of Congress to succeed as ruler after the British withdrawal. In fact he preferred anarchy over Congress rule. Towards the closing years of his life Roy was a dejected man and died in 1954.

15.5   VIEWS ON DEMOCRACY AND ORGANISED DEMOCRACY

Roy was opposed to the western type of democracy and asserted that it did not grant either economic or social or political freedom. On the contrary it sacrificed the individual for the sake of collective good. He favoured a democracy based on built up from below rather than imposed from above. In such a democracy every individual was to be given a share. Roy was also highly critical of the political parties which formed a part of the parliamentary democracy because the leaders in the party expected the members to work like dead machines blindly carrying out their commands. He said under parliamentary democracy politics was becoming a scramble for power and morality was being completely sacrificed. He therefore, pleaded for the replacement of the existing democracy by the system of organized democracy in which individual freedom shall be better protected.

According to Roy organised democracy was to be based on principle of decentralization. There were to be no political parties in it and the real power was to rest in the masses. However, the successful working of organized democracy demanded that the people should be educated; and should possess high sense responsibility and moral character. As the people did not possess the requisite qualifications to work the organised democracy.

Roy pleaded for the introduction of selective democracy at the initial stages, which was to be ultimately replaced by organized democracy. In the organized democracy the ultimate sovereignty was to vest in the people. In each village and city there were to be local committees elected on the basis of adult franchise for one year. To give adequate representation to minorities he pleaded for proportional representation. He also favoured separate electorates. These local committees were to elect members of higher legislative bodies, viz., provincial and federal legislatures. Roy also favoured introduction of institutions of referendum, initiative, etc., on the pattern of Switzerland to make democracy real.

15.6   ECONOMIC DEMOCRACY

M. N. Roy not only insisted on introduction of organized democracy but also made a strong plea for economic democracy. He held the existing economic system responsible for crushing the individual freedom and insisted that the industry should be controlled by the people and there should not be exploitation of the poor by the rich. He therefore, pleaded for adoption of a co-operative economy in which the various sections were to work in co-operation with each other. He held that, such a system would lead to production being geared according to the social needs and ensure equitable distribution of goods. He argued that such a system would put an end to exploitation and enable the profits to be utilized for national development.

M.N. Roy was not opposed to private property, provided it did not lead to exploitation. Therefore he insisted that for sometime the industry, particularly the higher basic industries, should not be passed on to the private sector and the state should act as co-ordinating agency both in the public and private sector. The other features of his economic set up include network of consumers and producer cooperatives which were to take full advantage of the scientific and technological advancement and a planning body which was to allocate priorities to the national resources and plan social utility services.

15.7   M.N. ROY AND MARXISM

Though M.N. Roy was greatly influenced by the Marxian philosophy, he was also one of its bitter critics. He criticised Marxism for denial of individual liberty and complete regimentation which hardly left any scope for individual freedom. Roy also did not agree with Marxian theory of dialectical materialism as well as historical interpretation. He did not consider the history merely as a class struggle and asserted that many other factors as well influence the course of history. He also did

not agree with the Marxian view which overstressed the role of the working classes in the future set up of the society and prophesied the disappearance of the middle class. In short though Roy continued to adhere to the ideas of increasing participation of the people in the administration which formed a basic principle of Marxian philosophy, he bitterly criticised Marxists for keeping the common masses aloof from the administration.

15.8   ROY'S VIEWS ABOUT GANDHI

M.N. Roy greatly admired the role of Mahatma Gandhi in the national movement, specially his association of the masses with the movement. He also praised Gandhi's efforts to raise the standard of the down trodden and poor people. Likewise he fully approved Gandhi's programme of civil disobedience, specially non-payment of taxes. He also endorsed Gandhi's ideas for achieving independence through non-violent methods.

But he also bitterly criticised Gandhism on account of lack of coordinate thought. He did not consider the Gandhian programme in the economic field as logical and could not reconcile with the idea that India could attain independence through spinning wheel. He also considered the attempt of Gandhi to reconcile the interests of the landowners and the peasants as impracticable and held that the two could not go side by side. He also criticised Gandhi for his failure to offer a solution for the economic problems of India.

15.9   M.N. ROY ON REVOLUTION

Roy's views on revolution also fundamentally differed from those of Marx. Whereas Marx believed that radical changes could be brought about only through use of force, M.N. Roy held that revolution was not the sole method to bring about radical social changes. Again he did not agree with Marx that revolution could be brought about only by the middle classes. On the other hand Roy held that revolutionary forces must include people of all shades and opinions (with the exception of members of vested classes).

A revolution could also be brought about by appealing to the good sense of the rulers. M.N. Roy laid emphasis on certain pre-requisites and, conditions for bringing about revolution. These include educating the people, wiping out mass illiteracy, creating consciousness about political rights among people, highlighting the high-handedness of those in power, etc.

15.10 M.N. ROY ON NATIONALISM

Roy considered nationalism as an evil because it was based on haled and created unnecessary problems. He held that if the national borders amongst the various states were abolished most of their social, economic and political problems would be automatically resolved. Roy was strongly opposed to narrow nationalism and described it as one of the greatest problems of modern times. It may be noted that in actual practice M.N. Roy did not strictly adhere to these views. This is evident from the keen interest he evinced in the national movement.

15.11 M.N. ROY`S NEW HUMANISM

Roy's humanism (known as New Humanism) differed from the French and German schools of humanism of nineteenth century. New Humanism claims to reassert the sovereignty of man by emphasizing that history is the record of human activities and society has no business to impose itself as a leviathan on man. It is not based on poetic or romantic grounds of sentimental effusions. It is based on a mechanistic cosmology and materialistic metaphysics.

New Humanism is cosmopolitan in its outlook. It replaces the spirit of nationalism by the spirit of world brotherhood. Like Tagore, Gandhi and Aurobindo, Roy also believed that a confraternity of morally and spiritually liberated individuals is the fundamental requirement for the realization of a better and healthier society. New Humanism is pledged to the ideal of a commonwealth and fraternity of free men. Roy was a firm believer in a world federation. He writes in his Reason, Romanticism and Revolution : "New Humanism is cosmopolitan. A cosmopolitan commonwealth of spiritually free men will not be limited by the boundaries of national states- capitalist, fascist, socialist, communist, or of any other kind-which will gradually disappear under the impact of the twentieth century Renaissance of Man.20 Roy, differentiating between cosmopolitanism and internationalism, pleaded for a spiritual community. He believed that a true world government could only be built upon the neutralization of nation-states. This may be regarded as a philosophy of cosmopolitan humanism.

15.12 CONCLUSION

M.N.Roy was a radicalist and took keen interest in revolutionary activities and visited a number of foreign countries. he had also contact with Indian revolutionaries. He also attended Karachi session of the Indian National Congress. The left the Congress and formed the Radical Democratic party. He was an admirer and critic of Mahatma Gandhi.

LET US SUM UP

M.N.Roy was native of west bengal (Calcutta) At the age of 14 he was arested on the charge of of political decoity in Calcutta. He visited a number of foreign countries. When he was at San Francisco to carry an national struggle. He organised the Indian student. At this stage he changed his original name to M.N.Roy leaving the activities of Indian National Congress he started his oun political party know as RadicalDemocratic party. He has given his views on democracy, nationalism, revolution and new humanism.

CHECK YOUR PROGRESS

1. In_____he changed his original name to M.N.Roy

    a) 1915   b) 1910   c) 1912   d) 1919

2. M.N.Roy became the formder of the first communist party out side_____

    a) China   b) Russia   c) Queba   d) North Korya

3. M.N.Roy was greatly in fluenced by_____

    a) Engals b) Marx   c) Lenin   d) Mao Tse-Tuing

4. In_____M.N.Roy joined the Indian National Congress.

    a) 1936   b) 1940   c) 1931   d) 1915

GLOSSARY

Radical	: Politically extreme
Ananrchy	: State of disorder due to absence of government
Cosmopolitan	: Families with or representative of many different countries and cultures.
Renaissance	: Revival of or renewed interest in some thing.

ANSWER TO CHECK YOUR PROGRESS

1. 1936
2. Russia
3. Marx
4. 1915

MODEL QUESTION

1. Bring out M.N.Roy's views on Democracy and organised Democracy
2. Explain Roy's views on Marxism.
3. What is the views M.N.Roy on Revolution.
4. What is New Humanism According to M.N.Roy

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UNIT - 16

JAWAHARLAL NEHRU (1889-1964)

STRUCTURE

OVERVIEW

Jawaharlal Nehru the socialist and one of the makers of modern India, belonged to the Kashmiri Bratimin community. Along with his father mothilal Nehru, Jawaharlal participated in the freedom movement of India and staunch fillower of Mahatma Gandhi.He had his education in the foreign country. He was the first Prime Minister of India. He followed the policy of peaceful co-existence. The socialism of Nehru is called democratic socialism. Nehru's socialism was given concrete form at the Avadi session of the Congress in January,1955. This unit tries to explain

the Nehru's politic of faith in Democracy, Socialism, belief in Gandhi an methods, etc.

LEARNING OBJECTIVES

After going through this Unit, you will be able to

- Explain his views on Gandhian ideas.
- Know the life and education of Jawaharlal Nehru.
- Understand his views on Socialism.
- Explain his views on Democracy.

16.1 INTRODUCTION

Jawaharlal Nehru was born in a Aristocratic family on 14th November 1889 at Pragyaraj Allahabad in uttarpradesh. He had his higher education in Cambridge University. Nehru's thinking had a strange combination of the Ideas of the east and of the west. His education in England during the most impressionable years of his life left an indelible mark on his personality. Though a staunch fellower of Mahatma Gandhi he had a hazy notion about religion and he was not fascinated by the idea of ascetism or renunciation. Nehru's education in England accounted for his realistic approach to the problems of life and his scientific attitude of mind.

16.2 BIRTH AND EDUCATION

Nature and circumstance were both kind to Jawaharlal Nehru. He was born into the Kashmiri Brahmin community, the most aristocratic sub-caste in the Hindu social system. His father was a distinguished and wealthy barrister, modern, urbane, highly cultivated and lavishly generous. As an only son-and the only child for eleven years-Jawaharlal was the focus of concentrated affection. He had, too, the leisure and learning of an English aristocrat in the secure atmosphere of the Edwardian Age-private tutors, Harrow, Cambridge and the Inner Temple. When he was drawn to the political arena soon after his return to India, his path was eased by the guidance and support of his fath and Gandhi.

The benefits of aristocratic background and higher Western education were not without price. Security was accompanied by an overwhelming paternalism which hindered his growth to self-reliance. This tendency to depend on a strong, decisive and older man be- came a marked feature of Nehru's character in his adult life. Even before the death of his father in 1931 he had already transferred this dependence in large measure to Gandhi, who served as guide, counsellor and father-confessor in matters

both political and personal. After Gandhi's death the habit continued but in a less pronounced manner.

Indeed, it was not until his early sixties that Nehru emerged mostly from the shadow of the two men who exercised more influence on his character than all other persons. The legacy of that habit was still visible in some degree or form. Despite his power and prestige, Nehru continued to exhibit a lack of confidence about the right course of action. Perhaps, the most notable example in recent years was his weak handling of the vexed issue of States Reorganization. In part, his vacillations were due to the intellectual in him who saw all points of view, and therefore hesitated to act boldly lest he should destroy that element of 'good' which he thought all viewpoints possessed. But in large measure this indecisiveness must be traced to the circumstances in which his character was moulded.

Other elements in his background helped shape the character of Nehru. Among Indian nationalist leaders of his generation, he alone was a true aristocrat. Nehru detested the waste and iniquities of the caste system, but he could not escape the indelible mark of his upper caste origin. He remained a Brahmin with everything that his status connoted, although his Western education led him to react to the traditional idea of any caste superiority.

16.3 COMBINATION OF THE NEHRU IDEAS OF THE EAST AND THE WEST

We see in Nehru's thinking a strange combination of the ideas of the East and of the West. His education in England during the most impressionable years of his life left an indelible mark on his personality. He was out of date with old Indian beliefs and superstitions while he extolled the ideals that made India great in the past and have helped her survive the onslaughts of time, keeping her spirit radiant and serene. "Essentially I am interested in this world," said Nehru, "in this life, not in some other world, or a future life. Whether there is such a thing as a soul, or whether there is survival after death or not, I do not know and, important as these questions are, they do not trouble me in the least." Though a staunch follower of Mahatma Gandhi, he had a hazy notion about religion, and he was not fascinated by the idea of asceticism or renunciation.

Nehru's education in England accounted for his realistic approach to the problems of life and his scientific attitude of mind. He would fight for his country's freedom against the British rulers in India, but he could not forget what he owed to his English training or ways of

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thought."Patriotism is no longer enough we want something higher, wider and nobler." A lover of his country, proud of her past, engerly looking forward to an equally splendid future for her, he was no narrow nationalist as most politicians and patriots tend to become, To him the whole of humanity was one: the denial of freedom to a people whether in Indonesia or in Israel, made him take up their cause with the same fervour with which he fought for India's freedom.

16.4   NEHRU'S FAITH IN DEMOCRACY

As he had a strong faith in man's wisdom and his equality in almost all the spheres of human life, Nehru considered democracy to be the best government. He always found himself safe in a democracy. In fact, the Indian experiment in constitutional democracy owes more to Nehru than to anyone else or to any combination of factors. Aware of his autocratic tendencies, he had striven successfully to curb them lest India should revert to the condition of benevolent despotism. Few men with these talents could have resisted the inducements to exercise dictatorial powers. Some frustrated Indians regretted his reluctance to do so. Some Westerners would do well to appreciate this aspect of Nehru's leadership.

Always a passionate faith in democracy coloured his thoughts and ideas. To him, like Mill, democracy in practice does not mean the stifling of the voice of minority by a majority through its sheer voting strength. According to him, democracy means tolerance not merely of those who agree with us, but of those who do not agree with us. He believed that the method of democracy was discussion, argument, persuasion and ultimate decision and acceptance of that decision even though it might go against our grain. "Otherwise, the bigger lathi or the bigger bomb prevails and that is not the democratic method. The problem is the same whether atomic bombs are involved or street demonstrations."

He did not object to demonstrations, but he had no liking for violence, resulting from them. In fact, parliamentary democracy demands many virtues. It demands, of course, ability and devotion to work. But it also demands a large measure of co-operation, of self-discipline, of restraint. "Parliamentary democracy," he told his countrymen, "is not something which can be created in a country by some magic wand-Parliamentary democracy naturally involves peaceful method of action, peaceful acceptance of decisions taken, and attempts to change them through peaceful ways again."

Nehru was quite confident of the fact that democracy cannot work successfully, and achieve its aims or ideals without the goodwill of the people and their co-operation. Like Thomas Jefferson, he also accepted the truth that democracy cannot go against the people. Even an autocratic government has to have a measure of goodwill. It cannot function without it. In the ultimate analysis, a government functions because of certain sanctions which it has and which are represented by its army or police force. If the government is in line with the thought of a majority of the people, it is a democratic government and only a very small minority of the people will feel its pressure.

Now, if an individual refuses to be afraid of these sanctions, what is government to do about it? He may be sent to jail and beaten there. He may be, even, shot down. But he is not afraid of all these things; he is even ready to face the death. In such case, the government will have to face a crisis ; that is, a government, in spite of its great power, cannot really conquer an individual. That is failure on the part of the government. Nehru was fully conscious of this fact, and he, therefore, accepted that "a government, which is essentially based upon the sanctions it has, comes up against something--the spirit of man which refuses to be afraid of those sanctions.

It is a truism of history that democracy is the best form of government, because it preserves the highest human values. That is why, India has chosen democracy. And Nehru was so hopeful about its success in India that he remarked, "We will resist the imposition of any other concept here or any other practice." But he quite reasonably thought, as we all think, that war puts an end to the very values that democracy cherishes. It was his firm belief that "democracy, in fact, is a casualty of war in the world today. It does not mean to function properly any more. That has been the tragedy of the last two World wars and something infinitely worse is likely to happen if there is another war.

16.5   A SLANT FOR WESTERN LIBERALISM

The principal strand in his thinking was Western liberalism which expressed itself in his firm devotion to political democracy and individual freedom. The evidence is overwhelming. Nehru was a genuine democrat, as revealed by his espousal of the parliamentary system, free elections, a free press, freedom of speech, of religion and assembly, political parties, and constitutional safeguards for individual rights. Socialism was also rooted in his thought, providing the stimulus to planning and the stress on social and economic equality. Evidence for his continued dedication to this idea is also abundant-the Five Year

Plans, the 'socialist pattern of society', the efforts to build up the public sector of the economy. Gandhism provides the basic approach to social, economic and political change, i. e., the method of morally sanctioned non-violent change—though many find his attitude to Kashmir a striking deviation from this attitude. And nationalism is the vital force behind the assertion of India's right to recognition, as well as the right to independence, for all colonial peoples. Indian foreign policy since 1947 demonstrates this beyond doubt. In this significant practical sense, many strands in his social and political philosophy had been reconciled ; each provided the stimulus to, and the rationale for, decisions in various aspects of public affairs.

At different times and in different spheres one or another will predominate in accordance with the need of India during its period of transition. But they remain the broad guides to policy. Thus, for example, it is true that Nehru did not press forward with socialism at the same speed as he pledged before independence. But this does not detract from his belief that India must go the way of socialism, in some form or other. Flexible on tactics, he was rigid on goals:

socialism of the democratic type, achieved by planning, but within the framework of political democracy ; secularism or, more correctly, equal rights for all communities in the Indian family ; raising standards of living for the masses, to be achieved by peaceful change, not revolution ; and the preservation of individual rights. These goals may, indeed, be termed Nehru's idees fixes. In the case of socialism his doctrinaire attitude of the 'thirties had become a pragmatic adjustment to circumstances and problems posed by events of the past dozen years.

16.6   NEHRU'S VIEWS ON SOCIALISM

A love for the ideals of socialism and a longing to build the India of his dreams on a socialistic basis ran like a thread throughout his life and thought. Socialism appealed to him as a philosophy of life' and was, in his estimation, the only key to the solution of the world's problems and of Indid's problems.' He stated that he was drawn towards socialism from his younger days. "I have been and am a convinced socialist and believer in democracy," he declared, "and have at the same time accepted whole-heartedly the peaceful technique of non-violent action which Gandhiji has practised so successfully during the past twenty years." A classless society, according to him, should be our ultimate aim wherein all shall have equality of opportunity and economic justice, "a society organized on a planned basis for the raising of mankind to higher material and cultural levels, to cultivation of spiritual values, of co-

operation, unselfishness, the spirit of service, the desire to do right, goodwill and love-ultimately a world order. Everything that comes in the way will have to be removed, gently if possible, forcibly if necessary.

Ideologically, Nehru's socialism was given concrete form at the Avadi Session of the Congress in January, 1955. The road to socialism was charted, though what form it would take no one bothered to define: " planning should take place with a view to the establishment of a socialistic pattern of society, where the principal means of production are under social ownership or control, production is progressively speeded up and there is equitable distribution of the national wealth." With respect to economic policy, "the public sector must play a progressively greater part, more particularly in the establishment of basic industries." The state would have to initiate large-scale power and transport projects, have overall control of resources, maintain strategic controls, prevent the development of cartels and the like.

Nehru found the solution of the world's problems and of India's problems in socialism and when he used this word, he did not do so in a vague humanitarian way but in the scientific economic sense. For him, socialism was something even more than an economic doctrine. He wrote, "I see no way of ending the poverty, the vast unemployment, the degradation and the subjection of the Indian people except through socialism." He considered socialism necessary not only for India but for the entire world. Remarking upon the inevitability of socialism Nehru stated: "Inevitably we are led to the only possible solution, the establishment of a socialist order, first within national boundaries, and eventually in the world as a whole, with a controlled production and distribution of wealth for the public good. How this is to be brought about is another matter, but it is clear that the good of a nation or of mankind must not be held up, because some people who profit by the existing order object to the change.

If political or social institutions stand in the way of such a change, they have to be removed. To compromise with them at the cost of that desirable and practical ideal would be a gross betrayal. Such a change may partly be forced or expedited by world conditions, but it can hardly take place without the willing consent or acquiescence of the great majority of the people concerned. They have, therefore, to be converted and won over to it. Conspiratorial violence of a small group will not help. Naturally efforts must be made to win over even those who profit by the existing system, but it is highly unlikely that any large percentage of them will be converted."

He frankly confessed that he was a socialist and a republican, and was no believer in kings or princes or in the order which produced the modern kings of industry, who had greater power over the lives and fortunes of men than even the kings of the old, and whose methods as predatory as those of the old feudal aristocracy.

16.7 NEHRU'S BELIEF IN DOGMATIC COMMUNISM

Nehru was a convinced socialist, but he was not a communist. The record of word and deed is incontrovertible on this point. His earliest public statement on the subject is worth rescuing from obscurity. "Bolshevism and Fascism are the waves of the West," he told a Congress gathering in 1923. "They are really alike and represent different phases of insensate violence and intolerance. The choice for us is between Lenin and Mussolini on the one de, and Gandhi on the other." This initial hostility later gave way to a prolonged flirtation. He studied Marxist literature from 1929 to 1939, but he never became intoxicated. This cardinal fact emerges clearly from his speeches and writings of that period, notably his Autobiography.

Indeed, at the very height of his attraction to communism, in the mid-'thirties, he remained the sceptic, impressed by certain Soviet achievements, but repelled by their methods, influenced by the Marxist interpretation of history, but unalterably opposed to its dogma, enamoured of communist ideals but distressed by communist practice. "I am not a communist," he remarked in 1938, "chiefly because I resist the communist tendency to treat communism as holy doctrine : I do not like being told what to think and do. I suppose I am too much of an individualist. ...I feel also that too much violence is associated with communist methods. The ends cannot be separated from the means."The fundamental dogma of communism, that human history is determined by the means of economic production (solely), was alien to Nehru's nature. He was very well aware of those non-material forces, such as love, art and patriotism (to name only a few), which decisively affect the behaviour of men and its objective historical results. He hardly ever spoke of material progress without considering it by the inclusion of other elements.

16.8 NEHRU'S BELIEF IN GANDHIAN METHODS

Nehru had deliberately chosen not to go beyond the Gandhian analysis for a number of reasons. Gandhi's language is native to India and is understood by everybody; it has that ethical basis and religious colouration to which India is accustomed : it carries far more weight than any purely intellectual argument.

16.9 NEHRU'S AS AN EXPERIMENTALIST AND A PRAGMATIST

Nehru was always open to corrections. He was an experimentalist and a pragmatist, and he, therefore, disliked the doctrinaire rigidity. He committed mistakes in his judgment of things and events, but he also confessed them frankly and publicly. He seldom over- judged his opinions and bullied his rivals. It was that Nehru, the man, the human being who never, even for one moment, talked or acted like a communist or even like a person who has imbibed some shreds of communist theory. He had not a hint of the doctrinaire rigidity, the all-knowing and intolerant certainty, the ready-made sufficiency for all questions, which are the prime characteristics of a communist. In discussion he was above all humane, trying to find human reasons for human behaviour, and never judging too harshly where he thought a motive, rather than its result, could be respected. Communists and those influenced by communism, including a great many socialists of the leftward sections, never stop judging all men and all happenings by their own rule-of-thumb. Nehru was far too civilized, too acquainted with humanity, to imagine that a slide rule could ever serve such purposes.

In the above context, when we take into account his attitude towards the Indian communists, we find that he severely criticized the Communist Party of India, although he had no objection to its peaceful functioning as a political party. In the autumn of 1945, he served on a special party committee which recommended the expulsion of all communists from the Congress due to their betrayal of the nationalist movement' and their co-operation with the Government after the 'August Movement'. And since that time Nehru had been increasingly critical of the C.P.I.

16.10 POLICY OF PEACEFUL CO-EXISTENCE

It was in tune with his synthetic approach to democracy and socialism at home that Nehru had chosen the policy of mutual understanding and peaceful co-existence to reduce the world tension. The Panch Sheel approach of peaceful co-existence and non-interference between states, religions or ideologies, which requires a change of mind and heart to be realistic and fruitful, is most suited to present times when nuclear weapons have more or less outlawed the other solution of war and the other military approach. So India, through Panch Sheel, has something like a solution to offer for the troubles, passions and conflicts some powers are involved in. Nehru was quite definite about the soundness of such a peaceful and constructive strategy.

He often stated : "It would be totally unrealistic to suggest that India possesses some magic or mantra to end these evils, but it is our responsibility as members of the human family to advocate a course of action which might lessen international tensions and ultimately remove the sources and causes of conflicts." He further stated that we could not escape certain responsibilities of an international nature, and we should try to discharge them to the best of our ability. In his opinion, this approach and philosophy which we have inherited from Asoka, Gandhi and other great rulers and thinkers, the philosophy of live and let live, of non-violence, toleration and co-existence, could provide the only practical solution to the problem of these times.

Panch Sheel is not so much a course of action as a new mental approach, not any kind of military or 'cold war' approach, but a peaceful approach, followed by political and economic policies in tune with it. "In our opinion," he remarked, "the Panch Sheel, or Five Foundations of Peaceful Co-existence, offers the correct approach." Thus, Nehru strongly pleaded in favour of Panch Sheel, a policy of co-operation and co-existence, not only for reducing international tension, but also for solving many Indian problems. Without such an attitude of goodwill and co-operation, according to him, democracy or socialism cannot be established or made safe anywhere in the world. That is why Nehru insisted on a policy of constructive co-operation and peaceful co-existence both for India and the outside world.

Nehru had made a constant effort, since he had come to power, to seek peaceful solutions for international disputes. He was predisposed by nature, training and reflection to these courses, but regarded them also as being imposed upon him by the legacy of Gandhi. He was no saint-far from it-and he was liable to lose his temper as early as the next one. He had resentments and fiery impulses, like everybody else. But he saw no health, progress or advantage for India in abandoning the course laid down by Gandhi, which he defined as 'the pursuit of peace-when possible. If I am permitted to put my personal opinion, it is that Nehru knew, better than most statesmen, what was possible.

16.11 Conclusion

Nehru was one of the greatest figures of our generation, an outstanding statesman whose services to the cause of human freedom are unforgettable. As a fighter for Indian freedom he was illustrious, as a maker of modern India his services were unparalleled. And his fearless pursuit of a world free from war won him not only the devotion of his own people, but also the admiration of the peoples of the entire world.

LET US SUM UP

Jawaharlal Nehru the architect of modern India, a apostle of socialism was born in a Aristocratic family. His father mothalal Nehru was a banister. Nehru had his education in England. He had faith in Democratic faith and Gandhi an models. Nehru's thinking had a strange combination of the Ideas of the east and of the west. Nehru followed the Panch Sheel approach of co-existence and non-intervene between states, religion or ideologies. Nehru's had always pleaded for the industrial nation of India it is on this point that he different strongly from Mahatma Gandhi.

CHECK YOUR PROGRESS

1. Nehru Socialism was given concrete form at the Avadi session of the Congress in January_____
a) 1945   b) 1955   c) 1965 d) 1935

2. A Policy of Cooperation and co-existence for reducing international tension is related_____.
a) Socialism   b) Communism   c)   Liberalism
    d) Panch sheel

3. The Indian experiment in constitutional democracy owes to_____.
a) Gandhi   b) Nehru   c) Jayaprakash Narayan
d) Rammanohar Lohia

4. _____had always pleaded for the in dustrializatiin of India.
a) Gandhi   b) Nehru   c) Jayaprakash Narayan
d) Rammanohar Lohia

GLOSSARY

Liberalism   : Political ideology in favour of same political and social change, but not extreme

Democracy   : A system of government in which all the people of a country can vote to elect their representatives right to participate in the decision making.

Socialism   : Political and economic theory based on the belief that every has the share in the contries wealth, and that the government should oun and control the main industries.

Fascism   : An extreme right using political system, which is infavour of strong central government, which does not allow any opposition.

ANSWER TO CHECK YOUR PROGRESS

1. 1955
2. Panch sheel
3. Nehru
4. Nehru

MODEL QUESTION

1. Narrate the Nehru's faith in Democracy?
2. Discuss Nehru's views on Socialism?
3. Explain the Nehru's policy of peaceful co-existence?
4. Bring out the views of Nehru on communism

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UNIT - 17

JAYAPRAKASH NARAYAN

STRUCTURE

OVERVIEW

There are many political ideologies and they are sociolism, communism, liberalism and etc. India is a socialistic country. Leaders like jawaharlal Nehru, RamManohar Lohia, Asoka Mehta and Jayaprakash Narayan were the champion of socialist ideas. This unit tries to explain jayaprakash Narayan political views in the Indian politics.

LEARNING OBJECTIVES

After reading this unit, you will be able to

➢   Understand the life of jayaprakash Narayan.

➢   Discuss the impact of Marxism on jayaprakash Narayan.

➢   Explain the views of jayaprakash Narayan on social revolution and total revolution.

17.1 INTRODUCTION

Jayaprakash Narayan was the native state of Bihar. The recieved his education both in India and U.S.A. He turned to marxism because of the contact of European inlellectuals but he had some differences with communists. Jayaprakash Narayan followed democratic methods to attain his goals. He stood for people's rule and sarvodaya As a champion of socialistic ideals he wanted non-violent social revolution. He gave his oun idea of total revolution that aims at bringing about a complete change in the present structure and system of the Indian society.

17.2 BIRTH AND THE IDEAL OF FREEDOM

Jayaprakash Narayan, born in a middle-class family of Bihar, received his education both in India and U.S. A. While still a young boy, he became an ardent nationalist and leaned towards the revolutionary cult of which Bengal was the noble leader at that time. But before his revolutionary leanings could mature, Gandhi's first non-cooperation movement swept over the land as a strangely uplifting hurricane. He had an unusual experience of soaring up with the winds of a great idea. It was then that freedom became one of the beacon-lights of his life, and it remained so till his death. His passion for freedom, with the passing of years transcended the mere love for the freedom of his country and embraced the idea of freedom of man everywhere and from every sort of trammel-above all, it meant freedom of the human personality, freedom of the mind and freedom of the spirit. This freedom Jayaprakash Narayan never thought to sacrifice either for the sake of bread or for power, security, and prosperity, glory of the state or for anything else.

17.3 IMPACT OF MARXISM

Quite strangely, it was in the land of resilient and successful capitalism, the United States of America, where he was a student from 1922 to 1929 that he came in contact with East European intellectuals and turned to Marxism.At the same time, he was influenced deeply by the 'pungent' writings of M. N. Roy, which almost completed his conversion to Marxism.While under the spell of Marxism, J. P. Narayan was much impressed by the Marxian philosophy of revolution. It seemed to him a surer and quicker road to the freedom of a country and the emancipation of its masses than Gandhi's technique of civil disobedience and non-cooperation. The thrilling triumph of the great Lenin in Russia, accounts of which he consumed with unsatiated hunger, seemed to establish beyond doubt the supremacy of the

Marxian way to revolution. Also, Marxism stood, he felt, for equality and brotherhood-the qualities without which freedom is not enough.

17.4   DIFFERENCES WITH COMMUNISTS

Although a Marxist, Jayaprakash Narayan never became a protagonist of Russian communism. He had a deep moral revulsion against the atrocities of Russian Bolshevik party. In the thirties he had favoured the united popular front with the communists, which he, in 1940, denounced strongly, and after that he became one of the foremost crities of the authoritarian regimentation of Russian communism.

Mr. Narayan's differences with the Indian communists and their brand of Marxism arose soon after his return to India from U.S.A. In December, 1929, when Gandhi failed to persuade Lord Irwin to agree to his demand of full 'dominion status for India in terms of the Calcutta Congress Resolution, the stage was then set for a gigantic leap towards national freedom. As a part of his prolonged programme, Mahatma Gandhi launched his celebrated Salt Satyagraha. The whole nation was awakened and the masses offered satyagraha on a large scale. But, strangely enough, the communists were nowhere in evidence. They, rather, denounced the national movement as bourgeois and Mahatma Gandhi as a lackey of the Indian bourgeoisie.

The communists in India were following the policy laid down by the Third Communist International which by then had come completely under the leadership of Stalin. He felt that the Communist Party of India was not a free agent but a tool of Moscow, that the primary loyalty of the party was first to Russia and only then to anybody else ; that when the communist parties talked of united front, it was always a ruse and at best a temporary policy dictated by the exigencies of the situation that their unswerving goal was always 'monolithic communist rule'; and that the communists could never think of sharing power with anyone, except as a makeshift with convenient stages. These were the observations that made Narayan indifferent to communists.

Naturally Narayan kept away from the CPI and joined the ranks of the soldiers of freedom under the leadership of Mahatma Gandhi. But as Marxism had left its own deposits in his mind, he could not commit himself whole-heartedly to Congress policy and programme, in spite of the famous Karachi declaration. The Karachi Resolution appeared to him quite vague and inadequate. He realized that the Congress, even under the leadership of Gandhi, could not provide Indian people with a real socialist programme and conduct the fight for independence in a more revolutionary manner. With the result, Narayan (who had socialist

leanings since he came under the influence of Marxism) formed the Congress Socialist Party with the help of other disillusioned congressmen of socialist persuasion. The Congress Socialist Party, he said "played a notable part in giving shape to the socio-economic content of Congress policy and a keener edge to the struggle for freedom."

17.5   AS A SOCIALIST

For nearly twenty-four years, from 1930 to 1954, Narayan worked as a socialist. He had been the foremost leader, propagandist and spokesman of Indian socialism. Mahatma Gandhi had accepted him to be the greatest Indian authority on socialism. He not only took the initiative in the formation of the Indian Socialist Party in 1934, but also showed a remarkable genius in popularizing the party and its programme.

In 1934, Jayaprakash Narayan realized that socialism could be the real basis of India's freedom. In a resolution submitted to the Ramgarh Congress of 1940, he advocated collective ownership and control of all large-scale and heavy production. He moved that the state should nationalize heavy transport, shipping, mining and the heavy industries. As such, his earlier socialism showed an impact of the ideas of American and British socialists.

Narayan considered socialism a complete theory of socio-economic reconstruction. "It is much more than a theory of personal ethics." "Repudiating the idea of biological inequality of man, Narayan as a socialist pointed out that rampant inequality in the social and economic spheres was a function of the disproportionate control of the means of production. He, therefore, urged that society had to provide that kind of arrangement where the economic impediments that hindered the power and faculties of men were to be removed. As such, he stood for social and economic equality in life as against a psychological standardization. According to him, socialism is a theory and technic of widespread planning. Its aim is "harmonious and well-balanced growth of the whole of society."

After re-examining the basic postulates of Marxism and their practical application by communists, he came to ask a serious question: Was Marxism-Leninism a safe guide to the social revolution and to socialism? It became quite clear to his mind on the basis of his personal experiences that in a society where it was possible for the people by democratic means to bring about social change, it would be counter-revolutionary to resort to violence. He also realized that socialism could

not exist, nor be created, in the absence of the democratic freedoms. As a logical corollary, he rejected the theory of the dictatorship of the proletariat, which in effect meant "the dictatorship of a bureaucratic oligarchy." He writes in his book, From Socialism to Sarvodaya, recapitulating his old impressions about Russia, the home of communism.

Narayan, thus, reached the conclusion that even where the people were denied democratic freedoms, a violent revolution should have been carried with the help of popular support and the revolutionary government ought to have the backing of the majority of the people. As such, no revolution, revolutionary or peaceful, social or political, was possible, according to him, without popular support. And the path to socialism could not pass through dictatorship of any kind.

The Soviet experience made it further clear to him that socialism was not merely the negation of capitalism'. He felt that even if capitalism was destroyed and industry, trade, banking, agriculture- all were nationalized and collectivized, it was not necessary to have socialism in the perfect sense. In Soviet Russia, Narayan writes in the same book, "We see not only denial of 'formal' freedom, but also denial of social justice, of equality : we saw the growth of a new class of bureaucratic rulers, of new forms of exploitation. All this was not only the absence of socialism but also its negation." What to speak of J. P. Narayan, even Karl Marx, had he been alive to see Stalin's power to dictatorship, would have revolted against the type of socialism that Stalin, following Lenin's direction, could establish in his regime.

17.6   DEMOCRATIC METHODS

Jayaprakash concluded in favour of democratic methods and realized the need for decentralization. He also realized that means must be morally consistent with the ends. He interpreted socialism in the context of Indian needs and the dominant values in Indian culture. He stood for reduction of land revenue, the limitation of expenditure and the nationalization of industries. The fundamental social and economic problem in India was to eliminate the exploitation of the masses, and this could be achieved if the people through their efforts care to control their political and economic destiny. He felt the need for village reorganization and urged like Gandhi that villages should be made self-governing and self-sufficient units. This necessitated a drastic reform of land laws. He submitted a resolution to the Ramgarh Congress in 1940 in which he emphasized upon the idea of transferring land to the actual cultivator.

Supporting co-operative farming in India he wrote: "The only solution is to clear away all the vested interests that lead in any manner what. ever to the exploitation of the tiller of the soil ; liquidate all agrarian debts : pool the holdings and establish co-operative and collective farming, state and co-operative credit and marketing system and co-operative subsidiary industries." Co-operative efforts alone, according to him, could provide the balance between agriculture and industry. The primary economic problem in Asia, particularly in India (also in China), is agrarian reconstruction. Hence, the state has to set up its own industries, and also embark upon other avenues of economic rehabilitation. Jayaprakash considered the present individualistic organization of agriculture wasteful. The acceleration of production in the agrarian sector was dependent upon "Co-operative and collective farming."

As a socialist, he believed in the urgency of economic problems of the country, and he, therefore, stressed the need for solving the economic problem first. There is no apparent inevitable connection between economic causation and cultural reality. But it is also true that without the satisfaction of basic economic needs cultural creativism is a sheer impossibility. Hence Jayaprakash pleaded for the eager maintenance of the conditions that were indispensable for the realization of equality of opportunities. Thus "economic minimum is a prime precondition for the resplendence of the fruits of culture."

In fact, socialism for him was always a way of life. It represented a set of values to which he owed allegiance voluntarily, and which he tried to put into practice in his lifetime. These values he did not see developing anywhere as a result of merely institutional changes, whether economic or political. And some years after it became quite clear to him that socialism, as we ordinarily understand it, could not take mankind to the sublime goals of freedom, equality, brotherhood and peace. Socialism, no doubt, gives promise to bring mankind closer to these values than any other competing social philosophy. But he was persuaded to believe at Bodh Gaya Sarvodaya Sammelan (in 1953) that unless socialism was transformed into Sarvodaya, the beacon-lights of freedom, equality and brotherhood would remain beyond its reach.

17.7   COMMITMENT TO SARVODAYA

Jayaprakash completely broke away with Marxism and turned to Sarvodaya philosophy. He attempted to reinterpret the basic question of individual behaviour that he was to exhibit in the realm of politics from an ethical viewpoint. The study of matter is an objective exploration,

whereas that of consciousness is subjective realization. The study of matter, the objective exploration, science in short, is necessarily amoral. The Marxists (and the materialists generally), having reduced consciousness to a behaviour of matter, naturally knocked the bottom out of ethics. They talk a good deal no doubt of revolutionary ethics, but that is nothing more than the crassest application of the theory that the end justifies the means. Once an individual persuades himself, sincerely or otherwise, that he is on the side of the revolution (or the Party of the People), he is free to commit any infamy whatsoever.

Not only the Marxists and materialists but also those who differ from them in philosophy attempt to understand consciousness by the methods of science. Mental science also, therefore, provides no sure basis for moral behaviour. Nor is it ever possible for science to understand consciousness, which can only be subjectively experienced. Subjective experience is by its very nature incapable of being expressed in material categories. Therefore all the mystics and yogis who had experience of subjective reality, or absolute consciousness, have been unable to express it in any language. Modern science has reached a point where the dualism of matter and consciousness becomes too tenuous to be real. And it cannot resolve this dualism completely, because in objective study the seer and the seen must remain different, no matter how "inextricably commingled". It is only in the ultimate spiritual experience that this dualism can be removed and the seer and the seen become one. The root of morality lies in the endeavour of man to realize this unity of existence, or to put it differently, to realize his Self. For one who has experienced this unity, the practice of morality becomes as natural and effortless as the drawing of breath. Jayaprakash, as a Sarvodaya leader, insisted, in all humility, upon an integrated view of life.

This led him at once to an aspect of the task of social and economic reconstruction that both socialists and communists have so far neglected. Socialists and communists both lay great emphasis on material prosperity and on an ever-rising standard of living. Al-though in a country like India it is the main task of social reconstruction to raise quite considerably the people's standard of living, it would not do here or elsewhere, Jayaprakash thought, to apotheosize material happiness and encourage an outlook on life that feeds an insatiable hunger for material goods. According to him, there can be no peace in the minds and hearts of men, nor peace amongst men, if this hunger gnaws at them continuously.

He wrote: "In such a restless society violence and war would be endemic. All values of life would be subordinated to this over-mastering desire for more. Religion, art, philosophy, science would have to serve that one aim of life: to have more and still more. Equality, freedom, brotherhood would all be in danger of being submerged in a universal flood of materialism." Hence disciplining of the bodily appetites is essential for a moral life and growth of the human personality, and the blossoming of all human qualities and values. This is true particularly of socialist values.

The socialist way of life, as Jaya. prakash Narayan believed, is a way of sharing together the good things that common endeavour may make available. He wrote : "I believe that unless members of society learn to keep their wants under control, willing sharing of things may be difficult, if not impossible, and society would be bound to split into two divisions: (1) comprising those who are trying to discipline others, and (2) comprising all the rest. Such a division of society always leaves the question open : Who would discipline the discipliners, rule the rulers ? The only solution seems to be to restrict as much as possible the need and area of disciplining from above by ensuring that every member of society practises self-discipline and the values of socialism, and among other things, willingly shares and co-operates with his fellowmen."

17.8   PEOPLE'S SELF-RULE AND SARVODAYA

As a way out of the faults and failures of the party system, Jaya-prakash Narayan stood for people's self-rule. For its realization, the frame of reference will have to be changed from parliamentary democracy to something different. The process must be started from the bottom. A programme of self-rule and self-management must be placed before the people and by a constructive, non-partisan approach they must be helped to translate it into practice. It is quite clear that it was in order to undertake such a programme on a nationwide scale that Gandhi was thinking of converting the Congress into a non-partisan Lok Sevak Sangh. It was exactly this task that Vinoba had undertaken. Like Gandhi and Vinoba, Jaya- prakash also strongly believed that human freedom could be fully and wholly realized only in a stateless society, although he was not sure whether the state would ever wither away completely. He viewed with deep apprehension the march of the state to greater and greater glory. He regarded democratic socialists, communists as well as welfarists as statists.

According to him, all of them hope to bring about their own variety of the millennium by first mastering and then adding to the powers and functions of the state. The independent trade unions are in better position and they do not solve the problem. These unions are supposed to be a great bulwark of freedom, but it is to be acknowledged with fairness that the great trade unions are themselves becoming more and more ridden with bureaucracy: What we find, Jayaprakash felt, is that the state, in all its varieties, remains a Leviathan that will sit heavily on the free- doms of the people.

Being fed up with the state's restraining authority, Jayaprakash Narayan turned to Sarvodaya fully with a view to finding out a sure way out of the present state of affairs and establishing a real socialism. He expressed his views on this point : "The remedy is to create and develop forms of socialist living through the voluntary endeavour of the people rather than seek to establish socialism by the use of the power of the state. In other words, the remedy is to establish people's socialism rather than state socialism."'14 And Sarvodaya, he thought, is people's socialism. He believed that the more of people's voluntary socialism and the less of state-enforced socialism, the fuller and more real will the socialism. It should be clear here that in order to develop non-state forms of socialism, it is quite unnecessary, according to him, for anyone to function as a party or to engage in a struggle for the capture of power. Both power and party have no relevance in this context. What is needed rather is a band of selfless workers who are prepared to live and move in the midst of the masses and help them to reorganize their lives on a self-reliant and self-controlling basis. One cannot help being reminded here of Mahatma Gandhi's Lek Sewak Sangh

Jayaprakash, at the same time, seemed to be anxious to change the persent form of society, which, according to him, was a complex and top-heavy society. The present society is only a heaven for bureaucrats, managers, technocrats and statists, it, in his views, cannot be a home for brothers to live together as brothers. Socialists also, in the name of science, production, efficiency, standard of living and other hallowed shibbolethe, have accepted this "whole Franken- stein of a society-lock, stock and barrel and hope, by adding public ownership to it, to make it socialist. Jayaprakash con- sidered such a society quite unsuitable for establishing real socialism, He said, "Self-government, self-management, mutual co-operation and sharing, equality, freedom, brotherhood -all could be practised and developed for better if man lived in small communities.

Because man is a product both of nature and culture, it is necessary for his balanced growth that a harmonious blend between the two is effected. This blending of nature and culture is possible only, in Jayaprakash's view, in comparatively smaller communities. Gandhi also had insisted that the Indian village and village self-government (gram-raj) were the foundations for his picture of society the society of equal and free beings living as brothers in peace.

17.9 NON-VIOLENT SOCIAL REVOLUTION

For establishing such a type of society. Jayaprakash relied on a non-violent social revolution, which Gandhi had long back advocated and which Vinoba had also tried a few years back to bring about through his programmes of Bhoodan, Gramdan and Sampattidan. Other revolutions, Jayaprakash believed, failed because those who brought them about used means that were inconsistent with their ends. But in the Sarvodaya method of revolution (which is the only non-violent method of revolution) the ends and means become one.

This is a new technique of which the world has had no experience yet. It is, therefore, common for new ideas to be treated with suspicion and reserve. But for us "in India who have had the privilege of witnessing the miracle of national freedom being won with radi. cally new ideas and methods, which too had been met first with doubt and division, it should not be difficult to appreciate the new ideas and methods of Vinoba that are after all in the nature of an extension and development of the earlier ones used by the Father of the Nation. We in India have also the additional privilege as one of the youngest nations of today, of being in a position to benefit from the success and failures of others.

17.10 CALL FOR TOTAL REVOLUTION

By the lapse of years, Jayaprakash Narayan's belief that for the reconstruction of socio-economic structure of Indian society, practice of self-discipline and the establishment of self-government in the country, which he often called a "participating democracy' were essential, became more and more firm.As his call for 'total revolution' foreboded a death-knell for the then Government, the latter imposed an emergency on the country in the last week of June, 1975. Jayaprakash and his followers and sympathisers were sent to prison. But he was not dismayed; and while in prison, he tried to elucidate the aim of his 'total revolution' in order to remove any kind of misgivings about it. He writes in his Prison Diary (1977): "The struggle for freedom was not fought simply for national independence.

The establishment of democracy in free India was also an important goal of the struggle. It was in view of this goal that the Constituent Assembly had drawn up a Constitution for democratic India and adopted it on the 26th November, 1949 on behalf of the Indian people." Because the spirit of the Constitution was much abused and the real democracy seemed to be in great danger particularly during the past few years in India, the call for 'total revolution' was given to the nation.

Jayaprakash Narayan's 'total revolution' is a combination of seven revolutions social, economic, political, cultural, ideological or intellectual, educational and spiritual". This number, according to him, may be decreased or increased. For instance, the cultural revolution may include educational and ideological revolutions. Likewise, social revolution in the Marxian context covers economic and political revolutions and even more than that. This is how we can reduce the number to less than seven. We can also add to this number by breaking up each of the seven revolutions into different categories. Economic revolution may be split up into industrial, agricultural, technological revolutions, etc. Similarly, intellectual revolution may be split up into two-scientific and philosophical. And so on and so forth.

The idea of total revolution' aims at bringing about a complete change in the present structure and system of the Indian society. It may be regarded as a considerable development of the philosophy of Sarvodaya. Jayaprakash was a great humanitarian, and his socialism, gradually developed into the philosophy of 'total revolution', is not only a system of social and economic reconstruction of the Indian society, but it is also a philosophy of moral and spiritual rebirth of the Indian people.

17.11 CONCLUSION

Freedom became one of the becon- lights of Jayaprakash Narayan life and it reminded so till his death. It has became fashion for country's freedom and embraced the idea of freedom of man every where it meant freedom of the human personality, freedom of the mind and freedom of the spirit. Writings of M.N.Roy converted to him Marxism. But incourse of time. he had differences with communists as a champion of socialist ideas. He was infavour of people's rule and he wanted complete change in the system of present government by advocating his idea of total revolution.

LET US SUM UP

Jayaprakash Narayan the native of Bihar state had his education both in India and U.S.A. he was very much in fluenced to the idea of Marxism by the European Scholars. He was the lover of freedom, believer of non-violent and democratic methods. He gave much importantance to the people's rule and sarvodaya. He wanted complete change in the system of government by way of total revolution.

CHECK YOUR PROGRESS

1. Jayaprakash Narayan was a student in America from_____

    a) 1920 to 1925   b) 1922 to 1929   c) 1930 to 1935

    d) 1925 to 1929

2. Jayaprakash Narayan formed_____Party

    a) congress socialist   b) Radical Socialist

    c) Samyukta Socialist   d) Praja Socialist

3. Jayaprakash Narayan's total revolution is a combination ofrevolutions

    a) Two   b) Three   c) Four   d) Seven

4. Jayaprakash Narayan wrote his Prison Diary in the year

    a) 1977   b) 1975   c) 1973   d)1974

GLOSSARY

Regime   : Mode of government.

Socialism   : A set of political and economic theory that the government should own and control the main industries.

Marxism   : Political and economic theory of Karl Marx

Sarvodaya   : welfare of all

ANSWER TO CHECK YOUR PROGRESS

1. 1922 to 1929

2.Congress socialist

3. Seven

4. 1977

MODEL QUESTION

1. What is ideal freedom according to jayaprakash Narayan?

2. Jayaprakash Narayan as a Socialist Discuss.

3. Bring out Jayaprakash Narayan's commitment to Sarvodaya.

4. What is total revolution? Why did jayaprakash Narayan advocate it?

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UNIT - 18

STRUCTURE

OVERVIEW

India has produced many eminent leaders. Some have contributed to the liberation of India from the British rule. Some others have contributed to the reforms in the Indian society and others have proved their mettle in the literature. Ambedkar was one such eminent personality who has contributed very much to the eradication of untouchability and strived hard to get constitutional rights to the development of depressed class. This unit tries to explainAmbedkar's contribution to the reform in the Indian society and making of the Indian constitution.

LEARNING OBJECTIVES

After studying this unit, you willbe able to

➢ Understand the life of Ambedkar.
➢ Disucss his criticism on caste system.
➢ Explain Ambedkar's views on Congress and Gandhi.
➢ Study how he got the communal award from the British.

18.1 INTRODUCTION

B.R.Ambedkar was born in a Mahar caste in the untouchability community. He received his higher education in the USA and England. Returning from the foreign country he fought for the rights of depressed class in India. He was a member of Governor general's executive council. By his dint of hard work he rosed to the higher position, like, law minister of independent India. He successfully faced the challenges of making the constitution of India.

18.2 EARLY LIFE AND WORKS

Bhimrao Ramjee Ambedkar was born in December 1891 in the Mahar community, an untouchable caste of Maharashtra. After receiving his early education at Satna and Bombay, he went for higher studies to Columbia University, USA as Gaekwar scholar. He obtained his M.A. and Ph.D. degrees from Columbia University. Then he conducted research at India Office Library, London. On return to India he took up job as professor of Economics at Sydenham College of Commerce, Bombay. In 1917 he first went to Bonn and then to London. He obtained D.Sc. in Economics and Commerce from London University. His chief works include Problem of Rupee, Evolution of Provincial Finance in British India, Castes in India, Small Holdings and their Remedies. In addition to this he wrote a large number of pamphlets.

As a member of the untouchable community he had to face lot of humiliation and therefore took up the cause of the untouchables. He bitterly denounced the old law-givers like Manu who showed contempt and bitterness towards the suppressed sections of the Hindu society in their writings. He also bitterly criticized the pettiness, and hypocracies of Brahminism which sanctioned social exploitation of the backward and untouchables. He founded Bahishkrit Hitkarini Sabha (Untouchable Classes Welfare League) to fight for the rights of untouchables.

Ambedkar rejected the hypothesis of the invasion of India by the Aryans and asserted that in the ancient Vedic and Sanskrit literature there was no explicit mention of this invasion. Hence he argued that they

took the stand that the Shudras were not dark-skinned aboriginals enslaved or subordinated by the Aryan invaders. They were also Aryans who belonged to the Kshatriya status. The subordinate position to which the Shudras were relegated was due to their defeat in the battle at the hands of Vasishta. He considered the Brahmins responsible for the degradation of the Shudras by denying the yajnopavita to them.

18.3   CRITICISM OF CASTE SYSTEM

B. R. Ambedkar bitterly criticised the social system of the Hindus based on four Varnas because it promoted inequality. He asserted that the problem of the untouchables could not be solved unless radical changes are introduced in the social system. Ambedkar took quite a realistic view and held the bureaucracy responsible for the miserable plight of the untouchables because it shared the prejudices of the Hindus towards the untouchables. He therefore pleaded for making the public services more responsive to the needs of the untouchables and insisted on recruitment of more members of the untouchable communities in the higher posts.

18.4   AMBEDKAR'S CRITICISM OF THE ROLE OF CONGRESS AND GANDHI

Ambedkar denied the claim of the Congress to be the sole representative of the rights of untouchables people of India including the Hindus, the Muslims and the untouchables, and asserted that he could very well take care of the interests of the untouchables. Ambedkar thought of the untouchables as a separate entity outside the broad stream of Hindu society and put forward a demand for separate electorates for the untouchables. In the course of talks with Gandhi in August 1931 he told Gandhi that the Congress cared more for the strength rather the principles and Hindus had not shown any change of heart so far as the untouchables and the depressed classes are concerned. In the Minorities Committee also he emphatically said "I would like to make this matter absolutely plain at the start... whatever may be the representative character of Mr. Gandhi or the Congress people, they certainly are not in a position to bind us-certainly not. I say that most emphatically in this meeting."

Ambedkar bitterly criticised the role of Gandhi in the Round Table Conference and said "A worse person could not have been chosen to guide India's destiny. As a unifying force he was a failure. As a result of his successful compromise with the Government just before he came, Mr. Gandhi treated the whole non-Congress delegation with contempt. He widened the breach. From the point of view of knowledge, Mr.

Gandhi proved himself to be a very ill-equipped person. On the many constitutional and communal questions with which the Conference was confronted, Mr. Gandhi had many platitudes to utter but no views or suggestions of a constructive character to offer."

18.5   AMBEDKAR AND THE COMMUNAL AWARD

In 1932 Premier Ramsay MacDonald announced his famous Communal Award which assured separate seats to the depressed classes in the Provincial Assemblies. The depressed classes were given right to double vote, viz., they were to elect their own representatives and also to take part in voting in general constituencies. Mahatma Gandhi greatly resented the award and undertook fast unto death to get it nullified. At the intervention of other prominent nationalist leaders like Madan Mohan Malviya, etc., Ambedkar signed the Poona Pact and thus saved Gandhi's life. wever, Ambedkar continued his efforts to organise the depressed classes throughout India and warned them to be cautions of the caste Hindus. He advised them not to adopt a defeatist attitude and accept conversion to Islam.

Ambedkar through his writings and discussions tried to push up the cause of revival of the depressed classes and he tried to work for securing a status for the depressed classes equal to the Caste Hindus. He also worked for the amelioration of the labourers and depressed classes as a member of the Bombay Legislative Assembly.

18.6   SUPPORT TO DEMAND FOR PAKISTAN

Ambedkar supported the demand for Pakistan. He held that the Muslims were a nation and the creation of Pakistan will not tender India weak. However, he stood for total, timely and ordered exchange of population-Hindus from Pakistan and Muslims from India on the pattern of Turkey, Greece and Bulgaria. Ambedkar asserted that the creation of Pakistan would liberate both the Hindus and the Muslims from the fear of enslavement and encroachment.

18.7   AMBEDKAR AS THE LABOUR MEMBER, LAW MINISTER AND CHAIRMAN OF DRAFTING COMMITTEE

Dr. Ambedkar was appointed as the Labour member of Viceroy's Executive Council. He accepted it to prove that the untouchables also can administer. As the Labour member, he was always in favour of the labourers. He said that labour ought to work for the total control over the government. It was not enough that India should get Swaraj; it was more important in whose hands the swaraj would be. As labour member in April, 1944 he moved an amending Bill proposing holidays with pay for

industrial workers employed in perennial factories. He also moved a bill to amend the Indian Trade Unions Act (1926). This bill sought to compel an employer to recognise a Trade Union. The measure was unique as it safeguarded the interests of working class. He resigned from his post in the last week of May, 1946. It was during this period that he initiated the formation of All India Scheduled Castes Federation. It functioned as a political party which contested the general election of 1946 but was completely routed. The motive behind the formation of this organisation was to keep the untouchables away from the organisation with higher caste dominance.

Ambedkar was elected to the Constituent Assembly of India by the members of the West Bengal Legislative Assembly but lost from Bombay. He was also elected as the member of Drafting committee in the constituent Assembly. After partition of India, Ambedkar became very much realistic and decided to work alongwith the power that be. His attitude made the Congress support his candidature for the post of chairmanship of the drafting committee. He was elected the chairman of Drafting Committee. Even Gandhiji said, an intellectual like Ambedkar was worthy of holding such a post. The other members of the Drafting Committee were N. Gopalswami Ayyanger, Sir Alladi Krishnaswami Ayyar, K.M. Munshi, Sir Muhammad Sadulla, N. Madhav Menon and D.P.Khaitan. B.N. Rau was the constitutional adviser. Dr. Ambedkar's original genius and his rich experience in different constitutional system of the world contributed highly in the constitution making process of India. He guided all the deliberations and decisions of the Constituent Assembly and shared the benefit of his wisdom in creating a constitution with the noble ideals of liberty, equality and fraternity.

The interim Government came into existence after the visit of Cabinet Mission Plan and assumed office on September 2, 1946. This government continued even after Independence. Ambedkar was made the first Law Minister of independent India in Nehru's cabinet and he was the first untouchable to become the cabinet minister of independent India. Ambedkar softened his attitude towards the Congress and Gandhiji to build up a new India where the people of depressed classes will really be free. As the law minister of India, he wanted to bring uniform civil code for the Hindus. Hence he introduced Hindu Code Bili in the Parliament which included abolition of the doctrine of rights by birth, absolute right over property given to women, provision for intercaste marriage and divorce. But the bill could not be adopted because of the conspiracy of some higher caste Hindu leaders and Ambedkar resigned from Nehru's Cabinet on September, 27, 1951.

18.8 AMBEDKAR VIEWS ON WOMEN

Ambedkar was influenced by Buddha's views about women. Buddha described women as one of the seven Treasures and a thing of supreme-value. A family can be saved from debacle by placing a woman in authority over their affairs.14 He blamed Manu for giving women a degraded position in the society. He said, "according to Manu, Women have no right to study the Vedas". This view of woman was both an insult and injury to the women of India. It deprived women to acquire knowledge. She was also debarred from all religious activities by the Brahmins. But patanjali's MahaBhasya shows that women were teachers and taught vedas to girl students. He said, Manu also deprived women from their social freedom. As a result in modern time also women are suffering from oppression, and humiliation in the society.

Hence he fought for giving justice to Women In his speech in D.C. Women's College in July, 1942 of Amraotí, he said that he measured the progress of a community by a degree of progress which women had achieved. He asked them to be clean, to educate their children and to remove inforiority complex. Through Hindu code Bill, he gave them the right to inherit the property. He also gave them the right to be consulted by the husband in case of adopti of child.

Ambedkar was not a Marxist but he believed that a social revolution must precede political independence. Ambedkar ventilated this view during the freedom movement and was misunderstood. But now the entire nation realises the relevance of his social ideas.

18.9 CONVERSION TO BUDDHISM

Ambedkar realised that individual and group mobility were impossible with Hindu religion. The untouchables would not get justice under Hinduism. Hence he renounced Hinduism and converted to Buddhism on 14 October, 1956. This was a part of his promise in 1936 that he would not die as a Hindu. Though many religious leaders of the world requested him to convert to Christianity and Islam, he converted to Buddhism. This he did because Buddhism, he said is a part of Indian culture and secondly Buddhism as a religion is based on three principles of knowledge, right path and compassion.

18.10 CONCLUSION

B.R. Ambedkar made valuable contribution to the social and political thinking. He strongly denounced the outrageous attitude of the Brahmanical Hinduism towards the untouchables and worked for the liberation of the Untouchables from the oppression of the High Caste

Hindus. In fact he considered the liberation of the Untouchables as a more urgent problem than the freedom of the country. Ambedkar focussed the attention of the Hindus on the tension generating social problems and impressed upon them the need of resolving the same in the interest of the Hindu society as well as the political system. Through his writings, and speeches he made the people conscious of the political, economic and social problems of the Untouchables and impressed the need of paying special attention to the amelioration of the condition of the untouchables.

LET US SUM UP

B.R.Ambedkar who hailed from the depress class community had higher education in the United States, England and sometimes from the Bonn university in Germany. As a academician he was a Professor of political economy in the government law college, Bombay. The notable Satyagraha Dr.B.R.Ambedkar conducted were Nasik Temple entry and chaudahar water tank. Ambedkar shined almost all the field whatever given to him like Governor General executive member, law minister and chairman of the drafting committee. He sacrificed his life for the cause of the depressed people of India.

CHECK YOUR PROGRESS

1. Ambedkar was born in the year_____

   a) 1977   b) 1975   c) 1891   d)1974

2. Poona pact was sighed between Ambedkar and Gandhi was in the year.

   a) 1933   b) 1930   c) 1931   d)1932

3. Ambedkar converted to Buddhism in the year.

   a) 1977   b) 1956   c) 1965   d)1974

4. Ambedkar resigned from the Nehru's cabineton_____

   a) September 27, 1951   b) October 10,1951

   c) November 20,1951   d)1951

GLOSSARY

Invasion   : An anmy entering to another country to controol.

Deliberation   : Discussions.

Remedy   : improving a difficult situation.

Intellectual   : Learned people.

ANSWER TO CHECK YOUR PROGRESS

1. 1891
2. 1932
3. 1956
4. September 27, 1951

MODEL QUESTION

1. Bring out the views of Ambedkar on caste system.

2. What are the views of Ambedkar on women.

3. Narrate about the Poona pact.

4. What was the contribution of B.R.Ambedkar as a Labour member in the Governor General`s Executive council.

SUGGESTED READINGS

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2. Ram Chandra Gupta, (2001) *Great Political Thinkers East and West*, Lakshmi Narain Agarwal, Education Publisher, Agra-3

3. Mohanty k. D. (2001), *IndianPolitical Tradition*, Anmol Publications Pvt.Lid, New Delhi.

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UNIT - 19

 PERIYAR

STRUCTURE

Overview

Learning Objectives

19.1 **Introduction**

19.2 **Early Life**

19.3 **Involvement in Politics**

19.4 **Campaign against Caste-System**

19.5 **Issue of Gurukulam**

19.6 **Issue of Council Entry**

19.7 **Self-Respect Movement**

19.8 **Periyar and Justice Party**

19.9 **Anti-Hindi Stand**

19.10 **Social and Political Reforms**

19.11 **Dravida Kazhagam**

19.12 **Conclusion**

Let us sum up

Check Your Progress

Glossary

Answers to check your Progress

Model Questions

Suggested readings

OVERVIEW

Mother India has produced innumerable social reformers. Jothi Rao phule native state of Maharashtra fought for the upliftment of the Back ward class. Dayanand Saraswati was notable for his contribution to the religions Reform. Rajanan Mohan Roya was responsible for the abolition of Sati system. In surthern India, particularly in Kerala, Narayan Guru and Ayyankali were responsible for the upliftment of backward class and Dalits. Dr.Ambedkar got constitutional rights to the Depressed class. In Tamil Nadu Periyar E.V Ramaswamy was responsible for

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eradication of backward class. This unit tries to explain the contribution of periyar E.V Ramaswamy to the social reform in Tamil Nadu.

LEARNING OBJECTIVES

After going through this unit, you will be able to

➢ Understand the life history of periyar E.V.R.
➢ Know the involvement of periyar in politics.
➢ Learn the campaign against caste system.
➢ Understand the issue of Gurukulam

19.1   INTRODUCTION

Periyar E.V Ramasamy, the son of a business merchant became a rationalist in his latter year was born in Erode. He witnessed many national activities in his yourger age. He went to Kasi and saw many evils done in the name of god. He was the president of the Madras preincial congress committee. He participated in the toddy picketing campaign. He started his Political Life with Congress and started his oun self-respect movement which was merged with justice party.

19.2   EARLY LIFE

E.V. Ramaswami Naicker, described as Periyar (Great Sage) with reverence, was a radical social reformer and freedom fighter. He was born in non-Brahman family on 28 September 1879. His father Venkatappa Naicker was a leading businessman of Erode. His father was a very generous and religious minded person. However Ramaswami did not live with his father because he was adopted by his aunt, a widow, and stayed with her upto the age of eight years.

Though he did not receive any formal education he possessed an enquiring mind. He often questioned his own family traditions and religious practices. He broke the caste rules and openly moved in the company of friends of lower caste. All this greatly disturbed his parents who brought him back from his aunt and sent him to an English primary school. In the school he indulged in pranks against other boys and teachers. On account of numerous complaints against his conduct Ramaswami was withdrawn from school at the age of ten. Thereafter he joined his father in business and proved quite successful.

He spent his spare time amidst pandits and religious propagandists and learnt quite a bit about Hindu mythology and theology. Gradually he changed his role from a passive listener to that of an active interrogator, He started ridiculing inconsistencies and improbabilities of Hindu religion and philosophy. He raised questions

about the appropriateness of the institution of caste in society, theory of karma and soundness idolworship, but failed to get any convincing answers. This led to Ramaswami losing faith in God, religion, shastras and puranas.

Ramaswami left his home in 1904 and became a religious mendicant. He visited several pilgrim centres and learn more about the inequities of the institution of caste, exploitation of the illiterate masses by crafty priests in the name of religion and noticed the absence of morality. He got so much disgusted that he decided to give up his temporary life of mendicant and returned home to help his father in business. He also started taking active part in public activities. In 1915 when plague broke out in Erode he orgainsed relief work with the help of his friends and distributed food and money to the distressed families. In recognition of his services in the social field he was first offered position in local taluk board and subsequently elected Chairman of Erode municipality.

19.3   INVOLVEMENT IN POLITICS

Ramaswami got directly involved in politics in 1917 when he joined the Madras Presidency Association (MPA) formed by the non-Brahman members of the Tamilnad branch of Congress. He not only took regular part in the deliberations of the association but also served as its vice-president. His association with MPA familiarised him with the programmes and policies of Indian National Congress. He was particularly impressed with Congress's programme of liberation of the country and its programme of eradication of untouchability and prohibition, etc. However, two persons who played a major role in encouraging him to join the Congress were C. Rajagopalachari and Dr. P. Varadarajula Naidu. Ramaswami formally joined Congress towards the close of 1919. Within a very brief period he emerged as a forceful speaker and one of the chief exponents of Gandhian political concepts in the Tamil districts. He frantically supported Gandhi's agitiational techniques. He played an important role in non-cooperation movement as well as the campaign launched to replace the foreign cloth, etc. All this greatly added to his popularity and in 1920 he was elected President of the MPCC.

19.4   CAMPAIGN AGAINST CASTE-SYSTEM

After 1924 Ramaswami started drifting away from Congress and launched camapaigns challenging the orthodox Brahman views on caste system. The first step in this direction was taken in April 1924 at Vaikkom, in the princely state of Travancore, where an incident took

place involving some Brahmins and Madhavan, a lawyer of lower social status. Naicker, at the request of some Congress leaders reached Vaikkom and started agitation against social injustice. In his speech he said "They argue that pollution would result if we untouchables passed through the streets leading to the temple. I ask them whether the Lord of Vaikkom or the so-called orthodox Brahmans would be polluted by the presence of untouchables.

If they say that the presiding deity at the Vaikkom temple would be polluted, then that could not be God, but a mere stone fit only to wash dirty linen with". The speeches delivered by Ramaswami at Vaikkom were considered provocative and could lead to communal disharmony. Therefore Ramaswami was arrested and sentenced to a month's imprisonment. After his release from prison Ramaswami was asked to leave the state immediately. However, Ramaswami refused to leave the state till his mission was accomplished. He launched more vigorous agitation for which he was awarded rigorous imprisonment for six months. However, he was released within two months; following the death of the Maharaja. Thereafter he returned to Erode.

19.5   ISSUE OF GURUKULAM

Ramaswami again demonstrated his resolve to strongly oppose the orthodox Brahmans on the issue of Gurukulam controversy. The whole problem arose due to commensal restriction imposed on the non-Brahman students at the Gurukulam of Sermadevi. The Gurukulam was established with the object of imparting religious education to youths, inculcating in them the spirit of patriotism and infusing into them a passion for social service. The Gurukulam received donations for its upkeep from all communities, private individuals and institutions. In January 1925 Ramaswami received a complaint from the students of Gurukulam that separate dining was enforced for Brahman and non-Brahman students and the quality of food served to two sections was different.

The enquiry revealed that V.V.S. Iyer, a liberal minded Brahman and a well known nationalist who had founded the Gurukulam had given permission to two Brahman boys to dine separately on the insistence of their parents. This evoked strong protests from non-Brahman members. The feeling in some non-Brahman quarters was that the non-Brahmans could not expect any social justice even at the hands of liberal minded Brahmans like V.V.S. Iyer. Though V.V.S. Iver came out with a statement that in future the scholars admitted into the Gurukulam would not be granted exemption from the general mess rules, the non-

Brahmans were not fully satisfied and they took up the matter with Mahatma Gandhi during his visit to Madras in 1925.

Gandhiji took the stand that the two Brahman students be allowed to dine separately, as this had already been agreed to, but in future no such restrictions should be encouraged or imposed in the Gurukulam. The non-Brahmans were, however, not satisfied. Varadarajulu Naidu wrote in the March 1925 issue of Tamil Nadu " The meeting with Ayyar and others in the presence of the Mahatma has demonstrated that just as it is impossible for us to prevent our being disgraced by the Whites till we attain Swaraj, it is impossible to prevent our being disgraced by the Brahmans till unity is attained among the Tamils." Naidu asserted that the question of inter-dining was just a symptom of the larger problem of social injustice, which was not conducive to the ideal of Indian nationalism. He further maintained that before

Tamils sought freedom from the foreign yoke they must strive to attain complete equality with the Brahmans in the matter of inter-dining." Ramaswami also expressed similar views and said "Brahmin question should be settled even while the British supremacy lasted in the country; otherwise they would have to suffer under the tyranny of the Brahmanocracy"

Several efforts were made to find an amicable solution of the Gurukulam issues but no break through could be made. After the death of V.V.S. Iyer in June 1925 it was hoped that the issue may be amicably resolved. However T.R. Mahadeva Iyer, who succeeded V.V.S. Iyer continued to follow the earlier mess rules. In August 1927 Mahatma Gandhi advised Mahadeva Iyer to hand over the properties of the institution to a committee consisting of the chief donors, if he could not run it on the lines suggested by the members of the committee. The controversy came to an end only in 1927 when the institution ceased to function.

19.6   ISSUE OF COUNCIL ENTRY

Before the Gurukulam controversy could be resolved, the issue of Council entry came to the fore. This issue came up for consideration at the TNCC meeting at Kanchipuram in November 1925. Ramaswami took part in the conference to get a mandate from the Tamilnad Congress on the question of communal representation. Ramaswami Naicker demanded proportional representation on the basis of population strength for the Brahmins, non-Brahmins and depressed classes. This demand was not accepted. The other part of the resolution

moved by Ramaswami which urged the desirability of constituting a Selection Committee for nominating candidates for election in the Presidency next year was accepted. However the TNCC decided to boycott the Legislative Councils in the coming elections. Under the circumstances Naicker's resolution, which sought to safeguard the interests of the non- Brahmans in the selection of candidates in 1926 elections, became irrelevant.

19.7   SELF-RESPECT MOVEMENT

After leaving Congress Ramaswami decided to join Self-Respect Movement to fight the then prevailing sectarian social practices. The foundation of the Self-Respect League was laid in 1926 by the young members drawn from the Tamilnad Congress. In 1927 they invited Ramaswami to head this organistion. Ramaswami gladly accepted this responsibility and through hard work during next seven years built Self-Respect League into a formidable socio- political movement in Tamilnad.

Ramaswami preferred to use the term 'Dravidians' for the non-Brahmans. He asserted that the Dravadians were the inheritors of cultural tradition which was far superior to that of the Brahmans. The Brahmans, who were the descendants of the Aryans, imposed their cultural values on the Dravadians when they arrived in the South. The Aryans for the first time introduced the status based caste system which gave them high ritual status and power to monopolize all secular and religious knowledge, thereby degrading the native Dravidians to an inferior position. He asserted that Manu, the chief Brahman law-giver, degraded the bulk of the population to the position of Sudras, prevented them from accumulating wealth and advocated that their vocation should be to serve the Brahmans,

They also formulated codes and rules which prevented the non-Brahmans from challenging the status and privileges of the Brahmans. This anomaly could be removed only by liberating non-Brahmans from Aryan cultural helctry. This could be done through consistent propoganda that Hindu religion was alien to the Tamils and the prevailing religious rites, rituals and ceremonies do not correspond to the religious practices of the ancient Tamils. He asserted that the present day Hindu religion was the creation of the Brahmans who were the descendants of the Aryans. The system of caste which reduced the entire Tamil community to the position of the Sudras was also introduced by the Brahmans. The epics, the puranas and the shastras were also used as convenient instruments by the Aryan Brahmans to trick the gullible Tamils.

19.8   PERIYAR AND JUSTICE PARTY

After his release in August 1934 Periyar decided to avoid confrontation with the government and lend support to any one of the major parties in the ensuing central assembly elections. He chalked out a ten-point programme and presented it to the Indian National Congress and the Justice Party. Though the programme was rejected by Congress, the Justice Party accepted it in the hope that an alliance with the Self-Respect movement would improve their chances in the forthcoming elections. However, in the elections which followed the Justice Party could not give good account of itself. On the other hand the Indian National Congress scored a landslide victory.

The prospects of Congress coming to power greatly strengthened Ramaswami Naicker's suspicion about Brahman rule. He therefore decided to strengthen the hands of the Justice Party, although it was on the decline. The Justice Party suffered further setback in the Assembly elections held in 1937. On the other hand the Indian National Congress succeeded in capturing 159 of the 219 seats in the provincial Legislative Assembly. This victory of Congress was seen by the non-Brahman leaders as dominance of North Indian leaders in the politics of the province, which virtually meant domination of Aryans, who had a different style of life than the Dravidians. In short they looked upon the Congress rule as the cultural and political dominance of North over the South. The emphasis laid by Rajaji Ministry in 1937 that Hindi should be the Lingua Franca of the country confirmed this doubt.

19.9   ANTI-HINDI STAND

In the meanwhile there was a current of cultural revival of the Dravidian languages in the South following publication of A Comparative Grammar of the Dravidian or South Indian Family of Languages by Robert Caldwell. Justice Party exploited this for political reasons and asserted that Hindi was also a regional language which was spoken only in some of the provinces of North and was as much foreign language to the South Indians as English. In 1937 the Tamil scholars formed Society for the Protection of Tamil Language. The Society at its Conference held in December 1937 at Trichinopoly passed a resolution proposing appointment of a committee, which included Ramaswami Naicker, to appraise the Governor with the discontent among the Tamils due to efforts of the Government to impose Hindi in public schools. It also called on the government to form a Tamil State constituting all the Tamil speaking areas in the composite Province of Madras, and to establish a separate Tamil university to promote the study of Tamil language and art

in view of the meagre support given by the existing universities to the study of Tamil'. Despite the protests the Government decided to introduce Hindi as a compulsory subject in certain secondary schools in the Presidency. Ramaswami Naicker wrote number of editorials against Hindi in Kudi Arasu and urged the "pure-blooded Tamilians to rise against the Aryan menace". He urged the Tamils to organise themselves and agitate for an independent Tamil country where the Tamils would be free from North Indian cultural influence, economic exploitation and political domination. Naicker not only played a leading role in the anti-Hindi agitation but also provided a new dimension to the agitation by involving the women in the agitation and picketing.

Ramaswami Naicker was tried by the court on the basis of two of his fiery speeches delivered in 1938. The Magistrate sentenced him to one year rigorous imprisonment and imposed a fine of rupees 1000 in respect of each of the offences on which he was convicted. In case of default of payment of fine he was to undergo rigorous imprisonment for six months in each case, with the sentences running concurrently. As a result of his imprisonment Ramaswami's personal image rocketed sky high. There was a growing pressure on the government to release Ramaswami. However, the government refused to do so and simply transferred him to Bellary central jail in February 1939. In view of the failing health of Ramaswami Naicker the government finally decided to release him from jail on 22 May 1939 without any preconditions.

19.10 SOCIAL AND POLITICAL REFORMS

Ramaswami Naicker attached great importance to social and political reforms. In a public meeting at Salem on 26 May 1941, Naicker said "the crying need of the country was the abolition of all social inequalities, especially those based on birth, rather than political independence. He even suspended agitation for Dravidnad to help the government in its war efforts and declared that he would resume the agitation after the conclusion of the war. No wonder when the British Government announced its decision to send Cripps Mission to India to explain to the leaders of the principal sections of the Indian people the British Government's proposals for the realization of self- government for India after the war, Naicker welcomed the decision and the Justice Party decided to send a delegation to present their case. This delegation contained Ramaswami Naicker as a member. The delegation met the Cripps Mission on 30 March 1942 and demanded separate nation for the Dravidians. The delegation pleaed that till the demand for separate

Dravidnad was conceded, the non-Brahmans in the presidency of Madras should be given separate electorates.

19.11 DRAVIDA KAZHAGAM

In 1944 Naicker got a resolution passed which interalia provided that the South Indian Liberal Federation (Justice Party) should henceforth be known as Dravida Kazhagam. However, certain leaders of the party were opposed to the change of party's name and were determined to preserve party's identity. As the leaders were divided on the resolution Annadurai suggested that it should be dispassionately discussed at the open session of the conference by the party workers before reaching a decision. The resolution came up for consideration before the open session of the conference on 28 August 1944, due to presence of Naicker's men in large number, resolution seeking change of the name into Dravida Kazhagam or Dravidian Federation was accepted. Those who were opposed to the change of name met separately and unanimously agreed to continue the Justice Party under its old name.

After the inauguration of the Dravidian Federation or D.K. (Dravid a Kazhagam) in 1944 most of the prominent Justicities and some of the intimate friends of Ramaswami Naicker decided to withdraw from active politics or made a bid to revive the Justice Party, but without any success. However, some young activists stood with Naicker and helped him to build a new party with the main political objective of attaining a separate country for the Dravidians. At a time when the whole nation was imbued with national fervour, the DK could not make much impact on the people. But, the young leaders of DK through their consistent preaching succeeded in increasing the membership of the party to the extent that it could pose challenge to the Congress concept of Indian nationalism.

On the eve of independence sharp differences cropped between the two groups of DK led by Annudurai and Naicker. While the former believed in celebrating the independence on 15 August 1947 the latter did not favour participation in celebrations. These differences further sharpened after Naicker married a lady much younger to him in July 1949. As a result in September 1949 Annudurai announced the formation of the Dravida Munnetra Kazhagam (DMK) or the Dravidian Progressive Federation. Naicker naturally did not feel happy about the growing influence of DMK and stole a march over them by reaching an understanding with the Communists during the general elections of 1952.

This alliance with the Communists reduced the strength of Congress in the Madras Legislative Assembly. Naicker continued to be hostile towards Congress and its leader C. Rajagopalachari (CR). However after K. Kamraj became the Chief Minister of Madras, Ramaswami changed his posture against the Congress because he regarded Kamaraj as a true tamilian who would safeguard the interests of non- Brahmans.

19.12 CONCLUSION

Periyar a redical social reformer and freedom fighter belonged to non-brahmin family in Erode. He did not receive formal education and he possessed an enquiring mind. He broke the caste rules and openly moved in the company of friends of lower castes. He was the president of the Madras Provincial congress committee. Discllussioned with Congress he started self respect movement and Dravidian Kazhagam His services to the upliftment of the backward class and against the caste system is praiseworthy.

LET US SUM UP

Periyar In his yourger age he witnessed the caste in equalities and supersition. Determined to eradicate it he worked through out his life facing many problems. Vaikam satyagraha conducted by him in Kerala was very important against the caste system. Cheran Madevi, Kurukulam run by the Congress Party fund manitained by V.V.S.Aiyer disturbed his mind due to the caste discrimination. He canducted anti. Hindi agtation to promote the Tamil language. Apart from that he started Self Respect, movement for getting dignity of the person in the society. He started his non political party known as Dravidian Kazhagam to condenmnsocial evils and for the social reforms.

CHECK YOUR PROGRESS

1. Periyar Joined the Madras presidency Association in_____.
   a) 1917   b) 1920 c) 1925   d) 1938
2. Vaikkam Satyagraha was conducted in the year_____.
   a) 1917   b) 1920   c) 1925   d) 1924
3. The name of Justice Party was changed in to Dravida Kazhagam in the year_____
   a) 1941   b) 1942   c)1943   d)1944
4. Ramaswamy left his home in_____and became a religious merdicaun
   a) 1904   b) 1903   c)1902   d)1905

GLOSSARY

Mendicant   : Given to begging

Drift   : Move aimlessly

Communal representation : Representation given based on caste or community

Explore   : Investigate in detail

ANSWER TO CHECK YOUR PROGRESS

1. 1917
2. 1924
3. 1944
4. 1904

MODEL QUESTION

1. Explain the political activities Periyar?
2. Bring out the role of Periyar in the self respect movement.
3. How did periyar fight for the removal of caste inequalities?
4. Why did periyar leave the Congress party?

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TAMILNADU OPEN UNIVERSITY
M.A Political Science (MPSS – 21)
Indian Political Thought
Model Question Paper

Time: 3 Hrs   Max Marks: 70
PART – A (5 x 5 = 25)

Answer any FIVE questions in 300 words each. Each

question carries 5 marks

1.   What is Non – Violence according to Mahatma Gandhi?

2.   Discuss Nehru's Faith in Democracy.

3.   Describe the political ideas of Muhammed Ali Jinnah.

4.   Explain the sources of ancient indian political thought.

5.   Explain the programme and activities of servants of India society

      by Gokhale.

6.   Bring out the meaning and implications of Swaraj.

7.   Describe Naoroji's views on economic form of Indian Nationalism.

8.   Bring out Ambedkar's Views on Women.

PART- B (3 x 15 = 45)

Answer any THREE questions in 1000 words each. Each

question carries 15 marks

9.   Discuss the features of Ancient Indian Political Thought.

10.   Analyse the Aurobindo's views on spiritual nationalism.

11.   Examine the concept of sarvodaya and its implications.

12.   Examine Saptanga theory of Kautilya.

13.   Estimate Jayaprakash Narayanan's total revolutions.

Curiginal

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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.

Tamil Nadu Open University

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எல்லோருக்கும் எப்போதும் கல்வி

M.A., POLITICAL SCIENCE
FIRST YEAR – 2ND SEMESTER

WESTERN POLITICAL THOUGHT - II

SCHOOL OF POLITICS AND PUBLIC ADMINISTRATION

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

தமிழ்நாடு திறந்தநிலைப் பல்கலைக்கழகம்

M.A. Political Science

FIRST YEAR – 2nd Semester

MPSS - 22

WESTERN POLITICAL THOUGHT - II

SCHOOL OF POLITICS AND PUBLIC ADMINISTRATION

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APRIL 2022

MPSS – 22 WESTERN POLITICAL THOUGHT - II

Syllabus

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Unit-2	Cicero
Unit-3	St. Augustine
Unit-4	Marsiglio of Padua
Block II	**Modern Thought**
Unit-5	Immanuel Kant
Unit-6	Jean Bodin
Block III	**Neo – Liberalist Thinker**
Unit-7	Bertrand Russell
Unit-8	John Dewey
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Block IV	**Dialectical Thinkers**
Unit-10	Hegel
Unit-11	Karl Marx
Block V	**Socialists and Reformists**
Unit-12	Liberalism
Unit-13	Socialism
Unit-14	Communism
Unit-15	Welfare State

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MPSS – 22 WESTERN POLITICAL THOUGHT – II

Scheme of Lesson

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

21.04.2022

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

With warm regards,

(K. PARTHASARATHY)

Block I

Ancient and Medieval Thought

UNIT - 1

STRUCTURE

OVERVIEW

The study of western political thought starts from the Socrates. He was not a political thinker and he never wrote any books. We know his ideas by his student Plato. He was a moral philosopher. He dealt very much about morality and ethics rather than Politics. This unit tries to explain the ideas of Socrates.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢   Understand the life of Socrates.

➢   Explain the Method of Socrates.

➢   Know Socrates ideas on knowledge.

➢   Discuss Socrates ideas on state, democracy, equality and law.

1.1   INTRODUCTION

A notable figure who exercised profound influence on the development of political philosophy before Plato was Socrates. Socrates, son of an Athenian sculptor, was born in 470 B.C. Though he was given training in the hereditary profession, he devoted most of his time to philosophical discussions. In keeping with the prevailing traditions he took keen interest in the civic duties and fought as soldier in the wars of Thrace and Delium. At the ripe age of 65 he became a member of the Council. Later on he was made a member of the Committee of Council.

1.2   WHETHER SOCRATES AS SOPHISTS OR NOT

Socrates fundamentally differed from the Sophists and tried to expose the hollowness and pretentious character of the views held by the Sophists. Socrates differed from the Sophists in many respects. First, unlike the Sophists, Socrates accepted the validity of the social laws and customs. Secondly, he believed in objective right and justice which was completely denied by the Sophists. Thirdly, Socrates resorted to technological expiation of things, which was completely unknown to the Sophists. Fourthly, unlike the Sophists who believed that goodness was a special art, whichcould be mastered like any other art through attainment of special knowledge, Socrates held that goodness was a general capacity and hence unique. Finally, unlike the Sophists, Socrates did not charge any fees for imparting instructions and talked freely with persons of all sections of society only. Further, Socrates was not interested in developing any new philosophy. He merely wanted to develop among his listeners the necessary capacity so that they could expose the hollowness of others.

1.3   METHOD OF SOCRATES

Socrates adopted unique method, which was a combination of the deductive or dialectic method. Dunning describes his method as that of "doubt and definition." It was a method of questions and answers. He threw a question open to discussion among his students, disciples and friends and asked them to express their views. He then exposed the hollowness of their knowledge by demonstrating that their views were untenable. There were definite rules for the adoption of the theme of discussion and answering of questions. He thus tried to evolve his philosophy by refuting the contemporary notions.

1.4 IDEAS OF SOCRATES

We can glean through their writings the following ideas of Socrates.

1.4.1 VIEWS ON KNOWLEDGE

Socrates attached great importance to knowledge, which he considered as real and permanent possession of mind. It may be noted that Socrates did not imply by knowledge mere storing up of facts. On the other hand, he treated knowledge as identical with morality. He considered all other things as inferior to knowledge and asserted that objective good could be known only through logical investigations. He described morality as the oars through which we can get riddance of reiterated precepts and external controls, which can land the boat of our life into a mesh or a whirlpool.

According to Maxey "He (Socrates) cared for nothing but facts and sound reasoning based on facts. Men he thought, must be guided exclusively by knowledge: true knowledge which penetrates beneath the surface of things, disregards the motives and interests of passing periods and personalities and arrives at truth that is universal and eternal."

The identification of virtue with knowledge by Socrates had far-reaching implications in the field of politics. He held that only those who know should rule. On this premise later on Plato built his concept of Rule of Philosopher King.

1.4.2 SOCRATES ON STATE

Socrates considered the state as natural. To him state was the expression of virtue, knowledge and wisdom. It was the result of a pre-natal contract and exists for the sake of not only life but good life. He therefore wanted the government to be the approximation of order and reason. As such he wanted the political affairs to be conducted by persons who possessed expert knowledge and were capable of transmitting their political instincts. In other words he favored an aristocracy of intellect.

1.4.3 VIEWS ON EQUALITY

Socrates was vehemently opposed to the concept of equality of men and asserted that men could never be equal because inequality was visible all around. He therefore bitterly critised the premise of the Athenian democracy that all citizens were equal equally qualified to take part in the Government. He asserted that only those who possess the

deepest wisdom and highest virtue should be entrusted with the administration of Government.

1.4.4 SOCRATES ON DEMOCRACY

Socrates was bitter critic of the Athenian type democracy which neither a rule by law nor a rule by wise people. He did not approve of the democratic concepts of popular elections for public offices, specially election by lots. As a member of the council of Athens Socrates strongly opposed the condemnation of the Athenian generals under pressure from crowd. Lack of faith in the principle of equality of men also contributed to his opposition to the Athenian type of democracy

1.4.5 VIEWS ON LAWS

Socrates attached great importance to laws and considered them as next only to God. He insisted on the conduct of the state on the basis of law. To him the customs and conventions, which provide the base for notions of justice and righteousness, also form the basis of laws. As such he considered the violation of the law as both immoral as well as illegal. As Barker has observed, "He (Socrates) was always and never more than a loyal servant of Athens. Her laws were to him only less sacred than the command of God, and not to be disobeyed except for the righteousness sake; nor would he leave the prison where he lay bound even when escape was easy, lest the laws should rebuke his flight."

1.5 DEATH OF SOCRATES

As a member of the Committee, he refused to support the illegal activities because he saw a close relationship between politics and ethics. He also acted as the President of the Assembly. At the age of 70 Socrates was tried by the Court of Athenians on the charge of corrupting the society by refusing to worship the state-gods and introducing new divinities, sentenced to death in 399 B.C.

1.6 CRITICISM ON IDEAS OF SOCRATES

The ideas of Socrates have been criticised on three grounds. In the first place it has been alleged that whatever we know of him has come to us only through secondary sources and as such lacks authenticity,

Secondly, though Socrates has given the concept of true knowledge he fails to explain how this principle can be actually put into practice. As Barker has said "He preached sovereignty of true

knowledge; he hardly explained the nature of the principle by which true knowledge must act."

Thirdly, by pleading for the sovereignty of knowledge, he paves the way for the rise of enlightened despotism. His best state is characterised by tyranny of the wisest.

LET US SUM UP

Socrates most outstanding contribution to political thought is his dialectical method and the reasoning through which he stimulated close thinking on basic questions. He was also the first to throw the idea that the government is a special art and can be conducted only by the competent persons. Again, Socrates was the first to stress the importance of the individual in the scheme of things. He insisted that the individual should accept only those rules and conventions, which he could justify. He did not approve of the adoption of traditional standards on the ground that they were sanctified by immemorial customs or laid down by some authority, Similarly he permitted the individual to disobey the laws of the state which were unjust or conflicted with the dictates of his conscience. In other words, he asserted that what was right or wrong depended on the reasoned conviction of the individual.

CHECK YOUR PROGRESS

1. Socrates was born_____B.C

    a) 399   b) 380   c) 370   d) 470

2. Socrates was tried by the count of_____in the change of corrupting the society.

    a) Sparta   b) Athenian   c) Social   d)Epics

3. At the ripe ageof_____he became a member of the council.

    a) 65   b) 60   c) 75   d) 80

4. Socrates considered the state as_____

    a) Nature   b) Divine origin

    b) c) Force   d) Social Contract

GLOSSARY

Deductive method   :   Conclusion that has been deducted from general law or principale.

Virtue   :   Quality considered morally good or disirable.

Despotism	:	Dictatorship.
Sophists	:	A person who uses clever but fallocions arguments (people lived in anicient Greece).

ANSWER TO CHECK YOUR PROGRESS

1. 470

2. Arthanian

3. 65

4. Natural

MODEL QUESTIONS

1. Explain the method of Socrates.

2. How is Socrates differing from sophists?

3. Why did Socrates favour Aristocracy of Intellect?

4. Narate the Socrates views on Democracy.

SUGGESTED READINGS

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UNIT - 2

CICERO

STRUCTURE

OVERVIEW

Marcus Tullius Cicero was a Roman Lawyer, writer, and orator. He is famous for his orations on politics and society, as well as serving as a high-ranking consul. In the previous unit we dealt about the Social and political ideas of Socrates and this unit tries to explain the political ideas of Cicero, concerning the origin of State, classification of government justice, liberty, and equality.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Discuss about the life and works of Cicero.

➢ Understand the concept of "Origin of State".

➢ Explain the classification of Governments.

2.1 EARLY LIFE

As far as Romans are concerned Cicero was one of their outstanding political philosophers. He was responsible for the exposition of Roman view of Stoic philosophy. Though he was not an original political thinker yet his credit lies in the fact that he brought the conception of Jus-Natural from the heaven to- the earth. The system of human equality as expressed by him assumed wide importance. He interpreted Greek political philosophy in a new and original way with Stoic background. He coined many new terms and as a conservative wanted to preserve all old institutions. He was personally very much influenced by Stoicism. He was born in 106 B.C., almost 100 years after Polybius, and wrote at a time when chaotic conditions were prevailing in Rome and the system of checks and balances was practically unworkable.

2.2 IMPORTANT WORKS

Cicero's important works which reflect the political philosophy are

(i) De-Republican (The Republic) (i) De-Leg bus (The Laws) and (iii) De-Offices (Officer). He was a conservative by nature and his sole object of writing this was to promote old Greek institutions and the Republican system which was then outdated. De-Republican resembles closely to Republic office where he has tried to portray an ideal State which should have close relation with reality. According to Maxey "The De-Republican is a pale replica of Plato's Republic" The work has been written in a question-answer form with similar arrangements as in the Republic. De-Leg bus has also been written on the same lines as De-Republic, in which he has insisted that civil law must be based on natural reasons. He has also tried to stress in those works that state is natural to man and the phenomenon of natural equality and natural law.

2.3 ORIGIN OF STATE

According to Cicero, the State is a product of natural instinct of men. State is not the result of force. It is not the result of fear also. But it came into being because of the mutual interest of the people. The objective of the state is the welfare of the people. People obey laws because it is for their good. It is not forced upon them. It is a kind of partnership on law. It is not an artificial association. The following is a summary of Cicero's ideas about the State.

The Individual is prior to the State: The state is not prior to the individual. The ultimate objective of Cicero was to elevate the individual above the State. While doing so, he emphasized that the State consists

of the individuals. The State is formed by individuals. If the State was to be formed by the individuals, the individual should be prior to the State.

Society is prior to the State: Society and State are different from each other and they are different entities. By saying so, Cicero was emphasizing the legal personality of the State. When individuals come together for a common life, it is only the society. It does not constitute the State. But certain changes necessitated the formation of the State. Legally, the State is different from the society and the individual. Therefore, the State acquires a legal personality not available to the society.

Authority of State does not rely on a Particular Individual or a Group of Individuals: It relies on the people as a whole. The people are the source of law and authority. Cicero wanted to give emphasis on the essential equality of men. He also wanted to negate the superiority of certain classes of people in the State. Therefore, it was very essential to state that the authority of the state does not rely on a particular class of people in the State. It has to rely on the people as a whole.

All Individuals are Equal: From a very practical point of view, Cicero wanted to strengthen the Roman state system. He wanted to protect the cosmopolitan nature of the Roman State. Therefore, it was very essential to adhere to a stand point that men are equal and no race or class is superior to the other.

All Men are Members of the Commonwealth: Cicero did not conceive of a system whereas only men of Roman origin would be considered as citizens and others would enjoy only secondary status. His idea of a commonwealth was truly cosmopolitan in character.

Law of the State is Common to Law: All the people belong to the commonwealth. It is a collective power. Such a stand point was very essential for the maintenance of law and order in a cosmopolitan state.

The State should be Subject to the Law of Nature: The laws of the State should be according to the laws of nature. It was impossible to rely on a particular set of law which could be applicable to the varied populations of the Roman Empire. Cicero wanted to establish a common ground for law making. According to him, nothing other than natural law is the best bet to make a foundation for a legal system which could be applicable to all alike.

The Best Form of Government is the Mixed Form: According to Cicero, each system of government had its own strengths and weaknesses. According to him, a combination of the best characteristics

of each system would make a good system of governance. Therefore, he wanted take the best from all the three systems of governance.

For the Convenience of Rule, there shall be a kind of Sovereignty in the State: But the ultimate authority of the State resides in the people and not in the sovereign authority. This concept of Cicero makes the people all powerful. It also paves the way for the formation of an efficient system of governance based on sound principles.

The most important contribution of Cicero was that he spread the ideas of natural justice and human equality in Rome. These were Stoic ideas. Romans have never heard of natural justice and human equality before.

2.4   CONCEPT OF LAW

According to Cicero, law is supreme. It is essential to a household, a city, a nation, the human race, the physical nature and the universe. According to Cicero, Law is supreme Reason. Reason is common to both God and Man. Therefore, law has a divine connection.

The entire universe is regulated by the power of God. Man is part of the Universe. He is created by God. Man is the only creature with the power of reason. He is the only creature with the power of thought. Law is the expression of supreme reason or God. Law is the eternal principle, which governs the universe. Law makes people to do what is right. Law prevents him from doing what is wrong. Law is divine. Law is the mind of God. Justice means submission to Law. Justice means submission to the will of God. Law govern's the magistrates who govern the people.

2.5   CLASSIFICATION OF GOVERNMENTS

In his classification of governments into Royalty, Aristocracy and Democracy, Cicero closely followed Polybius. Each of these possessed certain advantages; each was subject to decay that resulted in a corrupt form and led to a cycle of revolutions. Of the simple forms, Cicero considered monarchy the best, aristocracy next and republic the least desirable. To contract the revolutionary cycle he preferred a mixed form of government, combining the excellences of each simple form but avoiding their weakness. This was the idea of Polybius, who illustrated it by an elaborate exposition of the constitutional development of Rome. In this way, the republican system of Rome was a perfect example of the checks and balances for stability and good Government. He showed that monarchy was discarded because the king became the tyrant. The Patrician aristocracy, over bearing in its monopoly of power, was forced to yield to the restraint of Polybius. Cicero's idea of checks and balances was less mechanical than that of Polybius.

2.6   JUSTICE

Marcus Tullius Cicero (106- 43 BC) is one of the most famous philosophical and political figures in the world. He has written several influential works such as "On Duties", which has been seen as a "source of moral authority" since its publication in 44 BC.Several scholars have analysed Cicero's works to understand and evaluate his political and philosophical ideas, and also regarding Cicero's view on one of his key concepts: justice. This essay complements the current literature by discussing what justice is, according to Cicero, and how it is preserved in the republic. He argued that for, justice is the superior virtue among all people that prevails over other virtues and promotes sociability, thereby upholding the community and the State. Justice is upheldin the republic if everyone acts according to certain rules that are outlined below and if power is divided between the monarchic, aristocratic and democratic elements in Cicero's account of a mixed constitution. The essay starts by explaining the relevant context, then continues by outlining Cicero's view on justice, and finally, it discusses how it is preserved in the republic as described in "On the Commonwealth and On Duties".

Writing on the Commonwealth (54-51 BC), Cicero aimed at two points: He wanted to outline the characteristics of the best Constitution but, more importantly, he sought to "determine how the Roman state can be prevented from collapsing under the present strain of disunity". The reason for this is that the Roman republic suffered under factionalism because, as pointed out by Laelius in Cicero's On the Commonwealth, due to the demise of Tiberius Gracchus and his tribunate, 'there are two senates and almost two people. During Cicero's times, there was an ideological struggle between the 'populares' and 'optimates': The former view is associated with Caesar and the Gracci brothers, while Cicero had "overtly republican optimatepreferences."According to Laelius, if unity was achieved again, 'then we will live both better and happier lives' (On the Commonwealth). As "On Duties" complements "On the Commonwealth", it serves the same purpose, probably even more: After Cicero's return from exile in 57 BC, the triumvirate between Pompey, Caesar and Crassus was renewed and although Cicero opposed the alliance, he had to bend down for the sake of the stability of the Republic and his own life. Consequently, although he already recognised in 54 BC that, the Republic is divided and reigned by "individuals exercising power for their own good", he did not take action but rather preferred to express his opinion by writing texts such as "On the Commonwealth".

As reasonably pointed out by Amis, his apprehension to give offense against Pompey and Caesar is probably the reason why Cicero used Scipio in On the Commonwealth to express his views. After the death of Crassus in 53 BC, the triumvirate collapsed and the following competition between Caesar and Pompey culminated in the beginning of a civil war in 49 BC after Caesar had crossed the Rubicon. Cicero himself supported Pompey but remained more or less inactive during the war. Finally, Caesar became the dictator of Rome in 49 BC and once more, Cicero "turned to study as a profitable way of spending his time and consoling himself for the loss of the republica". However, after the assassination of Caesar in 44 BC, Cicero's view changed and his philosophical works became much more political.

Consequently, as Long puts it, "On Duties" is also written as an "attack on the perversion" of the 'mosmaiorum' by Caesar in order to accuse him as the "Republic's destroyer". Therefore, regarding Cicero's view on justice, the crisis of the republic, provoked by factionalism, tyranny and Caesar's death, had a major influence. Consequently, to prevent the collapse of the Roman Republic and to re-establish its stability, the author suggests in "On Duties" to persuade the rulers of the Republic to govern according to duties that reflect both honesty (in accordance with virtues such as justice) and usefulness because 'whatever is honourable is beneficial'.

Regarding the question what justice is, it is important to understand Cicero's account of humanity. Cicero begins his reflection of the roots of human society with a "general account of animal Oikeiosis", which can be translated as an instinct for sociability, and uses therefor.

The "properly ethical approach" to justice, Cicero explains that every creature has a drive for self-preservation, an urge for procreation and a 'certain care' for new-borns. In contrast to animals, humans have 'reason', creating a desire to unite with other humans for the 'fellowship of both common speech and of life, creating above all a particular love for his offspring' and the wish to share useful things with others. This aspect is especially important for the creation and upholding of a community and, as we will see, for Cicero's view on justice. A second characteristic of humans is their 'search for truth and its investigation'. Consequently, humans want to develop by getting new knowledge to live a pleasant life by recognising that 'what is true, simple and pure' is most natural to humans.

Furthermore, this characteristic is associated with an 'impulse towards pre-eminence', resulting in the wish to be ruled only by a leader legitimate and just, in a 'greatness of spirit' and a discard for human concerns. While the former points are crucial for making a society possible, the last two points show the tendencies for conflict, reflected in the crisis of the Roman Republic as outlined in the beginning. However, our ability to digest our environment leads to the thinking that 'beauty, constancy and order should be preserved' in all aspects and counteracts such a potential for disputes. Therefore, "sociability" is the natural foundation of justice and humans consequently seek to live in the 'res Publica'. According to Cicero, justice is the consequence of our "innate instincts" and our "truly human desires" are those for justice, implying that justice is natural to all humans.

Therefore, next to wisdom, courage, and temperance, justice is one of the four cardinal virtues. As justice is 'the mistress and queen of all virtues', it is the most important virtue and most far-reaching source of duty, acting as the guardian of the State by preserving the drive for unity in every individual. Atkins' argument stresses this point by stating that the role of justice is the "building up of societies."

This is confirmed by the definition of justice in its broader perception, namely its "obligation to maintain human association", the main idea in Cicero's first book "On Duties". However, one can also find a definition of justice in the "narrower sense" that is more similar to the "orthodox Stoic definition."Justice is more explicitly defined as upholding the community 'with faithfulness to agreements one has made' and 'with assigning to each his own' by treating 'common goods as common and private ones as one's own'. A further crucial part of justice is that 'no man should harm another unless he has been provoked by injustice'.

This definition of justice is significantly influenced by the crisis of the republic and Cicero's own experiences: He probably included the part about not hurting each other as he was a witness of the civil war, and from his time in exile follows his defence of private property, a point stressed several times in "On Duties" because according to the philosopher, the 'proper function of citizenship and a city' is to guarantee for all a 'free and unworried guardianship of his possessions'. Moreover, as the republic suffered under factionalism, the author stresses that in order 'to bind fast the fellowship of men with each other', it is just to share what has been given to people by nature and one should help each other.

Furthermore, two kinds of injustice follow from these points: To commit injury and to not prevent someone of inflicting an infringement.

Therefore, in sum, the main elements of justice are to not hurt anyone and to act with regard to the common good, as well as to prevent others from committing injustice. If everyone acts according to these rules, justice becomes the main driver for a stable and flourishing State because, as it is the most important human association that unites all that means something to us, the republic becomes the main reference point of one's actions. As Cicero was a witness of the civil war beginning in 49 BC between Caesar and Pompey, two men focusing on their own advantage and seeking to rule over the Republic, it is understandable that in his theory of justice, the virtue has to establish a State where people and especially politicians care about other citizens and serve the common good rather than their own one.

2.7 LIBERTY

Cicero believed in liberty unlike Aristotle who believed in slavery. He stated that liberty has no dwelling place in any State except that in which the people's power is greatest and surely nothing can be sweeter than liberty; but if it is not the same for all, it does not deserve the name of liberty.

2.8 EQUALITY

Cicero stood for equality of men. He accepted that all men were not equal in learning, nor could they be equal in the possession of property but they were equal in the possession of reason. Errors, bad habits and false opinions create inequality among the people. He did not favour the idea of racial inequality and for him all the races were equal. About his ideas about racial equality Carlyle says, "No change in political theory is so startling in its completeness as the change from Aristotle to a passage such as this.

2.9 EVALUATION OF CICERO

Cicero's ideas became very famous because of it's revolutionary ideas. It contained the following basic ideas: 1. That the people are the ultimate authority of the state. The power of the State rests with the people. 2. That the power of the State could be exercised only in accordance with law. 3. Law of the State should be based on natural law.

Cicero was profoundly influenced by the current politics of his times. It was a time of constant war among the elite. Therefore, Cicero was particularly interested in the traditional constitutional element which had given Rome a stable government and a peaceful society.

LET US SUM UP

Marcus Tullius Cicero was a Roman statesman, lawyer, scholar and Academic Skeptic, who played an important role in the politics of the late Roman Republic, and upheld optimate principles during the crisis, that led to the establishment of the Roman Empire.

CHECK YOUR PROGRESS

1. Where was Cicero born?

    a) Beneventum

    b) Rome

    c) Arpinum

    d) Capua

2. Which one of the following is the famous work by Cicero?

    a) The Histories

    b) De Republica

    c) The Prince

    d) None of the Above

3. According to Cicero, which one of the following is the best form of government?

    a) Monarchy

    b) Aristocracy

    c) Democracy

    d) A mix of Monarchy, Aristocracy and Democracy

4. In his classification of government, Cicero closely followed_____

    (a) Polylius

    (b) St Augustine

    (c) St Ambrose

    (d) St Aquinas

GLOSSARY

Common wealth	:	Independent democratic Republic
Cosmo politan	:	Including people from many difference countries
Common good	:	Good for all
Aristocracy	:	A government by the higher-class people

ANSWER TO CHECK YOUR PROGRESS

1.   Capua

2.   De Republica

3.   A mix of Monarchy, Aristocracy and Democracy

4.   Polylius

MODEL QUESTION

1.   Examine Cicero's Concept of State.

2.   Discuss Cicero's Conception of Justice.

3.   Describe the distinctive Contribution of Cicero to Political Thought.

4.   Explain Cicero's views on classification of government.

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UNIT - 3

<div align="right">

ST. AUGUSTINE

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STRUCTURE

OVERVIEW

Christian thinking heavily influenced medieval political thought in Europe. It had much in common with the Islamic thinking, in that the Roman Catholics also subordinated philosophy to theology. The early Christian philosophy of Augustine of hippo was largely a rewrite of Plato in a Christian context. This unit tries to explain the political philosophy of St. Augustine.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢   Understand the life and influence of St. Augustine.

➢   Know the philosophy of history of St. Augustine

➢   Explain the St Augustine`s views on state, justice and peace

3.1 INTRODUCTION

St. Augustine was the Son of a pajon father and a Christian church. He developed his ideas. In his book De Civitate Die. He was very much influenced by Plato, Cicero, Stoics and Christianity. Augustine accepted the subordinated the state to the higher authority of god. He has expressed his views on state, justice, peace, property and slovery.

3.2 EARLY LIFE AND INFLUENCE

St. Augustine considered as the greatest of the Fathers of Western Church, was the son of a pagan father and a Christian Church. He lived between 354 and 430 A.D. and was a witness to the sack of the Roman Empire at the hands of the German barbarians in 410 A.O. The contemporary writers to the rise of Christianity attributed the defeat of Roman Empire. St. Augustine refuted this contention and asserted that the ruin of Rome was the result of Divine will and Christianity alone could save the world from destruction. He developed his ideas in his great work De Civitate Dei (City of God) which he started in 413 and completed in 426. This treatise consisted of 22 books. Augustine devoted 10 books to defend Christianity and the remaining 12 in the construction of city of God.

St. Augustine was greatly influenced by a number of writers who had preceded him. These include Plato, Cicero, Stoics and Christianity. Augustine borrowed ideas from these writers and schools but gave them a twist according to his requirements. Thus he borrowed the concept of justice from Plato but did not confine it to merely secular- field. He extended it to cover the relations between man and God as well. In other words his concept of justice did not cover only the state but also the city of God. Similarly, he borrowed the concept of commonwealth of world from Cicero but modified it. Unlike Cicero who held that commonwealth as based on reason, which was found in every person. Augustine base - it-on love for God. Likewise from the Stoics he borrowed the idea of universal brotherhood as well as that the man is the citizen of two states viz. the city of his birth and the world at large. As such he must obey the laws of the state as well as the universal laws (which governed his relations as a member of humanity at large). However, Augustine gave these concepts a Christian connotation. Even the Greeco-Roman thought also influenced his thought.

3.3   ST. AUGUSTINE PHILOSOPHY OF HISTORY

Augustine described history is the unfolding of the Divine Will and attributed the rise and fall of the empires to a divine plan. He said that a continuous struggle was going on between the forces of heresy and truth in which the latter was bound to triumph ultimately. Thus, he refused to accept the contention that the Pagan Gods were responsible for the fall of the Roman Empire. On the other hand, he asserted that the fall of the Roman Empire was due to divine will. In this way, says Hearn Shaw, St. Augustine "sought to interpret the course of mundane affairs, including the catastrophes of his own mankind became a narrative of the unfolding in time and space of the day, in terms of the eternal will of Godin In his hands the story of eternal purpose of the Creator".

Another feature of his philosophy of history is belief in the doctrine of Two Cities. According to Augustine, the individual is member of the earthly city (Kingdom of Satan) as well as divine city (Kingdom of God). The former looks after the appetitive and possessive impulses of the individual and temporary and perishable. The latter looks after the heavenly peace and spiritual salvation and was divine, permanent and imperishable. The history represented a continuous struggle between these two cities, which would ultimately lead to the destruction of the former because of its transient nature, and the latter shall endure on account of its virtue and permanent character. As Prof. Harmon puts it St. Augustine "saw history as the struggle between the forces of the earthly city and those of the heavenly city, a struggle which would eventually culminate in the establishment of a Christian commonwealth. The earthly city is dominated by the principle of self- love to the point where God is held in contempt. Its devotees are those to whom material interests are more important than spiritual. The heavenly city is dominated by the principle of the love of God. Its inhabitants are those to whom spiritual things are paramount. Agencies are provided by God to help man achieve salvation and eternal life in God's city These are the Church and state"(M Judd Hannon, Political Thought.

3.4   ST. AUGUSTINE VIEWS ON STATE

Augustine accepted the Christian doctrine that state is a divine institution, which was created by God to remedy the human sins. He insisted that the authority of the state must be respected because it maintains peace and protects property and other possessions of citizens. Obedience to the authority of the state is also warranted because it was based on divine sanctions and contributed to the remedy of the sins of the people.

Thus, Augustine subordinated the State to the higher authority of the God and asserted that obedience to the laws and authority of the state is justified so long as it does not conflict with the duty towards Gods. In other words, he held that men obey the civil laws because they have the sanction of God behind them. Augustine insisted that the Emperor should defend the Church and stamp out heresy. However, be aid not accord the Emperor any authority over spiritual matters. On the other hand, he insisted that the citizens should not obey the civil authority it seeks to interfere in the spiritual realm. Thus, he wanted the state and the church to be mutually helpful to each other's and work in complete harmony. In fact, he deprecated the position of the state and exalted the position of the Church. He subordinated the state to the Church even in secular matters.

3.5   ST. AUGUSTINE VIEWS ON JUSTICE

Augustine held that justice was possible only in the City of God and could be possible only in a Christian state. He interpreted Justice in the Platonic sense and described it as "conformity to order and respect for duties arising from this order." However, he assigned to justice a wider meaning than assigned by Plato. Plato held that justice could be realised in the state if all the members' whole- heartedly accept its orders and carry out their obligations towards it. Augustine who regarded the state as merely a part of the higher society (Kingdom of God) considered justice as subjection to universal order as prescribed by the will of God. He therefore held that justice could be possible only in a Christian state. In a pagan state only relative justice could be realised.

3.6   ST. AUGUSTINE VIEWS ON PEACE

Augustine considered peace as a cardinal virtue of a good state, which could be attained only in the city of God. It may be noted that to Augustine peace did not mean the absence of war or social strife. To him it was a positive relation of love, which embraced all human beings. He considered the peace provided by the state as only a temporary tranquility and was a relative peace. He held that universal peace was genuine peace, which could be achieved only if all acted in accordance with the universal order and in common love to God. In short Augustine laid emphasis on universal peace in which all men are united with one another by their common love for God. It was quite different from mere absence of war or peace produced by a system of legal relations as in a state.

3.7   ST. AUGUSTINE VIEWS ON WAR AND CONQUEST

Intimately connected with his views on peace are his views on War and Conquest Augustine justified war for the protection of Christian social order and justified its use against the pagans. He held that the heretical groups posed a serious threat to the security of the Christian society as far as they could induce people through discreet reasoning of false misleading interpretations. The Christian state was justified in waging wars to suppress the heretics for saving its loyal people. Augustine also drew a distinction between just and unjust wars and described the wars waged by the Christian rulers against the pagans as just wars, in so far as an opportunity of converting or inducing them to Christianity.

Augustine did not favour war as an instrument for the conquest of territories. He held that territories acquired by state through wars and conquests do not add to the happiness of the King or the subject or of the conquered people. Conquests lead to fear, hatred, and wanton slaughter and are the cause of unhappiness. In states based on conquests there can be no justice and in the absence of justice the states are mere robberies.

3.8   ST. AUGUSTINE VIEWS ON SLAVERY

Like Aristotle, Augustine also defended slavery. However, like Aristotle he does not consider slavery as a naturaj institution and did not justify it on pragmatic grounds. He treated it as a punishment to the man ordained by God for his original sin. In this regard Augustine observed: "He God did not intend that His rational creature, who was made in His image, should have dominion over anything but the irrational creation- not man over man, but man over the beasts. And hence the righteous men in primitive times were made shepherds of cattle rather than kings of men, God intending thus to teach us what the relative position of the creature is and what the desert of sin; for it is with justice, we believe that the condition of slavery is the result of sin. And this is why we do not find the word 'slave' in any part of Scripture until righteous Noah branded the sin of his son with this name. It is a name, therefore, introduced by sin and not by nature.

3.9   ST. AUGUSTINE VIEWS ON PROPERTY

Augustine justified the institution of private property even though he did not consider it as a natural institution. However, he was against undue accumulation of property and insisted that one should not have more property than what was required by him for his legitimate and

reasonable needs. He admitted that some sort of private property was essential for the proper performance of one's duties, and insisted that the rich men should distribute some of their property among the poor. As Carlyle has observed St. Augustine, like other Christian thinkers believed that "All property is the gift of God and it was his will that the earth which he had created should be common possession of all men and satisfy the needs of all; it was avarice which created rights of private property. It is, therefore, just the man who claims for his private ownership that which was given to man race in common, should at least distribute some of this to the poor".

3.10 ASSESSMENT ON ST. AUGUSTINE VIEWS

While evaluating the political ideas of St. Augustine it must be kept in mind that he was primarily a theologian and not a political philosopher. He merely made a bid to present the ideas which he had borrowed from the early Church fathers in a Christian tapestry. His writings suffer from numerous distractions and discontinuations. There is so much vagueness and variability in his writing, that his conclusions are still a subject of interminable controversy. For example, his theory of dualism is quite confusing. Sometimes he envisages the two cities - the City of God and the City of Satan in purely abstract terms and at other times, he tends to bring them quite close to the world of reality. This leads to confusion and inconsistency in his political philosophy. Secondly, his justification of war, especially by the Christian people against the pagans, is dangerous and poses a serious threat to world peace.

LET US SUM UP

Augustineis considered as the father of the Christian Commonwealth, which came to be known as Holy Roman Empire. The main ideas on which the Holy Roman Empire was built were taken from his Civitate Dei. Universalism, which was the key-note of the Medieval Thought, was another basic concept of Augustine's thoughtthe subordination of the state to Church, which was a live issue throughout the Middle Ages, was also an indirect contribution of Augustine. It is true that Augustine did not develop the theory of ecclesiastical hegemony in clear terms but he certainly implied it when he said that no man owes an absolute allegiance to any earthly society and there is a higher authority on whose sanction it commands obedience from its members. At the same time he also emphasised the importance of the Church by pointing out that it was ordained by God and could alone ensure peace, justice as well as salvation. It can be said that he wielded greater influence on

the political thought of Medieval Europe than any other Christian writer before him except St. Paul.

CHECK YOUR PROGRESS

1. According to Augustine, the man is the citizen of_____State.

   a) Two   b) Three   c) Four   d) Six

2. The book D Civitate Dei consists of_____Books

   a) 10   b) 20   c) 22   d) 12

3. Augustine accepted the Christian doctrine that the state is a_____ Institution.

   a) Divine   b) Fore   c) Contact   d) Natural

4. _____Was considered as the greatest of the father's of western church.

   a) St Augustine   b) Cicero   c) St Thomas Aquinas   d) Polyvius

GLOSSARY

Cosmology   : He science of the origin and development of universe

Theologian   : A person expert in the study of god and religious Belief

Divine   : Devoted to god

Ecclesistical hegemony : Dominance of Christian clergies

ANSWER TO CHECK YOUR PROGRESS

1. Two

2. 22

3. Divine

4. St.Augustine

MODEL QUESTION

1.   Bring out the views of St Augustine on philosophy of history.

2.   Explain St Augustine views on state and justice

3.   Why did Augustine justify war? Discuss it.

4.   Point out the reason for Augustine`s defend on slovery

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UNIT - 4

<div align="right">**MARSIGLIO OF PADUA**</div>

STRUCTURE

OVERVIEW

Mary political philosophers have contributed to the development of the state and government. The philosopher have categorised variously such, as individualist, idealist, sociolist and Marxist and been seculalists. Narsiglio of Padue belonged to the category of secularist. This unit tries to trace out the political ideas of Marsiglio of Padue.

LEARNING OBJECTIVES

After going through this unit, you will be able to

➢ Understand the life and works of Marsiglio of Padue.

➢ Know the Marsiglio`s views on the state.

➢ Explain Marsiglio`s views on law's.

➢ Describe the marsiglio`s views on sovereignty of the people and church.

4.1   INTRODUCTION

Marsiglio of padue was one of the original Thinker of the mediaeval age. He was a Franciscan and practised medicine. It was his hatred against a degenerate papacy rather than any innate imperial tendencies, that made marsiglio turn a secularist. Marsiglio has given his views on the state, law, on sovereignty of the people, church etc.

4.2   LIFE AND WORKS OF MARSIGLIO OF PADUA

Marsiglio of Padua (1270-1340) was one of the most original of the medieval thinkers, and one of the greatest political thinkers in Europe after Aristotle. He was a Franciscan and practised medicine. He belonged to the church and was appointed to be the Archbishop of Milan. He was for some time Rector of the Paris University where he influenced and was influenced by, the English Franciscan, William of Ockham.

Later, Marsiglio joined the court of Emperor Louis IV of Bavaria. He visited Avignon and conceived a hatred for the Papacy similar to Luther's aversion for it after a pilgrimage to Rome. It was his hatred against a degenerate Papacy, rather than any innate imperial tendencies, that made Marsiglio turn a secularist. Marsiglio wrote his Defensor Pacis there is a controversy regarding joint authorship of Defensor Pacis by Marsiglio of Padua and John of Jandun in 1324. The treatise had little influence over Marsiglio's own age, in spite of its originality and depth of conception but was widely read and followed in the 16th century.

The first part of the Defensor Pacis is devoted to the discussion of the general principles underlying a state and its classification. In this part is discussed the origin of the state, the nature of political authority, the end of the state and the nature of law. In the second part, the principles evolved in the first part are applied to the church, its organisation and functions and its relation with the state discussed.

The second part constitutes a spirited attack on the exalted claims of the Popes, who, to Marsiglio, were disturbers of the peace of Europe, particularly, and on the subordinate ecclesiastical hierarchy, generally. This is done after giving an account of the his- torical development of the church. The relations of the church and the state are also discussed. The third part summarises the observations made in the first two parts.

4.3   MARSIGLIO ON THE STATE

Like many medieval thinkers, Marsiglio borrowed freely from Aristotle. He alone among medieval publicists followed up some of the implications of the Aristotelian view of the state as a perfect community whose self-sufficiency was achieved through specialisation of function and the coordination of specialised activities'. The state, to Marsiglio as to Aristotle, is a living organism. It is a natural whole composed of elements represented by economic or social classes. The priestly class is just one of the classes in the state and is not entitled to any special privileges or immunities. The Church is a social phenomenon and needs the state. The priestly class is under the control of the state like other classes and the Church is just one of the departments of the state. The state is a self-sufficient unit existing for the purpose of promoting good life and the general welfare of the citizens. It does so by maintaining peace and allowing free development of its members through performance of reasonable and normal functions. As such, the state must be independent of any outside control. The different interests in the state should work for the common welfare and not follow the selfish policy of the guilds.

Like Aristotle, Marsiglio believes that the state exists for good life and to meet the various needs of men on the principles of division of functions, reciprocity of services and cooperation between various classes of society. These classes are farmers, artisans, soldiers, officials, traders and priests. The health of the state requires that all these classes including priests perform their specific functions within the general authority of the state. Whereas other classes were concerned with happiness of man in this life, the function of the priests was to enable people to attain salvation. In all secular matters, the clergy were a class like other classes. Taking his cue from Italy of his own day, Marsiglio came to believe that the existence of two coequal and co-ordinate authorities resulted in the disruption of peace and tranquillity. He denied the church a position of independence of the state.

4.4   MARSIGLIO ON LAW

Like St. Thomas Aquinas, Marsiglio distinguishes between four kinds of law i.e. Eternal, Natural, Divine and Human. He, however, concentrates on the latter two and brings about a clear distinction between them from the points of view of their source, nature and penalties. "Divine law is a command of God directly, without human deliberation, about voluntary acts of human beings to be done or avoided in this world."Human law is a command of the whole body of citizens, or of its prevailing part, arising directly from the deliberutions of those empowered to make law

about voluntary acts of human beings to be done or avoided in this world, Divine law is of divine origin and deals with an end to be attainable in the life to come. Its rewards and punishments come from God in the life to come. Human law is of human origin and has human penalties applicable in this life. Essential basis of law is will. Human law is a rule of reason but the true sanction behind it is that it emanates from and is promulgated by a duly constituted authority and carries penalties for its violation. The essential attribute of law is its enforceability and the coercive power behind it. This coercive authority is the state. Any body of rules or law such as canon law which is not enforceable by the state is, to Mar siglio, not law proper. 'Law is essentially a judgment as to what is just and advantageous to the community. It is an imperative expression of the common need, formulated by venson, promulgated by recognized authority, sanctioned by force, It is made for the good of the community by the Legislator Humanus which Marsiglio conceives in terms of a political and not legal sovereign.

4.5   MARSIGLIO ON SOVEREIGNTY OF THE PEOPLE

Marsiglio believed in the sovereignty of the people and the spirit of democracy. To him, the Legislator Humanis i.e. the body of citizens or dominant portion thereof, are the source of all political authority and the source of law which symbolises that authority. "The whole corporation of citizens, or its weightier part, either makes law itself, directly, or entrusts this task to some person or persons, who are not and cannot be the legislator in the absolute sense, but only for specific matters, and temporarily, and by virtue of the authority of the prime legislator." By the dominant or 'prevailing' part, Marsiglio does not mean numerical majority but the greatest weight or influence in the community.

In every 'perfect community', the authority to make fundamental laws and determine the form of government must belong to the organised body of citizens ie, the community or the Legislator. The actual control of government was deputed by the Legislator to a pars principans or 'ruling part' which instituted and directed the lesser offices of the state. This pars principans might be elective or hereditary, a single individual or a body but it must rule according to the law provided by the Legislator, or sovereign community. It must be realised that Marsigho's Legislator sometimes appears as a special body; at other times it blurs into the community'.

Marsiglio preferred an elective monarchy as the best form of government. The monarchy should be elected by, and be responsible to the community which represents the ultimate sovereign power in the state. Marsiglio clearly distinguished the administrative work of the monarch from the legislative work of the general assembly of the people. Thus, the

community was the legislator, the monarch the administrator. Any law, made by the general assembly as the law-making body, not acceptable to the people, was not law, and should not be enforced by the monarch. Because the community elected the monarch, it could also punish him or even depose him if he exceeded or abused his authority. Marsiglio was almost the first medieval thinker to advocate a limited monarchy with a governmental organ, independent of the monarchy, authorized to judge him, To him, the best type of government would consist of (1) a representative assembly elected by the people, (2) an executive chosen by the people and responsible directly to the representative assembly and indirectly to the people, and (3) an elective limited monarchy, the monarch to be interpreter and administrator but not maker of laws. The king was the servant of the people entrusted with executive powers. Marsiglio holds that the political community is a self-sufficing organism containing all the elements, inoral and material, needed for its existence and good life.

Like a corporation, it has the power of self-direction, self-perpetuation and self-reform, its administrative head i.e. an elected monarch is an agent of the sovereign people. He is there to implement the will of the people and to ensure their well-being. Monarchy was better than other forms of government because it ensured unity of administration which was necessary for peace and order.

Marsiglio's idea of representation was not of a modern type. Medieval representative institutions were not controlled by the community except formally and their delegated authority was delegated absolutely and carried with it no specific mandates from the popular will'. Nor was his system a system of separation of powers in the modern sense. did not distinguish between executive and judicial authority.

4.6   MARSIGLIO ON THE CHURCH

Marsiglio extended his principles of representative government and popular sovereignty to the church also. The General Council of the Church alone had the right of final interpretation of the scriptures, regulating worship, making appointments in the clerical hierarchy and passing sentences of excommunication. The Pope was just a ceremonial head of the church. He believed that the whole body of the church was superior to the Pope and that the final authority in the church rested not with the Pope but with the general church council, including secular and ecclesiastical delegates. If he located his secular authority in the Universitas Civium, he held that spiritual authority was also fundamentally vested in the corporate body of believers.

The Pope should be elected by and be responsible to the general council of the church, which body could depose him in case of misbehaviour. Marsiglio doubted if Peter and his successors could claim the headship of the church. Papal supremacy was a historical accident and usurpation. The divine character of Papacy, on which its claim for Papal absolutism and supremacy was based, was a myth. He was sure that the church as a corporate body was superior to the Pope. The Pope derived his authority from the general body of the church and hence his authority and rights were not of divine but human origin.

Marsiglio was an Erastian in his attitude towards the church. In Marsiglio's system the secular ruler controlled the ordination and institution of priests and allotment of benefices. He could discipline and disestablish the priests. He repressed heresy and could command excommunication. Marsiglio would reduce the church to the position of a department of the state. The Church can have no independent jurisdiction of its own within the state but must function as a subordinate and integral part of the state. He would not allow to the clergy coercive authority of any kind, divine or human. To him, Papal sovereignty had been the chief disturber of Christendom. Marsiglio abandoned the Gelasian theory of two swords and 'fused state and church into an institutional unity', 'concentrating both ecclesiastical and secular authorities in the ruler.

As a Franciscan, wedded to poverty, Marsiglio was dis- gusted with the wealth and secularism of the church. He wanted the church to resume its primitive purity and poverty. The worldly-mindedness of the Pope was the greatest cause of disturbance in Europe. The church should confine itself to purely ecclesiastical affairs. Even the spiritual care was not the exclusive function of the church. The punishment of clerical transgressors and the enforcement of penalties beyond reprimand and admonition were to be left to the secular authorities. The church must confine itself to spiritual affairs and spiritual means. Secularism made a bad spiritual guide. The clergy, therefore, should have no rights or duties of a secular character.

4.7 MARSIGLIO'S ERASTIANISM

Marsiglio did not subscribe to the theory of Two Swords, justifying two independent authorities. He placed the church in definite subordination to the state. The state was, to him. the greatest of human institutions. Whereas the church must have no secular functions, the functions of the state were both secular and spiritual in character. It was the business of the state to fix the number of priests in its territory and to make laws regulating the organisation of the church in the state.

The clergy should have no exemptions from the secular law and should be treated like ordinary citizens in case they offended against the secular laws. Any exemptions in favour of the clergy would create schism in the state and lead to disorders, whereas the maintenance of peace was the chief duty of the state. As an adherent of Emperor Louis IV of Bavaria, Marsiglio held that the Pope should have no voice in the election of the Holy Roman Emperor. The clergy did not possess any rights superior to the prince and could not absolve the subjects of a prince from their oath of allegiance to him. Marsiglio held that the church was to be governed not by the Pope but by a general council of a federal type. The Pope, as the bishop of Rome, was on a footing of equality with other bishops.

To Marsiglio, education was a very important thing for the welfare of a community. Democracy and representative government could not be realised without education. He pleaded, therefore, for an elaborate system of education. He also suggested that the state should see to it that there was no great disparity in the wealth of its citizens, for such disparity would breed jealousy and destroy harmony between different members of the community. The state should regulate the economic life of the community. Marsiglio voted for the state and the empire because they stood for peace and order, and against the church because the immunity of the clergy and Papal supremacy were, to him, main causes of disturbance in Europe

LET US SUM UP

Marsiglio was a sincere and original thinker. Though a 14th century writer, his advocacy of representative government and sovereignty of people, his denunciation of Papal supremacy, his advocacy of the state control of the economic life of the community and the emphasis he laid on education characterise Marsiglio as, in some ways, very much a modern political philosopher.

CHECK YOUR PROGRESS

1. Like many medieval thinkers, Marsiglio borrowed freely from_____.

   a) Plato   b) Socrate

   c) Aristotle   d) Cicero

2. Like St Thomas Aquinas, Marsiglio distinguishos between_____krinds of law.

   a) One   b) Two

   c) Three   d) Four

3. Marsiglio prefeued_____as the best form of government

   a) Monarchy   b) an elective monarchy

   c) Aristocratic   d) Democracy

4. According to Marsiglio, the state should regulate the_____life of the community

   a)Political   b) Social   c) Economic   d) Religious

GLOSSARY

Divine law   :   Command of god

Human law   :   Command of the whole body of citizens

Secularism   :   Not religious

Papal supremacy   :   Supreme power of the pope

ANSWER TO CHECK YOUR PROGRESS

1. Aristotle
2. Four
3. An elective monarchy
4. Economic

MODEL QUESTION

1. Narrate Marsiglios views on the state.
2. Explain the different krinds of law of Marsiglio of padue.
3. Discuss Marsiglio`s views on sovereignty.
4. Bring out the Marsiglio`s views on church

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Block II

Modern Thought

Unit - 5   Immanuel Kant

Unit - 6   Jean Bodin

UNIT- 5

<div align="right">**IMMANUEL KANT**</div>

STRUCTURE

OVERVIEW

The idealist ethical political thought owes it is inspiration to the writings of Greek philosophers, Plato and Aristotle. In Germany, the rise of the idealist school represented a reaction against the materialistic rationalism prevailing in the latter half of the 18th century dul to the teachings of Locke, hunes and others. The idealist theroy is termed variously as the absolulist, philosophical, metaphysical or mystical theory of the state. The idealist exalted the state is the March of god on earth. It has a divine sanction to obey the state is to obey God. Rousseaus ideas prefoundly affected the German philosophers like Kant who baid the foundations of the idealist in Germany. This unit tries to explain the political philosophy of Immanuel kant.

LEARNING OBJECTIVES

After going through this unit, you will be able to

➤ Know the idealist principal of Kant.

➤ Understand the moral freedom of Kant.

➤ Explain the views of Kant on social contract.

➤ Describe his views on state and law and punishment

➤ Discuss his views on forms of government

5.1   INTRODUCTION

Immanuel Kant, the father of idealist philosophy and the great German philosopher was born at Konigsberg on 22nd April 1724. His father was a poor saddler; his mother was an uneducated but intelligent Pietiest. After completing his education, he had to spend 9 years as private tutor to qualify himself from the university. In 1770, he was appointed as Professor of Logic and Metaphysics in the same University. He had a very low opinion of women and did not marry. He died as a confirmed bachelor on 12th February 1804.

Kant's ideas of philosophy are mostly taken from Rousseau and Montesquieu. He borrowed his ideas from others and fitted them into his own philosophy. The period from 1770 to 1790 formed a brightest period in his philosophical works. In his three chief works viz."Critique of Pure Reason", "Critique of Practical Reason" and "Critique of Judgment", we find his more ideas about morality than of politics. Further his political ideas are to be found in his works like "Metaphysical First Principles of the Theory of Law," "Perpetual Peace", "The Principles of Political Right" and "The Natural Principle of the Political Order".

5.2   KANT THE FOUNDER OF GERMAN IDEALIST SCHOOL

About the time of the French Revolution, Kant was the recognized leader of German philosophy. His contributions to political philosophy, however, are not massive. His importance in political thought lies in his harmonising and systematising conflicting doctrines. Kant was far happier in his analysis and definition of ultimate concepts like liberty, law, state or right than in his treatment of government and its constitution. For his theory of the state, Kant is indebted to Rousseau, while his analysis of government is borrowed mainly from Montesquieu.

Kant was the founder of the German Idealist School of thought which, in the hands of Hegel, became extremely authoritarian but the fundamental postulates of Kantian philosophy stood for Liberalism. Kant

believed that the individual must be regarded, not as a means to an end, but as an end in himself. He is a rational being and liberty and equality are the attributes of a rational being. This individualism of Kant, coupled with his dislike of an here- ditary nobility and of despotism and his approval of representative government which makes for democracy, show the liberal in Kant.

5.3   MORAL FREEDOM OF KANT

The concept of moral freedom is central to the philosophy of Kant and is inspired by Rousseau's concept of real will. Kant's concept of moral freedom is as follows. Man's knowledge, based on sense perceptions, is limited to phenomenon; it cannot know reality as it is. There is a difference between things as they appear and as they are in reality, Appearance is different from reality because in viewing things, the human mind imposes some qualities on these things which they do not really possess. Man's theoretical reason distorts things. But man has pure practical reason or moral faculty which enables him to discover things which This discovery are universally valid and binding on him, enables man to realise that he ought to do certain things. It is this moral faculty, which enables a man to go beyond the world of phenomenon and realise the world of reality.

But as a part of nature man also belongs to the phenomenal world. Therefore, a human being has two sides to bis nature. There is his empirical self, centred round bis sensual experiences, his desires and impulses. There is also his transcendental self, which is his moral and rational self and which makes him do what he ought to do. His empirical self, based on desires and impulses, makes him subject to things extraneous to his true self i.e. heteronomous. It is his transcendental, which renders him subject to his true self i.e. autonomous and makes him part of the noumenal, i.e. real world.

As part, man enjoys moral free-dom. He becomes sensitive to the Categorical Imperative of Duty'. An imperative may be conditional or unconditional It is conditional if it aims at certain ends, categorie if it is irrespective of the achievement of certain ends. As a moral being a man follows the categoric imperative of duty. He does things, not under the impulsion of his desires and impulses, but in obedience to the law of his true self. He wills the good will which alone is free and which gives him moral freedom. Moral freedom lies in following the moral law or acting according to the Categorical Imperative of Duty. Moral law tells a man what he ought to do irrespective of extraneous considerations.

It gives us a will that is good will for it is not based on desires and impulses but on moral reason. That man is truly free who is morally free i.e. who enjoys the 'autonomy moral will' and moral freedom Moral freedom is 'qualified by respect for others and controlled by universal laws'. It is guided by Categorical Imperative of Duty. It makes an individual act according to a maxim which can become a universal maxima or law and which treats of individuals not as means but as ends. A man is free only when he wills a will, which wills rational or universal objects.

Individual freedom is not absolute but conditioned by similar freedom of others. It is not unqualified license. True freedom is based on respect for universal laws and respect for rights and liberty of others. A will is free only when it wills rationally and in accordance with the interests of the society. A man is free not in doing what he wants to do but in doing what universal reason tells him he ought to do.

5.4   KANT ON SOCIAL CONTRACT

The substance of the political philosophy of Kant is to be found in his Metaphysical First Principles of the Theory of Law and in his For Perpetual Peace. Kant bases his political thought on his concept of moral freedom and his regard for the worth and dignity of human personality. He uses the concept of social contract without subscribing to the historicity of such a contract. He uses the notion of contract as an idea of reason, for man, with his moral freedom, cannot be compelled to obey the laws of the State to which he has not agreed. By this contract, men 'surrender their eternal freedom in order to recieve it immediately back again as members of a Commonwealth'. They 'abandon their wild lawless freedom in order to substitute a perfect freedom, a freedom undiminished because it is the creation of their own legislative will, but a freedom which nevertheless assumes the form of a lawful dependence, because it takes its place in a realm of Right and Law'.

The social contract binds the government and the governed, and transforms a 'society resting on custom and tradition to a society based on written law'. Because of his contractual view of the State, Kant did not develop the organismic view of the State which is the central theme of Idealism. Because of this difficulty, the other Idealist writers have dropped the theory of social contract even as an idea of reason. In dealing with the state, Kant neither fully rejects nor accepts the theory of social contract. To him, government by consent would weaken the claims of justice and order and government without consent would jeopardise the claims of individual freedom.

Kant dismisses the idea of social contract: after weighing both the positions, by saying: "Whether an actual Contract of Subjection to the ruler was as a fact the first step or whether force was the first step and laws only came in at a later stage. These are for the people which already stand under the protection of Civil Law, quite empty subtleties, and for the state full of danger". To Kant, contract does not mean emergence from the state of nature, but transition from a lower to a higher form of social organisation.

5.5   KANT ON STATE

For the free and proper exercise of his moral freedom, the individual needs certain conditions of life, which he cannot create and maintain for himself. This renders the state necessary. The individual needs a whole 'set of laws which must necessarily be enshrined in and enforced by the state'. In the performance of its functions, the state represents a positive good. In spite of his Individualism, Kant conceives of a sovereign state. While creating the state, the individuals surrender all their rights to it. "Hence to allow a right of resistance and to limit its power is a contradiction." The state had absolute right over private property. Changes in the machinery of the state should be through reform and not through revolution, which was immoral.

Though Kant conceives of a sovereign state, he narrows the scope of the functions and activities of the state. It is not the function of the state to promote moral freedom directly because morality lies in the individual performing his functions out of a personal sense of duty. The function of the state is to hinder hindrances to good life and this the state can do by establishing a 'social condition of outward order in which truly moral acts may gradually evolve a kingdom of humanity'. Kant does not provide a wide sphere of action to the state. The state should not, through its laws, interfere with the moral freedom of the individual. But man is egoistic and is actuated by love of power, gain and glory. The state must, therefore, maintain external conditions of social order and harmony and remove obstacles to moral freedom of the individual. The view of Kant that the function of the state was restricted to creating external conditions for the inner development of the individual was adopted by the English Idealists.

While Kant attached due weight and importance to collective entities like the society and the state, his philosophy was chiefly concerned with the rational individual, possessing an autonomous will. The attitude of Kant in political philosophy was individualistic. He does not prescribe a wide sphere of action to the state.

The state must not, through its laws, interfere with the moral freedom of the individual but only remove obstacles to such freedom.

5.6   KANT VIEWS ON LAW AND PUNISHMENT

Kant believed that laws could be deduced from the universal abstract principles of right and wrong by the application of reason. The essential basis of law is, therefore, reason and not the command of the sovereign. A command of the sovereign, which is not in accordance with the dictates of pure reason, is not good law. Since law is the dictate of reason, it must be universal in its application. Though it is a dictate of reason, it needs the penalties of the state for its enforcement. The state can legitimately use force to prevent breach of law for such force is 'consecrated to the assertion and expansion of final goods which are spiritual, moral and rational. The state has the right to maintain law and supremacy of justice through a system of rights by compulsion and punishment. Kant does not subscribe to the deterrent or reformative theories of punishment. He upholds the retributive theory. A system of rights must be upheld in the interests of the security and solidarity of the society. An attack by the individual on the system of rights or on law merits punishment.

5.7   KANT`S INDIVIDUAL RIGHTS AND DUTIES

In his conception of rights of the individual, Kant follows Rousseau. Right is identical with moral freedom and is conditioned by a similar right for all. The individualism of Kant is evidenced by the importance he attaches to the rights and duties of the individual. Every right is correlated to some duty. Liberty is a right belonging to the individual in virtue of his humanity and liber 'consists in the power to do anything which inflicts no injury on one's neighbour'.

The individual has the right to property because property is necessary for the expression and extension of human personality. Property is, however, a derived right and not a natural right as right to freedom is. Every right is not merely a privilege but also an obligation i.e. duty. A duty is more important than right. It is a categoric imperative of a man's conscience. An individual has duties towards himself, other individuals and towards the state.

5.8   FORMS OF GOVERNMENT BY KANT

Kant holds that the people are the sovereign and supreme lawmaker. The general will of the people is the source of law. The adoption of a constitution is the means and an act of general will through which the people set up the state and government.

There are three forms of state i.e. autocracy, aristocracy and democracy and two forms of government i.e. republican and despotic. The three branches of government are the legislative, the executive and the judicial. The separation of the legislative and the executive is necessary for the maintenance of liberty. A government in which the legislative and the executive functions are separate is republic another wise, it is despotic. A rational government must be a representative government, though this representation may be through the king, the nobility or through the deputies. Kant, a German Idealist, had his reverence for monarchy.

Kant saw the evolution of humankind to higher and higher stages. Man had created the state for the development of his moral and rational faculties and to meet his material needs. The state was, however, only a stage in the evolution of humankind. For the fullest development of the mental, moral and the material in man, an organisation bigger than a national sovereign state to maintain world peace and international harmony was called for.

Kant believed that the states could not be entirely independent internationally. "He advocated the subordination of the state to a federal league of nations, in which each state shall be subject to the adjudication of a general European will." He believed that it was the divine intention that mankind should be ultimately united in a world federation, each nation being subject to the adjudication of a general collective will. In his For Perpetual Peace, Kant makes a strong, plea for a world-order based on a federal union of nations.

5.9   POLITICS BOUND TO ETHICS

Kant approaches politics from ethical point of view and bases his philosophy on his concept of the moral will. Every man possesses a rational will, which is different from his selfish desires, appetites and impulses. This rational will is the real self of man, is essentially moral and free and is the basis of the state and of law. By binding politics and ethics, Kant gave a new orientation to the concepts of right, property, law and state, etc. His idealism put truth at the basis of morals, law and politics. Morality, law and politics are concerned with the co-existence and interaction of two or more rational free wills. Law is concerned with the possibility of harmonizing a general and reciprocal constraint with the liberty of each. The state represents a solution in which the freedom of the individual wills is reconciled with the authority of the general will.

5.10 INCONSISTENCIES OF KANT

In his ideas,Kant led himself into some inconsistencies. While he repeatedly ascribed sovereignty to the general will of the people, Kant adzaitted that there were three kinds of sovereign. The sovereign conceived as the general will was a concept of pure reason, an abstraction. "To give it objective, practical reality, it must be expressed in physical form, as one, or few, or many persoas." Kant is inconsistent again when, on the one hand, he says that the legislative power belongs solely to the people and, of the other, he assigns to the people a ruler who is not a mere administrator but also a legislator, who had rights but not duties and who is above effective control. Against such a ruler-legislator, there is no right of resistance. Kant decried the idea of popular revolutions and proposed constitutional reforms. Kant is very abstract in' his concept of rights and duties of the individual. It is a concept without content. Abstract rights and duties have little practical value.

LET US SUM UP

Immanuel Kant the formder of German idealist borrowed Ideas mostly from rousseau and montesquieu the idealist theroy is variously as the absolulist exalted the state are the expense of all other entities. Kant has given his views on moral freedom, social contract Kant conceires of a sovereign state. Kant makes a storng plead for a world order based on a federal union of nations.

CHECK YOUR PROGRESS

1. _____Was the formder of the German Idealist school

   a) Hegel   b) Kaut   c) Bosanquet   d) Duguit

2. _____Ideas profoundly affected the German philosophers like kant

   a) Rousseaus b) Thomas Hobbes   c)John Locke   d) J.S. Mill

3. _____holds that the people is the sovereign and supreme law – maker.

   a) Kant   b) Hegel   c) Spinoze   d) Grotius

4. Kaut a German idealist had his reverance for_____

   a) Aristocracy   b) Democracy   c) Monarchy   d) Polity

GLOSSARY

Mystical Theory of state   : Godly natural of state.

Rationalism   : Based on reason.

Individualism   :The theory that says that individual shoud be
                        given freedom.

Idealist   : One who has ideal which may impractical

ANSWER TO CHECK YOUR PROGRESS

1. Kaut
2. Rousseau`s
3. Kant
4. Monarchy

MODEL QUESTION

1. Immanuel kant is considered as the founder of German idealist school – Discuss.
2. Bring out the views of kant on moral freedom.
3. Explain kants views on state.
4. Examine the views of kant on form of government.

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UNIT - 6

JEAN BODIN

STRUCTURE

OVERVIEW

Political thinkers starting from Socrates have contributed their own ideas to the political science. Plato and Aristotle have given their views on state, contractualists like Thomas Hobbes and John Locke and Rousseau have pointed out that state came into existence because of the social contract. Karl Marx wanted to change the society through a class struggle between the haves and have-nots. Like wise, the most important contribution of Jean bodin is the Theory of sovereignty. This unit tries to trace out the political ideas of Jean bodin.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Know the life history of Jean Bodin.

➢ Understand the political philosophy of Bodin.

➢ Explain hisBodin views on sovereignty.

➢ Discuss the principles of government and Administration of Bodin.

➢ Understand Bodin`s views on revolution.

6.1   INTRODUCTION

Jean Bodin was the french philosopher, His greatest Contribution was the theory of Sovereignty. He has expressed his views on Family and State, Sovereignty and revolutions, and principles of government and Administration. He used historical and analytical method for developing his political philosophy.

6.2   LIFE HISTORY

Jean Bodin was born in 1530 in Anjou in France. He studied law at the University of Toubrese and practised in Paris. In 1576, he entered royal service by becoming the king's attorney at Leon. In the same year he published his great treastise on the state. He was later appointed as a secretary to the Due d' Alencon's mission to England to seek the hand of Queen Elizabeth. With the termination of the expedition, Bodin left the royal service and resumed his legal practice. In 1596, he died of plague. Bodin produced a number of great works. Some of them are the following: Response 1569, it was a treastise on Political Economy a method for the easy understanding of history, De Republica, 1576, it consisted of six books concerning the state.

6.3   CONTEMPORARY TIMES OF BODIN

Although the work of unification was started by previous kings-in France, yet it fell far below their expectations. France was completely ridden with religious wars and dissensions. Severe interreligious wars were going on between the Catholics and the Huguenots. The French monarchy became weak. It had little control over the provinces.

In such conditions of anarchy and disintegrations, a group of political thinkers known as Politiques were making frantic efforts to evolve alternative means for establishing unity and order in the kingdom. Bodin was one among them. They advocated the restoration of political unity by means of the recognition of religious diversity. They advocated

religious toleration and gave highest importance to unity and stability of the kingdom.

6.4   POLITICAL PHILOSOPHY OF BODIN

Method Bodin used historical and analytical method for developing his political philosophy. He developed a new method of interpretation of history. He favoured a comprehensive analysis of history. He felt that human progress was subjected to varied influences, sociological, political, economic and even geographical Bodin criticised the study of law confining to one particular period only. According to him, system of laws embracing many people and periods should be studied. He felt that law and politics have mutual relation and as such both should be analysed. Thus, through the novel method followed by him, he earned the recognition of a modern thinker. Important aspects of Bodin's political philosophy are his views on religious toleration, his views on family and state, sovereignty and government.

6.5   RELIGIOUS TOLERATION

Influenced by the political thinking of the Politiques, Bodin advocated religious toleration. He was prepared to tolerate the wreck of religion which could not be prevented in order to prevent the wreck of the French nation. To achieve religious toleration, Bodin felt the need to elevate the king, as a centre of national unity, above all so that he would be the rallying point of national unity, transcending all religions and political diversities.

6.6   FAMILY AND STATE

Bodin's views on family and state are illogical and unsystematic. In De Republica he first referred to the end of the state and then family. According to Bodin natural community consisted of the family-consisting of father, mother, children and servants and he opined that all other societies emerged later. Bodin like Machiavelli, wanted to preserve the institution of private property. Every family formed a natural unit having its right of private property. The state and all other communities emerged on the basis of a family. He defined state as a government of households. "Many associations of families arise for common defence and for the pursuit of mutual advantage-villages, cities, and corporations of various kinds and when these are united by a sovereign authority, a state is formed."

Bodin made a clear distinction between family and state. "The family is the sphere of the private, the state is that of the public or common. Hence he aimed at radical separation of the two. He

considered property to be an inalienable right of the family and that even the sovereign authority of the ruler has no power over it. He believed in the patriarchal family system which is a family headed by a patriarch. He justified the Aristotelian view that men are the embodiments of reason, women are passionate and children are immature.

With respect to the question of the end of the state, Bodin's views are ambiguous. He has no clear answer. He defined the end of the state as "a lawful government of several households, and of their common possessions, with sovereign power." According to him, the happiness or goodness of citizens is not a practicable end for the state. He did not confine the end of the state to the material and utilitarian advantages, such as peace and security of property. He had put forth an ambivalent argument that state had a soul as well as a body and that the soul was higher, though the needs of the body were more immediate. Thus, Bodin's views on family and state are products of ambiguity and mysticism.

6.7   SOVEREIGNTY

"The most important part of Bodin's political philosophy is his profound exposition on the concept of sovereignty. De Republica has dealt with this at length. Bodin defined sovereignty as "supreme power over citizens and subjects, unrestrained by law." Bodin gave a description of the characteristics of sovereignty.

It is undelegated and perpetual. It is inalienable and not subject to prescription. Sovereign is the source of law and once it is unrestrained, the law of the land is simply the sovereign's command. The sovereign has the power to declare war and conclude peace, to commission magistrates, to act as a court of last resort, to grant dispensation, to coin money and to tax.

Bodin argued that every state and every form of government must have sovereignty. In different forms of government, the location of sovereignty varies. In a monarchy sovereignty resides in the king and in democratic governments sovereignty is vested in popular bodies. Bodin believed, sovereignty is an essential prerequisite for having a well-ordered state.

According to Bodin, families fall into different groups and state is one among them but it is distinct from them as it has sovereignty. Bodin also gave an account of citizenship. He defined citizenship as subjection to a sovereign. He said, "Innumerable other relations may subsist between citizens besides subjection to a common sovereign, but it is

subjection which makes them citizens." Bodin viewed that irrespective of the differences in language, religion, and custom of the poeple in a state, their political bond was essential and this he thought could be achieved through the power of sovereignty.

Bodin elucidated sovereignty as a perpetual, unlimited and unconditional right to make, interpret and execute law and existence of such a right as essential for any well-ordered state. However, anomalies have crept in when he further explained about the execution of such sovereignty. Bodin's concept of sovereignty which apparently seemed to be absolute has many limitations. Bodin believed that even the sovereign was bound by Divine Law and the Law of Nature. When the sovereign is bound by the tenets of natural law, at times conflicts between natural law and sovereigns will and are bound to arise and in such a situation Bodin has no proper answer.

The other limitation on sovereignty as expounded by Bodin was the customary and constitutional law. In France, during his time constitutional law was in vogue. Bodin felt that the constitution and customs were a limitation on sovereign powers. According to him the king of France had no power to modify the succession and to alienate any part of public domain. Commenting on Bodin's concept of sovereignty, Sabine says: "The confusion here is manifest; the sovereign is alone the source of law and the subject of certain constitutional law which he has not made and cannot change."

Bodin was both an absolutist as well as a constitutionalist. Another limitation on Bodin's conception of sovereignty was the institution of private property. Bodin considered private property as indispensable to state. He considered private property as an inviolable right of the family which was guaranteed by natural right. The sovereign had no power over private property. The unlimited powers of the sovereign and the absolute rights of the family over private property present a contradiction in Bodin's political philosophy.

Bodin made a distinction between state and government. According to him the possession of supreme power determined the form of state and the system and method through which this power was exercised determined the form of government. According to Bodin, there were three forms of states- monarchy, aristocracy and democracy. The forms of state were distinguished by the location of the sovereign power; if it resided in one it was known as monarchy, in a few persons it was known as aristocracy and if the sovereign power rested with majority of the people, it was known as democracy. Bodin expressed that the three

forms of government have certain deficiencies. He believed that a democratic form of government represents fickleness, venality and administrative inefficiency. He thought aristocracy to be the mean between the two extreme forms of government. Bodin believed it to be good, but, in it also he had found many defects. He regarded sovereignty of the group as a theoretical concept, incapable of realistic expression. In monarchy also he saw difficulties, particularly in matters concerned with succession to the throne. However, Bodin believed that it could be settled by the hereditary principle with the exclusion of females. Then he considered monarchy as the best form of government. He considered that a monarchic form of government is conducive to the growth of a well-ordered state.

6.8   PRINCIPLES OF GOVERNMENT AND ADMINISTRATION

Bodin has enunciated certain postulates as the basic principles of good government and administration. He believed that every government, irrespective of its form, must have a body of persons to advise the sovereign. They may be known as a senate or advisory council or by any other name. According to him, a government must also have a body of magistrates. Bodin himself being a lawyer gave great importance to the position of the magistrates. He classified magistrates in a two-fold manner; "First, those endowed with the authority to issue commands, as contrast with those whose functions are purely ministerial; and second, those whose functions are general and permanent as contrast with those who are appointed merely for the execution of a specifc taste." The work of magistrates was concerned with the sovereign and law. According to Bodin. "When the sovereign's command contravenes the law of God or of nature, the magistrate is not bound to obey, when it contravenes the law of nations or the law of the land, obedience is obligatory."

Bodin considered the great inequalities of wealth of the people as impediments to good government. He felt that the state should have proper revenue system. Bodin also dealt in detail the procedure of administration for making treaties with other sovereigns and thus, he had established precepts for international law. Bodin considered periodic undertaking of census as essential for the convenience of good administration. Rightly, consider Bodincan as a modern thinker since some of the precepts advocated by him have become the well-established practices of today.

6.9 REVOLUTIONS

Bodin also dealt with the explosive topic of revolutions. Though he agreed with Aristotle in many aspects relating to revolutions, unlike him, he strongly believed in the conception of the inevitability of change. Bodin thought that the state was also subjected to growth and decay like human beings. He considered change either slow and gradual or sudden and violent

Bodin considered two types of revolution: aterio and conversio. In the case of the former the change is effected in the system of laws, religion, social and political institutions. In the case of the latter type of revolution, the form of government undergoes change.

The three causes attributed by Bodin for the emergence of revolutions were: divine, natural and human. In the divine causes, Bodin discussed about the will of God. Things, in his view happened "as a result of direct judgement of bad, without any intermediate operations, or by ordinary causality, or by man's will, which is said to be free." In the natural causes, Bodin expressed his idea of the natural influences of heavenly bodies like the position of stars and the influence of climate. By climate, Bodin meant a variety of factors, water, soil, altitude, laws, customs and forms of state. Among the human causes, Bodin pointed out the mode of appointment of the magistrates, differences of religious faith, unlimited freedom of wealth, and frequent and too drastic changes in the system of laws.

Bodin also gave an account of the measures that could be taken to prevent revolutions. According to him, the most secure foundation for a state consists in having its forms adjusted to the nature and disposition of its people, and its laws and ordinance should also be made suitable to the place, men and times. Removal of poverty and inequalities was essential in Bodin's view. He also considered the appointment of right type of magistrates, religious toleration, limited and qualified freedom for discussion, guarding against radical changes in the existing system of laws as important measure to prevent revolutions.

6.10 EVALUATION OF BODIN

Bodinis considered as the father of the historical school of jurisprudence. He has introduced a systematic historical and comparative method in the study of political philosophy. Bodin brought back political theory to the form and method from which it had gone far astray since Aristotle. He completed the movement initiated by Machiavelli.

LET US SUM UP

Bodin bridged the complete separation of politics with religion and ethics. Justice and moral law was considered by him as fundamental to political science. He delineated the theory of state and science of government on scientific lines. The greatest contribution of Bodin was his conception of sovereignty, which remained the central theme of political philosophy for three centuries. He was the first and one of the very few political philosophers who have examined the geographical influences on politics.

CHECK YOUR PROGRESS

1. Jean Podin wrote his book is De Republic in _____.
   a) 1530   b) 1550   c) 1576   d) 1560
2. Bodinwas influenced by the political thinking of_____.
   a) Cicerob) Aristotle   c) Politiques   d) St.Augustine
3. Bodin considered_____types of revolutions.
   a) Two   b) Three   c) Four   d) Six
4. Bodin considered that a_____form of government is conducive to the growth of well- ordered state
   a) Monarchical   b) Aristotle   c) Polity   d) Democratic

GLOSSARY

Sovereignty   : supreme power.

Constitutionalist   : one who has faith in the constitution.

Junisprudence   : law.

Unification   : become United.

ANSWER TO CHECK YOUR PROGRESS

1. 1576
2. Politiques
3. Two
4. Monarchical

MODEL QUESTION

1. Bring out Bodin`s views on religious toleration.
2. Explain Bodin`s views on family and state.
3. Discuss the concept of sovereignty given by Bodin
4. Narrate the causes and types of revolutions by Bodin.

SUGGESTED READINGS

1. J.C.Johari (2002) *Foundations of Political Science*, Shoban Lal & Co, Jalandhar.

2. S. Vijayaraghavan, R Jayaraman (1994), *Political Thought*, Sterling Publishers Private Limited, New Delhi.

3. D.R.Bhandari (1986), *History of European Political Philosophy*, the Bangalore Printing and Publishing Co. Ltd. Bangalore.

4. R.C Gupta (2001), *Great Political Thinkers*, Lakshmi Narayan Agarwal, Agra.

Block III

Neo – Liberalist Thinker

UNIT – 7

<div align="right">**BERTRAND RUSSELL**</div>

STRUCTURE

OVERVIEW

England has produced much number of philosophers. Bertrand Russell is considered as one the greatest thinkers of the 20th century. He was both a practical and theoretical philosopher. As he has a passion for clarity, he was impressed by the exactness of mathematics. He has expressed his views on property, Liberty, war and politics. This unit tries to explain the political philosophy of Bertrand Russell.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Understand Bertrand Russell's view's on property Liberty and education.
➢ Know Bertrand Russell's view's on war and politics.
➢ Explain Bertrand Russell's view's on communism and philosophy of history.

7.1   INTRODUCTION

Bertrand Russell is considered as one of the greatest thinkers of the 20th century. He belonged to a very famous family or England and he was both a practical and theoretical philosopher. He is considered as a master thinker in mathematics, science and polities, In his book "Mysticism and Logie" which is the most characteristie title among his works, he made a merciless attack on the illogical of mysticism. He glorified the scientific method, He puts emphasis on logic and regards mathematics as divine, He usually thinks of philosophy as an inferior pursuit compared with mathematics and science, He has a passion for clarity, and that is why that he was impressed by the exactness of mathematics. According to him, the aim of philosophy should be to equal the prefection of mathematics by confining itself to statements similarly exact and similarly true before all experience.

7.2   BERTRAND RUSSELL ON AGNOSTICISM

From such a starting point, Bertrand Russell was almost destined to pass into agnosticism. He found so much in Christianity that could not be phrased in mathematics, that he abandoned it all except its moral code. He is scornful of civilization that persecutes men who deny Christianity, and impressions those who take it seriously. He can find no God in such a contradictory world. We talk of evolution and progress but progress is an egotistical phrase and evolution is but one half of an unmoral cycle of events terminating in dissolution and death. To quote him, "Organic life, we are told, has developed gradually from the protozoan to the philosopher; and this development, we are assured, is indubitably an advance. Unfortunately, it is philosopher, not the protozoans, who gives us this assurance." Russell could not achieve popularity early in life. His popularity as a lover of humanity came suddenly after the First World War. His passion for humanity brought him into conflict with the orthodox conservatives. He was even outlawed and denounced as a traitor to his motherland. But unmindful of the consequences he contiuned his philosophy of pacificism. He was

horrified by the war. Even the interests of the empire did not weigh him much. He was in search of the causes of war. His conclusion was that private property was the cause of war and communism was the only cure.

7.3   BERTRAND RUSSELL ON PROPERTY

According to Bertrand Russell, all property has its origin in violence and theft. He wrote that in the Kimberley diamond mines and the Rand gold mines the transition of robbery into property was going under the nose of the world. "No good to the humanity, of any sort or kind, results from the private ownership of law. If men were reasonable, they would decree that it should cease tomorrow, with no compensation beyond a moderate life-income to the present holders." Since the private property is protected by the state, and the robberies that make property sanctioned by legislation and enforced by arms and war, the state of great evil. Russell wanted the co-operative and producers' syndicates take the functions of the state.

7.4   BERTRAND RUSSELL ON LIBERTY

Russell is a great champion of individual liberty. Liberty to him is the supreme good. Without it development of personality is impossible. Only by free discussion we can pick our way through errors and prejudices to the total perspective which is truth. Freedom of thought and speech would go like cleansing draught through the neuroses and superstitions of the modern mind. Hatred and war come largely of fixed ideas or dogmatic faith. People should be allowed to differ and discuss their differences.

7.5   BERTRAND RUSSELL ON EDUCATION

According to Russell, we are not so educated as we think we are but beginning the great experiment of universal schooling; and it has not had time to affect profoundly our ways of thinking and our public life. We think of education as the transmission of certain body of settled knowledge. When it should be rather the development of scientific habit of mind. He advocated greater use of science and of scientific method in education. With use of these methods, it was the belief of Russell, that education may prove the great solvent of our ills. There is nothing that man might not do if our splendid organization of schools and universities were properly manned, and directed intelligently to the reconstruction of human character.

7.6 BERTRAND RUSSELL ON WAR

Russell stands for the complete outlawry of war. He does not approve the use of force by the state in its external relations. He has condemned conscription. He suggests a single government of the world with a monopoly of political power. There must be an equitable distribution of wealth among the various nations and no nation should be kept low through out the world. The use of force by the state creates the spirit of exclusiveness among nations. As the functions of the state are increasing, there is a rise in the size of bureaucracy which regiments the lives of the people in various ways. But Russell does not want to abolish the state. He gives certain functions of the state are increasing, there is a rise in the size of bureaucracy which regiments the lives of the people in various ways. But Russell does not want to abolish the state. He gives certain function to the state. What cannot be done by the individual but has to be done in his interests, should be given to the state. The state must encourage scientific resarch and remove economic injustice.

7.7 BERTRAND RUSSELL ON POLITICS

Russell approaches a theory of politics from the psychological point of view. Politics to him is the study of power. He admits the need for a coercive power against crime. He wants that the best for power which is natural in human beings should be controlled, But the state which bases most of its authority on force does not find favour with him. According to him, impulses, not conscious purpose, determine man's conduct. There are two kinds of impulses the creative and the possessive. Impulses should not be crushed. It is the task of the total institutions to direct them to healthy channels. Russell writes that "The supreme principles, both in politics and in private life, should be to promote all that is creative, and so to distinguish the impulses and desires that centre round possession."

Russell feels that the world has become the victim of dogmatic political creeds, of which, in our day the most powerful are capitalism and communism. He writes: "Capitalism gives opportunity of initiative to a view; communism could (though it does not in fact) provide a survile kind of security for all. Unfortunately, our political theories are less intelligent than our science, and we have not yet learnt how to make use of our knowledge and our skill in the ways that will do most to make life happy and even glorious."

7.8   BERTRAND RUSSELL ON COMMUNISM

It may also be said that Russell stands for a simple and unsophisticated life. Once he praised China for its simple life, open-mindedness and realism. But now he regard it as the great threat to world peace and humanity. Russell had also praised communism but when he visited Soviet Russia he was disappointed to find that Russian Government could not risk such a measure of demoracy as was necessary for a liberal philosophy. He was annoyed at the suppression of freedom of speech, expression and thought and by the monopoly and systematic use of every avenue of propaganda by the state. Russell stands for freedom and is opposed to dogmatic authoritarianism. He has condemned both the ideals and methods of fascism.

7.9   BERTRAND RUSSELL ON PHILOSOPHY OF HISTORY

As regards the philosophy of his history he does not approve the theories of Marx, Hegel, St. Augustine and Plato. According to him, it is not possible to discover a comprehensive law of hitrorical development which will apply in all cases. There are bound to be variations and the views are bound to differ according to the point of every individual thinker. Economic factor alone does not determine the course of events. While Russell gives adequate weight to the economic factor, he does not overlook the other facors like vanity, rivalry, love of power and love of money. Man also as a thinking animal has the capacity to change his environments by the force of his ideas.

7.10   CONCLUSION

To conclude, the world has convinced Bertrand Russell that it is too big for formula, and perhaps too large and heavy to move very rapidly towards his heart's desire. And there are so many hearts and so many desires. One finds him now "can older and wiser man", swallowed by time and a varied life; as wide awake as ever to all the ills that flesh is heir to any yet matured into the moderation that knows the difficulties of social change. Today, he is a champion of world peace and an active supporter of the policy of nuclear disarmament. He believes that nations should renounce war as an instrument of their policy. Indeed, he is today a great humanitarian, a champion of human rights, envying everything that destroys or hinders the development of human personality. The world honoured his scholarly abilities by awarding him the Nobel Prize for literature in 1950.

LET US SUM UP

Bertrand Russell is not only an arm-chair philosopher. His method is inductive and empirical. He is an impiricist. He thinks that in order to serve the purpose of individual good, a reconstruction is fundamental. The capitalist autocracy in industry must be abolished. Socialism is not only inevitable, but care must be taken not to substitute for the dictatorship of the capitalist the dictatorship of the bureaucrat. The reconstructed society must beware itself not only of the evils of property but also of the evils of power. Equalization of power must follow equalization of property. A vast disposal of power by functional and territorial federalism is necessary. Russell sports the principle of self-government in industry.

CHECK YOUR PROGRESS

1. Bertrand Russell was very much impressed by the exactness of_____.

   a) Mathematics   b) Politics   c) Botany   d) Physics

2. The world honoured Bertrand Russell's scholarly abilities by awarding him the Noble prize for literature in_____

   a) 1950   b) 1960   c) 1940   d) 1930

3. Bertrand Russell has condemned both the ideals and methods of_____.

   a) Nazism   b) Fascism   c) Socialism   d) Communism

4. Politics to Bertrand Russell is the study of_____.

   a) power   b) Influence   c) Authority   d) Legitimacy

GLOSSARY

Agnosticism	:	Atheism.
Mysticism	:	The belief that knowledge of god and ofreal truth canbe found through prayer and meditation.
Prejudices	:	An urleasonable dislike of or preference for a person, group, custom, etc.
Dictatorship of the Proletariat	:	Dominance of working propele.

ANSWER TO CHECK YOUR PROGRESS

1. Mathematics

2. 1950

3. Fascism

4. Power

MODEL QUESTION

1. Explain the Bertrand Russell view's property.

2. Narrate the Bertrand Russell's view's on war

3. Bring out the Bertrand Russell's views on politics.

4. Describe Bertrand Russell's views on communism.

SUGGESTED READINGS

1. J.C.Johari (2002) *Foundations of Political Science*, ShobanLal & Co, Jalandhar.

2. S. Vijayaraghavan, R Jayaraman (1994), *Political Thought*, Sterling Publishers Private Limited, New Delhi.

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4. R.C Gupta (2001), *Great Political Thinkers*, Lakshmi Narayan Agarwal, Agra.

UNIT – 8

STRUCTURE

OVERVIEW

United States of America has produced many political philosophers. Some of the notable philosophers are Macjver Hannah Arendt, Thomas Paine, John Rawls, Henry David Thoreau, Eric volgelin. Mahatma Gandhi was very much influence by Henry David Thoreau. One among the American philosophers is John Dewey. Dewey gave to his philosophy the name of instrumentalism as he regarded it as an instrument for dealing with concrete problems. The object of his philosophy was to solve problems. This unit tries to explain the views of John Dewey on philosophy on state on government and democracy.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Understand John Dewey`s philosophy.

➢ Know the John Dewey view`s on state.

➢ Explain the John Deweys view`s on government.

8.1   INTRODUCTION

John Dewey was born on October 20, 1859 in Burlington, Vermont. He belonged to a middle class family. He was the third of the four sons in the family. He received his early education in his native place.This child of rural Vermont became the voice of scientific method of disciplined inquiry and instrument of freedom. Dewey is recognised as a peculiarly American philosopher.

8.2   JOHN DEWEY`S VIEWS ON PHILOSOPHY

Dewey's primary interest, as a social and political philosopher, was in helping to resolve the problems that have perplexed mankind. These problems are the common ones such as bad sanitation, poor working conditions, unequal distribution of wealth and the exclusion of the mass of people from the material and cultural values produced by the Industrial Revolution. He gave to his philosophy the name of instrumentalism as he regarded it as an instrument for dealing with concrete problems.

The object of his philosophy was to solve problems. It was no use of having a philosophy devoid of realism and serving no useful purpose. Therefore, the purpose of Dewey's philosophy is to solve problems, to make confused situations clear and manageable, to rescue men from the difficulties in which they find themselves. An effective philosophy must recognise the 'real' situations and provide a practicable solution to them. The old philosophies could not be employed to clarify the concrete social problems. They provided ready-made principles to be imposed without any reference to reality. They dealt with the ideal states and not with the states as they are in actuality. Knowledge must be used to solve the problems here and now.

Holding the views he did as to the practical nature of philosophy, Dewey's approach to politics was quite different from that of the traditional political thinkers. His approach was pragmatic. He considered as irrelevant all the discussion about the origin of the state, its growth, its nature or its end with which most of the philosophers have concerned themselves. What he was interested in was the actual problems that exist in actual states. He did not believe that we can succeed in solving these problems if we begin to look for the origin, nature or essence of the state. He condemned what he called the "logic of general notions." The philosophies of the old philosophers simply obscured the real issues which can be dealt with by the method of intelligence, by scientific enquiry and by experimentation. He said: "It is not the business of political philosophy and science to determine what the state in general

should or must be. What they may do is to aid in creation of method such that experimentation may go on less blindly, less at the mercy of accident more intelligently, so that men may learn from their errors and profit by their success. The belief in the political fixity, of the sanctity of some form of state consecrated by the efforts of our fathers and hollowed by tradition is one of the stumbling blocks in the way of orderly and directed change. It is an invitation to revolt and revolution**."**

8.3   JOHN DEWEY`S VIEWS ON STATE

To John Dewey then there is nothing mysterious about states. As a pragmatist stated. "The state is the organization of the public effected through officials for the protection of the interests shared by its members." This is a common-sense view of the state. Dewey believed that had philosopher taken this common-sense view of what goes on in the governing of man they would not have spent their time explaining the 'nature of the state' in terms of divine institution a social contract, the embodiment of reason, and so on states, according to Dewey, are the consequences at specific needs; they come into existence as they are required; they group and develop as they face new and more complicated problems. They are the consequences of specific needs. Thus, in Dewey's concept of state there is nothing of some prepotent force which by fiat or nisius might have generated a mystical state. The state results from certain needs of individuals which it is beyond their capacity to satisfy. Therefore, as Dewey said, the formation of states becomes a series of experiments.

Dewey also cut short the old question of the best form of state. The controversy about the best form of the state is meaningless; the goodness of state depends upon the efficiency of the officials through whom it works. This can be revealed only by a state's history; the absolutely best state cannot be identified until history is ended and it is possible to survey all forms of the state.

Similarly, Dewey dealt in a summary fashion the question of the proper functions of the state. His view of society was pluralistic. He regarded the state only as one of the many associations in which men are grouped

According to him, "state has no precedence over these associations. He likened the state to the conductor of an orchestra, who himself make no music but harmonize that made by the performers. What a state should do is relative to the needs of the given society. All the states cannot perform identical functions. The role of the state is to be determined by a consideration of the consequences of action in

particular situations. Therefore, the state should not be prelabelled as collectivistic or Laissez Faire. Rather it must be regarded 'neutral' indetermin the extension of power. But word 'neutral' must not be misunderstood. It does not mean indifferent. The purpose of the state is the creation of methods such that experimentation may go no less blindly, less at the mercy of accident, more intelligently, so that man may learn from their errors and profit by their successes.

8.4   JOHN DEWEY ON GOVERNMENT

According to Dewey, the proper business of government is to provide for the development of what he called individuality. Individuality is not individualism. By individuality, he meant the complete and harmonious development of the capacities of man. To insist on individualism in a society increasingly corporate amounts to denying men the opportunity to develop the non-pecuniary, human attributes of personality

According to Dewey, until historic individualism is abandoned as the organising principle of society, the individual will be alienated from that society, his ambitions permanently thwarted. Individuals will liberate imagination and endeavour for the task of making corporate society contribute to the free culture of its members. Only be economic revision can the sound element in the older individualism equality of opportunity be made a reality. Dewey believed that his "economic revision", could be accomplished only if government consciously adopted the method of experimentation. The hampering influence of traditional individualism could be ended only by organised social reconstruction". We should either surrender our professed beliefs to the predominant meterial orientation, or we should through organized endeavour institute the socialized economy of material security and plenty that will release human energy for pursuit of higher values.

John Dewey stood for a democratic form of government. In his view the only society in which individuality can be substituted for individualism is a democratic one. Only in such a society will it be possible to use the experimental method successfully. Dewey conceded that the political apparatus of democracy was of great value potentially, but he held that we must go beyond the elaboration of political devices for choosing officials and enforcing responsibility. We must introduce into social problems the method of experimentation.

8.5 JOHN DEWEY ON DEMOCRACY

Democracy is based on the faith in the capacities of human nature. Faith in human intelligence and in the power of pooled and cooperative experience. Dewey did not believe that these qualities are present in the individuals but he felt that if given a show they will grow and be able to generate progressively the knowledge and wisdom needed to guide collective action. Dewey, while elaborating his stand-point regarding the functioning of democracy said that "to get rid of the habit of thinking of democracy as something institutional and external and to acquire the habit of treating it as a way of personal life is to realize that democracy is a moral ideal and so far as it becomes a fact is a moral fact. It is to realise that democracy is a reality only as it is needed a common-place of living." Thus, according to Dewey, democracy as compared with other ways of life is the sole way of living which believes wholeheartedly in the process of experience as end and as means.

8.6 JOHN DEWEY ON EDUCATION

Dewey's belief in the feasibility of the reforms which he regarded as essential to the realization of Individuality' rested upon his faith in the possibilities of education. He laid great emphasis on education, He regarded traditional schooling too formal and too authoritarian. He regarded school as simply one of the instruments manipulated by the ruling few so as to justify their own privileges. This contention of Dewey was that the purpose of learning was not merely to understand the past but also to change the existing world. Properly understood, education consists of every contact with nature and society of experience in general.

8.7 CONCLUSION

To conclude, John Dewey has been called the "philosopher of the common man" It only indicates to his humane approach to the problems of polities. For Dewey whatever is practically useful is true. ideas, meanings, conceptions, notions, theories, systems are instrumental to an active recognization of a given environment, to a removal of some specific trouble and perplexity, they are valid, sound, good and true. But if they fail to clear up the confusion and eliminate the defects rather increase confusion, uncertainty and evil when they are acted upon, they are false. This is all what appeals to common sense. Dewey spoke for those who were tough-minded enough to give up the quest for certainty.

He looked upon knowledge a short of power rather than as an understanding of ultimates. It is the consequences that determine the truth of an idea. Truth is not something unalterably fixed. Truth is whatever works in a given situation.

LET US SUM UP

Dewey was a thinker who was immersed in a practical concerns and applied instrumentalism to social and political questions. He was not, of course, the first person to urge that empirical and quantitative methods be applied to the study of politics and government. But he, of course, the first person to urge that empirical and quantitative methods be applied to the study of politics and government. But he, of course, put forth a method of inquiry that has now been adopted in contemporary investigation and interpretation. The realistic view of politics, has greatly influenced the American politics during the last generation.

CHECK YOUR PROGRESS

1. _____ gave to his philosophy the name of instrumentalism.

   a) Bertrand Russell   b) John Deweys   c) Meciver   d) Thoreau

2. John Dewey stood for a_____form of government

   a) Republican   b) Democratic   c) Dictatoria   d) Aristocratic

3. John Deweys approach to the Politics was _____

   a) Pragmatic   b) Philosophy   c) Historical   d) legal

4. _____Is based on the faith in the capacities of human nature.

   a) Aristotle b) Democracy   c) Oliganchy   d) Anarchy

GLOSSARY

Laissez faire   :   non interference in economic activities.

Instrumentalism   :   instrument for dealing with concret problems.

Individualism   :   policy of leaving the individual to enjoy liberty without restriction.

Mystical State   :   a state which belief in understanding the god through prayer.

ANSWER TO CHECK YOUR PROGRESS

1. John Deweys.

2. Democratic

3. Pragmatic

4. Democracy

MODEL QUESTION

1. What is philosophy according to John Dewey?

2. Bring out John Deweys views on state.

3. Explain John Dewey's ideas on government.

4. Describe John Dewey's views on Democracy.

SUGGESTED READINGS

1. J.C.Johari (2002) *Foundations of Political Science*, ShobanLal & Co, Jalandhar.

2. S. Vijayaraghavan, R Jayaraman (1994), *Political Thought*, Sterling Publishers Private Limited, New Delhi.

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UNIT - 9

<div align="right">**LEO STRAUSS**</div>

STRUCTURE

OVERVIEW

      There was a discussion in the early 1950, whether political theory is dying or Continuing. There were two different opinions regarding this. Easton and cobban said that the political theory was doing. Berlin, Blondel and Leo Strauss contend that political theory is neither dying not dead. It very much exists. This unit tries to explain the ideas Leo Strauss on political theory.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Understand the Leo Strauss views on political theory.

➢ Know the Strauss views on politics.

➢ Explain Strauss interpretation on Platos republic.

9.1 INTRODUCTION

Leo Strauss German September 20, 1899 – October 18, 1973 was a German-American political philosopher and classicist who specialized in classical political philosophy. Born in Germany to Jewish parents, Strauss later emigrated from Germany to the United States. He spent much of his career as a professor of political science at the University of Chicago, where he taught several generations of students and published fifteen books.

Trained in the neo-Kantian tradition with Ernst Cassirer and immersed in the work of the phenomenologists Edmund Husserl and Martin Heidegger, Strauss established his fame with path-breaking books on Spinoza and Hobbes, then with articles on Maimonides and Farabi. In the late 1930s his research focused on the rediscovery of esoteric writing, thereby a new illumination of Plato and Aristotle, retracing their interpretation through medieval Islamic and Jewish philosophy, and encouraging the application of those ideas to contemporary political theory.

9.2 EDUCATION

After attending the KirchhainVolksschule and the Protestant Rektoratsschule, Leo Strauss was enrolled at the Gymnasium Philippinum (affiliated with the University of Marburg) in nearby Marburg (from which Johannes Althusius and Carl J. Friedrich also graduated) in 1912, graduating in 1917.

Strauss subsequently enrolled in the University of Hamburg, where he received his doctorate in 1921; his thesis, On the Problem of Knowledge in the Philosophical Doctrine of F. H. Jacobi (Das Erkenntnisproblem in der philosophischenLehre Fr. H. Jacobis), was supervised by Ernst Cassirer. He also attended courses at the Universities of Freiburg and Marburg, including some taught by Edmund Husserl and Martin Heidegger. Strauss joined a Jewish fraternity and worked for the German Zionist movement, which introduced him to various German Jewish intellectuals, such as Norbert Elias, Leo Löwenthal, Hannah Arendt and Walter Benjamin. Benjamin was and remained an admirer of Strauss and his work throughout his life.

9.3 CAREER

After receiving a Rockefeller Fellowship in 1932, Strauss left his position at the Higher Institute for Jewish Studies in Berlin for Paris. He returned to Germany only once, for a few short days twenty years later. In Paris, he married Marie (Miriam) Bernsohn, a widow with a young child, whom he had known previously in Germany. He adopted his wife's son, Thomas, and later his sister's child, Jenny Strauss Clay, later a professor of classics at the University of Virginia; he and Miriam had no biological children of their own.

At his death, he was survived by Thomas, daughter Jenny Strauss Clay, and three grandchildren. Strauss became a lifelong friend of Alexandre Kojève and was on friendly terms with Raymond Aron, AlexandreKoyré, and Étienne Gilson. Because of the Nazis' rise to power, he chose not to return to his native country. Strauss found shelter, after some vicissitudes, in England, where, in 1935 he gained temporary employment at University of Cambridge, with the help of his in-law, David Daube, who was affiliated with Gonville and Caius College. While in England, he became a close friend of R. H. Tawney, and was on less friendly terms with Isaiah Berlin.

Unable to find permanent employment in England, Strauss moved in 1937 to the United States, under the patronage of Harold Laski, who made introductions and helped him obtain a brief lectureship. After a short stint as Research Fellow in the Department of History at Columbia University, Strauss secured a position at The New School, where, between 1938 and 1948, he worked the political science faculty and also took on adjunct jobs. In 1939, he served for a short term as a visiting professor at Hamilton College. He became a U.S. citizen in 1944, and in 1949, he became a professor of political science at the University of Chicago, holding the Robert Maynard Hutchins Distinguished Service Professorship until he left in 1969.

9.4 LEO STRAUSS ON PHILOSOPHY

For Strauss, politics and philosophy were necessarily intertwined. He regarded the trial and death of Socrates as the moment when political philosophy came into existence. Strauss considered one of the most important moments in the history of philosophy Socrates' argument that philosophers could not study nature without considering their own human nature.which, in the words of Aristotle, is that of "a political animal." However, he also held that the ends of politics and philosophy were inherently irreconcilable and irreducible to one another.

Strauss distinguished "scholars" from "great thinkers", identifying himself as a scholar. He wrote that most self-described philosophers are in actuality scholars, cautious and methodical. Great thinkers, in contrast, boldly and creatively address big problems. Scholars deal with these problems only indirectly by reasoning about the great thinkers' differences.

In Natural Right and History Strauss begins with a critique of Max Weber's epistemology, briefly engages the relativism of Martin Heidegger (who goes unnamed), and continues with a discussion of the evolution of natural rights via an analysis of the thought of Thomas Hobbes and John Locke. He concludes by critiquing Jean-Jacques Rousseau and Edmund Burke. At the heart of the book are excerpts from Plato, Aristotle, and Cicero. Much of his philosophy is a reaction to the works of Heidegger. Indeed, Strauss wrote that Heidegger's thinking must be understood and confronted before any complete formulation of modern political theory is possible, and this means that political thought has to engage with issues of ontology and the history of metaphysics.

Strauss wrote that Friedrich Nietzsche was the first philosopher to properly understand historicism, an idea grounded in a general acceptance of Hegelian philosophy of history. Heidegger, in Strauss' view, sanitized and politicized Nietzsche, whereas Nietzsche believed "our own principles, including the belief in progress, will become as unconvincing and alien as all earlier principles (essences) had shown themselves to be" and "the only way out seems to be ... that one voluntarily choose life-giving delusion instead of deadly truth, that one fabricate a myth". Heidegger believed that the tragic nihilism of Nietzsche was itself a "myth" guided by a defective Western conception of Being that Heidegger traced to Plato. In his published correspondence with AlexandreKojève, Strauss wrote that Hegel was correct when he postulated that an end of history implies an end to philosophy as understood by classical political philosophy.

9.5   LEO STRAUSS ON POLITICS

According to Strauss, modern social science is flawed because it assumes the fact–value distinction, a concept which Strauss found dubious. He traced its roots in Enlightenment philosophy to Max Weber, a thinker whom Strauss described as a "serious and noble mind." Weber wanted to separate values from science but, according to Strauss, was really a derivative thinker, deeply influenced by Nietzsche's relativism.[60] Strauss treated politics as something that could not be studied from afar. A political scientist examining politics with a value-free

scientific eye, for Strauss, was self-deluded. Positivism, the heir to both Auguste Comte and Max Weber in the quest to make purportedly value-free judgments, failed to justify its own existence, which would require a value judgment.

While modern-era liberalism had stressed the pursuit of individual liberty as its highest goal, Strauss felt that there should be a greater interest in the problem of human excellence and political virtue. Through his writings, Strauss constantly raised the question of how, and to what extent, freedom and excellence can coexist. Strauss refused to make do with any simplistic or one-sided resolutions of the Socratic question: What is the good for the city and man?

9.6   LIBERALISM AND NIHILISM

Strauss taught that liberalism in its modern form (which is oriented toward universal freedom as opposed to "ancient liberalism" which is oriented toward human excellence), contained within it an intrinsic tendency towards extreme relativism, which in turn led to two types of nihilism.

The first was a "brutal" nihilism, expressed in Nazi and Bolshevik regimes. In On Tyranny, he wrote that these ideologies, both descendants of Enlightenment thought, tried to destroy all traditions, history, ethics, and moral standards and replace them by force under which nature and mankind are subjugated and conquered. The second typethe "gentle" nihilism expressed in Western liberal democracies was a kind of value-free aimlessness and a hedonistic "permissive egalitarianism", which he saw as permeating the fabric of contemporary American society.

9.7   STRAUSS'S INTERPRETATION OF PLATO'S REPUBLIC

According to Strauss, The Republic by Plato is not "a blueprint for regime reform" (a play on words from Karl Popper's Open Society and Its Enemies, which attacks The Republic for being just that). Strauss quotes Cicero: "The Republic does not bring to light the best possible regime but rather the nature of political things the nature of the city."

Strauss argued that the city-in-speech was unnatural, precisely because "it is rendered possible by the abstraction from eros". Though skeptical of "progress", Strauss was equally skeptical about political agendas of "return" that is, going backward instead of forward.

In fact, he was consistently suspicious of anything claiming to be a solution to an old political or philosophical problem. He spoke of the danger in trying finally to resolve the debate between rationalism and traditionalism in politics. In particular, along with many in the pre-World War II German Right, he feared people trying to force a world state to come into being in the future, thinking that it would inevitably become a tyranny. Hence he kept his distance from the two totalitarianisms that he denounced in his century, both fascists and communists.

9.8   STRAUSS AND KARL POPPER

Strauss actively rejected Karl Popper's views as illogical. He agreed with a letter of response to his request of Eric Voegelin to look into the issue. In the response, Voegelin wrote that studying Popper's views was a waste of precious time, and "an annoyance". Specifically about The Open Society and Its Enemies and Popper's understanding of Plato's The Republic, after giving some examples, Voegelin wrote:

Popper is philosophically so uncultured, so fully a primitive ideological brawler, that he is not able to even approximately to reproduce correctly the contents of one page of Plato. Reading is of no use to him; he is too lacking in knowledge to understand what the author says.

Strauss proceeded to show this letter to Kurt Riezler, who used his influence in order to oppose Popper's appointment at the University of Chicago.

9.9   ANCIENTS AND MODERNS

Strauss constantly stressed the importance of two dichotomies in political philosophy, namely Athens and Jerusalem (reason and revelation) and Ancient versus Modern. The "Ancients" were the Socratic philosophers and their intellectual heirs; the "Moderns" start with Niccolò Machiavelli. The contrast between Ancients and Moderns was understood to be related to the unresolvable tension between Reason and Revelation. The Socratics, reacting to the first Greek philosophers, brought philosophy back to earth, and hence back to the marketplace, making it more political.

The Moderns reacted to the dominance of revelation in medieval society by promoting the possibilities of Reason. They objected to Aquinas's merger of natural right and natural theology, for it made natural right vulnerable to sideshow theological disputes. Thomas Hobbes, under the influence of Francis Bacon, re-oriented political thought to what was most solid but also most low in man his physical

hopes and fears setting a precedent for John Locke and the later economic approach to political thought, as in David Hume and Adam Smith.

9.10   RELIGIOUS BELIEF

Although Strauss accepted the utility of religious belief, there is some question about his religious views. He was openly disdainful of atheism better source needed] and disapproved of contemporary dogmatic disbelief, which he considered intemperate and irrational. However, like Thomas Aquinas, he felt that revelation must be subject to examination by reason. At the end of The City and Man, Strauss invites us to "be open to the question quid sitdeus, and Edward Feser writes that.

Strauss was not himself an orthodox believer, neither was he a convinced atheist. Since whether or not to accept a purported divine revelation is itself one of the "permanent" questions, orthodoxy must always remain an option equally as defensible as unbelief.

In Natural Right and History Strauss distinguishes a Socratic (Platonic, Ciceronian, Aristotelian) from a conventionalist (materialistic, Epicurean) reading of divinity, and argues that "the question of religion" (what is religion?) is inseparable from the question of the nature of civil society and civil authority. Throughout the volume he argues for the Socratic reading of civil authority and rejects the conventionalist reading (of which atheism is an essential component) This is incompatible with interpretations by Shadia Drury and other scholars who argue that Strauss viewed religion purely instrumentally.

9.11   STRAUSSIANISM

Straussianism is the name given "to denote the research methods, common concepts, theoretical presuppositions, central questions, and pedagogic style (teaching style) characteristic of the large number of conservatives who have been influenced by the thought and teaching of Leo Strauss." While it "is particularly influential among university professors of historical political theory. It also sometimes serves as a common intellectual framework more generally among conservative activists, think tank professionals, and public intellectuals." Within the discipline of political theory the method calls for its practitioners to use "a 'close reading' of the 'Great Books' of political thought; they strive to understand a thinker 'as he understood himself'; they are unconcerned with questions about the historical context of, or historical influences on, a given author" and strive to be open to the idea

that they may find something timelessly true in a great book. The approach "resembles in important ways the old New Criticism in literary studies**.**

Harvey Mansfield has argued that there is no such thing as "Straussianism" yet there are Straussians and a school of Straussians. Mansfield describes the school as "open to the whole of philosophy" and without any definite doctrines, that one has to believe to belong to it. Almost the entirety of Strauss's writings has been translated into Chinese and there even is a school of Straussians in China, the most prominent being Liu Xiaofeng (Renmin University).

LET US SUM UP

Leo Strauss the native of Germany migrated to the United States was the professor of political science at the Chicago University, has published fifteen books. He was the defender of political theory that it did not die and it very much exist. He has interpreted the Platos Republic, that is not a blueprint of Regine reforms. He disagreed with Karl Poppers views. He questioned about religions views accepting the utility of religions belief. His method is called as straussianism.

CHECK YOUR PROGRESS

1. Leo Strauss was the professor of political science in the university of _____
   a) Chicago   b) Columbia   c) Harvard   d) Oxford
2. Unable to find permanent employment in England, Strauss moved in_____to the United States.
   a) 1920   b) 1919   c) 1937   d) 1925
3. According to staruss_____is not a blueprint for Regine reforms.
   a) Republic of Plato   b) Politics by Aristotle
   c) Prince by Machiavelli   d) Leviathan by Hobbes

4. Strauss prefers the term_____to political theory
   a) Political philosophy   b) Politics
   c) Political science   d) Political thought

GLOSSARY

Flaw   :   Fault or weakness.

Rihilism   :   Rejection of all religions and moral principles.

Lllogical   :   lacking sense or sound reason.

Dichotomy   :   Division or contrast between the two things that are posed or entirely different.

ANSWER TO CHECK YOUR PROGRESS

1. Chica cogo
2. 1937
3. Republic of Plato
4. Political philosophy

MODEL QUESTION

1. Trace out the early Life and career of Leo Strauss.
2. Bring out the views of Leo Strauss about the regurgence of political theory.
3. How does strauss interpret Platos republic?
4. Write a note on religions belief of Leo Strauss

SUGGESTED READINGS

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3. D.R.Bhandari (1986), *History of European Political Philosophy*, the Bangalore Printing and Publishing Co. Ltd. Bangalore.

4. R.C Gupta (2001), *Great Political Thinkers*, Lakshmi Narayan Agarwal, Agra.

Block IV

Dialectical Thinkers

Unit- 10   Hegel

Unit- 11   Karl Marx

UNIT - 10

<div align="right">**HEGEL**</div>

STRUCTURE

OVERVIEW

Like other political philosophers, the German philosopher, Hegel has contributed to the study of political science. He tried to create a system that could be universal and eventually bring forth the identity of the particular and universal. This unit tries to explain the political philosophy of hegel.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢   Understand the life and times of Hegel.

➢   Know the dialectical method of Hegel.

➢   Explain Hegel's views on family and marriage Hegels.

➢   Discuss the Hegels theory of Government

10.1   INTRODUCTION

Hegel belonged to the German idealist school. He was influenced to a great extent by Kant, Fichte, Plato and Aristotle. To a certain extent Montesquieu impressed him aviot was Rousseaus exphasis upon democracy that horrified him. The he worte his great book the phenomenology of mind. Hegel followed a type of philosophers different from the classical English philosophers rejecting the English empirical method he followed abstract reason, instinct or intuition and tradition.

10.2   LIFE OF HEGEL

Born in Stuttgart in Southern Germany in 1770 and belonging to an upper middle class family. Hegel felt more at home with the South Germans than with the Northerners, and the Prussians. In later life this attitude changed completely as a result of religious feelings. The South was Roman Catholic and the North Protestant. Hegel found himself closer to Protestant Prussia than Catholic Bavaria or Austria in the south and felt that Prussia would take the lead in the formation of a strong national state.

Further, it was Prussia which made him the leading professor in its highest institution of learning. His upper middle class position, led him to look upon the bulk of the population with contempt and disdain. Though not an aristocrat, he was of the view that the higher classes constituted the most important element of the population which should lead the rest. Being the son of a civil servant he felt that a welfare state demanded a strong, well-trained hierarchy of permanent officials, chosen by selection and not election. His ideal state was to be a constitutional monarchy held in check by the members of the permanent bureaucracy.

Belonging to the German Idealist School, Hegel was influenced to a great extent by Kant and Fichte, Plato and Aristotle, the doctrine of ideas of the former and the doctrine of forms of the latter had a tremendous influence on him. Both were etatists believing that the state should have control over the individual and that the individual has no rights against the state.

After six years of university service Hegel became a private tutor, and though not successful as a tutor, he wrote numerous essays and articles. Entering the University of Jena and starting his academic career once again, Hegel composed numerous essays on his complicated system of philosophy. It was here that he wrote his first great book The

Phenomenology of Mind, while the Napoleonic wars took place outside the University town affecting life disastrously. Hegel the Nepoleon in the world of thought, was facing starvation.

Leaving Jena, he became the editor of a small daily newspaper only to give it up soon and re-enter the academic world. Hegel was as much an authoritarian in the world of education as he was in the world of politics. He was unhappy at the lack of recognition in the world of higher learning. Undaunted, he wrote his second great work The Science of Logic which at once brought him immortal fame as one of the most celebrated philosophers of Germany. The university of Heidelberg appointed him as professor of philosophy and it was here that he composed the Encyclopaedia of Philosophical Sciences, a Monumental work on his "philosophical system".

Prussia discovered in him a superb "official philosopher" and appointed him in the university of Berlin. He came in close contact with the government officials and was often consulted in making academic appointments. Winning the favour of the Prussian government, Hegel came to regard it as the perfect embodiment of his ideal and rational philosophy, a concrete manifestation of all his thoughts and ideas. He wrote his Philosophy of Right during his stay in Prussia. The Philosophy of History based on his lectures was published after his death. These two works constitute the basic sources for the study of Hegel's philosophy of state.

10.3 HEGELIAN GENERAL PHILOSOPHY

Hegel followed a type of philosophising different from the classical English philosophers. Rejecting the English empirical method he followed abstract reason, instinct or intuition and tradition. To Hegel, "the rational is the real and the real is the rational." That which is irrational or contrary to the laws of reason is to be deemed false. It means that the rational is good and the good is rational. "Thought and being are one" or in other words, "Thought was the only ultimate reality in this world". All problems stand solved by thought.

Hegel, following Kant and Fichte, based his philosophy of logic, the study of the laws of thought and metaphysics, the study of the ultimate nature of the world around us. Instead of going into the details of the Hegelian system of metaphysics, it would be better to note the five basic features of his philosophy which indicate his attitude toward social and political problems. "Throughout the whole course of man's history action is dominated by thought, and in the long run it is thought which counts." This is in contrast with the materialistic idea that the thoughts of

men are motivated by their environment, racial or economic background. Marx, though a disciple of Hegel, rejected this stand and concluded that man's idea and ideals are largely the result of forces and factors which happen to be, in the main economic.

Besides emphasising the importance of idea Hegel also introduced the notion of Zeitqueist or "Spirit of the times" and Volksqueist or "Spirit of the people". The former represents the complex of idea and thoughts dominating the minds of men at any given time and the latter the ideas dominating the people constituting a whole nation. The spirit of each people, having a specific genius manifests itself in its own legal and political institutions.

"The whole universe is a creation of reason or thought or spirit." The common belief was that the world consists of matter and mind and God the creator. Hegel thought that there was only one ultimate reality, may be God or the Absolute or possibly matter. Since it is essentially spiritual in nature Hegel calls it mind, or spirit. This absolute is Pure Thought and Pure Reason and hence knowable by reason. The Universe is the embodiment of reason or mind.

"Thought or reason, the only ultimate reality, is not static but dynamic; reason is a principle of growth and development; hence no one of its manifestations is intelligible unless it be studied along the lines of continuous development." This theory is distinct from Platonic philosophy. Plato believed that the world of appearance was full of change, growth and decay and the true world of ideas, of pure reason is unchanging with no growth or evolution. To Hegel, the world of pure thought, of ultimate reality is not fixed or rigid or motionless. Pure reason develops or unfolds itself and the entire world is nothing but eternal self-unfolding of the universal mind. Change, growth, development and evolution constitute important stages of the continuous world process undergone by mind.

The different stages included in this process of development are first, the seemingly motionless matter the inorganic world. The next stage is the organic world of plants, vegetation and then animals. The next stage is man in whom the universal mind becomes conscious of itself. This rational process of development or self-unfolding follows a logical pattern. Hegel calls this pattern the "Universal Dialectic". Though abstruse and metaphysical in nature it played a distinct part in etatist philosophy and became the cornerstone of Marxian thought. Marxian theory becomes unintelligible without an understanding of the Hegelian dialectic.

10.4   THE DIALECTIC OF HEGEL

According to Hegel all development and evolution takes place not in a straight line but in a zigzag or spiral form following a set fòrmula of thesis, antithesis and synthesis or in simple language affirmation, contradiction and solution. Action is followed by reaction and on further conflict a harmony or synthesis follows.

Every tendency resulting in conflict between the two generates a new factor which sooner or later breeds its own opposite. Conflict ensues again resulting in a new synthesis. Though this theory of opposites was familiar to the Greeks, Hegel felt that the old rhythm was similar to going in a circle like a squirrel in a revolving cage with no progress or growth. On the contrary his dialectic indicates that man proceeds not in a circle but in a spiral that leads ever upwards and onwards. The pattern is applied not merely to the problem of political institutions, but to every phase of human activity. Progress was a part of the cosmic scheme and no one can stop the upward surge of the world process of mind unfolding itself. Like a child going into adulthood, progress and evolution are not voluntary but rational. One of the principal goals of human and cosmic development is the creation and steady perfection of the nation state. The state is the most perfect embodiment of spirit "and as a separate organism man symbolises the final stage of evolution leaving no further physical development". Hegel gives a decisive answer to the question: "Beyond men—what?" Then he says "Nothing." "Among social institutions that must dominate mankind, society is higher and more important than the family, but the state is higher and more important than society." The national state is greater than humanity as a whole; war between the various national states is useful and inevitable.

10.5   THE ETATISM OF HEGEL

Hegel defines the state as "the realised substantive will, having its reality in the particular self-consciousness raised to the plain of universal." His political system as outlined in his Philosophy of Right are:

That the state is mainly divine in origin, and must, therefore, be looked upon with reverence and awe. In a sense it may be a removal of the old "divine right of kings" theory, Hegel's God was impersonal and he rejected the "contract" and "consent" theories of the state. The state did not originate in the voluntary union of free individuals. Hegel accepts Aristotelian theory that man is a social and political animal but insists that this is because of a divine spirit (Universal Mind) in him which results in the formation of political institutions. The state is the result of a

long- drawn out process of evolution. In the early stages man must have lived in groups because of social instincts in him. Slowly

Institutional life developed. Out of the family developed the tribe and out of the tribe, the state. Universal Mind or divine guidance was responsible for this development. Therefore, the creation of the state must be considered the works of God rather than of human beings.

Force and conquest also contributed to development. Nevertheless Hegel firmly believed that "human history is the march of God in the realm of time." "World history is world judgement". Nations subjugating others by conquest may be regarded as the process of self-unfolding of the world-spirit- and the heroes are "agents of the world-spirit." "The state is the Divine Idea as it exists on earth."

The second feature of his theory of the state indicates the complete subordination of the individual to the state, and the individual's wishes and desires being rejected in favour of the states' will. This may be the revival of the old idea of passive obedience. Defending the absolute state, Hegel declared the state as the end-in-itself, and that all human beings were merely means to an end, the end being the elevation of the state to a supreme position. The state has the highest right over the individual, whose highest duty in turn is to be a member of the state." To Hegel the state is "a greater being, a spirit, a super-personal entity".

The liberals with their belief in individualism feel shocked at this stand of Hegel, since their watchword happens to be freedom for the individual. Hegel claims to be deeply interested in freedom like any liberal and declares that freedom is the cornerstone of his political philosophy. The essence of spirit is freedom. "The State as a completed reality (i.e., the state in its perfected form) is the actualisation of freedom." Real freedom according to Hegel implies voluntary but complete subservience to the dictates of the state. It means that liberty consists in the ability to do what one ought to do. It is more absence of external restraints.

"The third feature of Hegel's theory of the state refers to the idea that the dictates of the state are higher and more important than the dictates of natural law and subjective morality."

Hegel considers the whole concept of natural law and natural rights with deep distrust and hostility. Likewise he feels that the idea of moral principles being regarded as higher or more desirable than the dictates of positive laws as formulated and enforced by the machinery of

government in the state is extremely dangerous. He therefore, attached the supremacy of natural law and natural right and argued for the supremacy of the state. Supremacy of individual conscience in matters of morality also stands condemned in his view. While accepting the views of liberals on these subjects, He feels that the real meaning of these concepts can be understood only when they are transcended by the dictates of the absolute state.

The fourth feature of Hegel's etatism is the idea that "among social institutions that must dominate mankind, society is higher and more important thanthe family, but the state is higher and more important than society."

10.6   HEGEL'S VIEWS ON FAMILY AND MARRIAGE

Hegel considered a true family as one consisting of man, his wife and immature children-and not a great patriarchal family with all the descendants of a single male ancestor constituting it under the roof.

In his family when children come of age and marry they cease to be members of the parental family and parental control and responsibility ends when children reach maturity. While celibacy was recommended as the highest ideal, Hegel considered it a duty of all men and of all women to marry, by which they would be fulfilling an ethical duty. Rejecting polygamy Hegel recommends only monogamous forms of unions. Marriage is to be regarded as a divine institution and it should be a religious and public ceremony. Divorce must be made difficult: Marriages should be arranged by the parents. It should not be the result of "falling in love" of two young people. The parties should consent to their wedding and "love" is expected to spring up in due course. Hegel objects to the young people knowing one another too well before marriage. Marriage should be associated with dowry and settlement system and family fortune should be treated as a must, the administration of which should lie entirely with the husband. Hegel advocated the theory that" a woman's place is in the home." They may, however receive good education. "If women were to control the government, the state could be in danger for, they do not act according to the dictates of universality but are influenced by accidental inclinations and opinions".

The fifth feature of Hegel's theory of state is "the belief that the national state is greater than humanity as a whole." As one interested in the "universal" and not in the "particular" he rejected the importance of parts and was concerned only with the "all-embracing whole." With all his universalism he glorifies the national state and claims it to be the

ultimate goal of evolution. Nationalism gains an upper hand as against internationalism. He rejects the idea of a world state or a league of nations but agrees to a world court for settlement of disputes and branches of international law, this world being no man-made institution, but the world spirit in the form of world history. The state that survives in the competition between states is the true state and would be in accord with world spirit.

Hegel feels that nation states must be perpetually in conflict with one another. Conflicts are decided by war. The nation which is successful in war is obviously right. War is a necessity leading to the moral advancement of mankind. It is good because it inspires men to patriotism; it inspires morality or ethics. War aids evolution by bringing to the surface the all-powerful state. International obligations and treaties may be violated on the ground that conditions have changed. Hegel's philosophy treats an international treaty as "only a scrap of paper."

10.7 THEORY OF GOVERNMENT AUTHORITARIANISM OF HEGEL

Hegel was a thorough-going authoritarian and thought that government was not and should not be based upon the consent of the governed. Men in authority do not derive power from the people. Sovereignty does not rest in the peoples but in the person of the ruler. In Hegel's theory of government power is concentrated at the top and gradually sinks downwards instead of rising from the bottom and going to the top as in democracy. His government was like a political pyramid, a social and political hierarchy, a few controlling and guiding the many and the supreme head of the state directing the few. Hegel was influenced by Montesquieu to some extent. Montesquieu considered that a government should be based upon the principles of checks and balances as well as the theory of separation of powers. Hegel considered this view to be valuable but not perfect. He was for some organ within the state which transcends the other organs.

Hegel feels that the correct division of government should be legislative, executive and monarchic organs, the first two to check one another and the last one to maintain harmony and unity in the state. Element of universality is represented by the legislative organs and the element of particularity by the executive. Judiciary shall be under the executive. These are in accordance with his dialectical pattern with the legislative as the thesis, the executive as the antithesis, and the monarchic as the synthesis. The forms of government based upon one, few and many are thus recognised, viz., the monarchic element in the

supreme rule of the one, the executive forming true aristocracy represents the few and the legislative, the wisdom of the many.

Hegel favoured absolutism or a dictatoriship, and was a great admirer of Alexander, Julius Caesar, and Napoleon. He felt that a good government needed the monarchic element in some form or other, and that all other forms were imperfect. "The monarchic constitution is therefore the constitution of developed reason; all other constitutions belong to the lower grades of the development and the realisations of reason." Sovereignty lies in the person of the monarchison When the Philosophy of Right was published Napoleon passed away and it became ridiculous to glorify dictatorship. In keeping with the demand of the changed times Hegel advocated limited or constitutional monarchy instead of absolutism. The movement of history is "from despotism (the thesis) to a republic (the anti-thesis) and then to a constitutional monarchy (the synthesis)."

Hegel advocates the hereditary principle in such monarchies because the monarch is bound by the advice of his counsellors. It is different from the English type and is based upon the Prussian model where the ministers and the civil servants were appointed by the monarch. The monarch shall have absolute veto over legislation. The executive consists of the administrative hierarchy including ministers, departmental heads, civil servants and all judicial officers. In short it consists of the entire political aristocracy.

Governmental affairs should be regulated not by laws but by orders passed by the administrative hierarchy. Laws should be few and simple in character laying down only general principles. The application of these principles should be left to the bureaucracy. In financial matters the administration must have the final say. Hegel, however wants a legislative body in addition to the monarch but the monarch "gives the final decision". The administrative hierarchy proposes legislation and participates in the work of the legislature. Hegel recommends the bi-cameral system where the upper house would consist of land owners and the aristocracy and the lower "is to be somewhat more general and more inclusive in its make up." It would consist of representatives of all the "estates" and the corporation" Hegel opposed manhood suffrage. In the lower house representation is given to trade unions, farmers, cooperatives, artisans and peasants organised into groups. This would be a small group since he also insists upon some property qualification. He was not for giving the right to vote to the bulk of the population which

he thought would lead to national calamity. Hegel wanted the higher and more important to control the lower and less important.

10.8 EVALUATION OF HEGEL

Hegel is regarded as a great forerunner or "morning star" of the fascist theory of the state. The Hegelian system is regarded as "the most logical and the richest philosophy of the state ever devised." Marx and Engels rejected his idealistic philosophy but Hegelian influence on both was profound and complete. The Marx-Engels philosophy of the state and of history was nothing else than Hegelian theory turned topsy-turvy. The dialectical materialism or economic materialism of Marx and Engels was only the dialectical spiritualism or idealistic determinism of Hegel turned up-side down.

LET US SUM UP

Hegel who considered the state to be rational and in conformity with its will results in the enjoyment of the highest freedom. Lenin, Stalin, Mussolini and Hitler drew inspiration from his ideas. His views and methodology greatly influenced the social sciences and social institutions came to be treated as the products of a natural growth. He was the foremost intellectual of Germany to pave the way for its national unification in the nineteenth century.

CHECK YOUR PROGRESS

1. Hegel belonged to the German_____School.
   a) Idealist   b) Individualist c) Socialist   d) Communist
2. Hegel was born in the year_____
   a) 1770   b) 1780   c) 1790   d) 1800
3. Hegel advocate the hereditary principal in such_____
   a) Democracy   b) Monarchies   c) Aristotle   d) Polity
4. Hegel was as much an authoritarian in the world of_____as he was in the world of politics.
   a) Education   b) Art   c) Literature d) Dance

GLOSSARY

Idealism   : The practice of forming or pursuing ideals especially unrealistically.

Metaphysics   : Branch of philosophy concerned with the nature of existence, being and the world.

Dialectic   : The art of investigating or discussing the truth of opinions.

ANSWER TO CHECK YOUR PROGRESS

1. Idealist
2. 1770
3. Monarchies
4. Education

MODEL QUESTION

1. Write a note on Hegelian general philosophy?

2. Bring out Hegels views on family and marriage.

3. What is Authoritarichism of Hegel? Explain it.

4. Explain the concept of dialectic method by Hegel.

SUGGESTED READINGS

1. J.C.Johari (2002) *Foundations of Political Science*, ShobanLal & Co, Jalandhar.

2. S. Vijayaraghavan, R Jayaraman (1994), *Political Thought*, Sterling Publishers Private Limited, New Delhi.

3. D.R.Bhandari (1986), *History of European Political Philosophy*, the Bangalore Printing and Publishing Co. Ltd. Bangalore.

4. R.C Gupta (2001), *Great Political Thinkers*, Lakshmi Narayan Agarwal, Agra.

UNIT - 11

KARL MARX

STRUCTURE

OVERVIEW

Karl Marx is a well-studied and well- cited economist. He lived between 1818 and 1883, but his ideas still exist in our society today. Marx believed that the capitalist system created a class struggle that oppressed the working class, created a poor quality of life, and was an ineffective way to structure society. In the previous unit, we dealt about the political ideas of Hegel. This unit tries to explain the political philosophy of Karl Marx, who is the father of communism or scientific socialism.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Know about Karl Marx, the life and works of Karl Marx.
➢ Understand the Communist Manifesto of Karl Marx.
➢ Discuss Marx's Das Capital.
➢ Learn the Karl Marx views on Dialectical materialism and materialistic interpretation.
➢ Study the Karl Marx theory of surplus value and class of history struggle.

11.1 LIFE AND WORKS

Karl Marx was born of a Jewish family in Treves in West Prussia on May 5, 1818. His parents had embraced Christianity in 1824 when Marx was still a child of six years of age. This conversion of the parents meant an emotional rebirth for Marx He was sent to the University of Bonn in 1835 for the study of jurisprudence where he is said to have devoted himself more to the courtship of Jenney von West Phalen; whom he later on married, than to study. In the following year he went to the University of Berlin where he spent all his time in study. Here he was particularly attracted by the philosophy of Hegel. He received his Doctorate in 1841 from the University of Jena and sought a University appointment. But he soon left the job and became a journalist. He undertook the editorship of a liberal newspaper known as the Pheinische Zeitung.

Karl Marx died in London on 14 March, 1883. Frederic Engels, in a speech over his grave on High Gate Cemetery, professed that, "his name and works will endure through the ages"

11.2 KARL MARX'S WRITINGS

1. The communist Manifesto, (1847) (With F. Engels).

2. Das Capital : (3 Volumes) 1867, (ed. by, Engels) 1885, 1894

3. The Poverty of Philosophy (1847)

4. A Contribution to the Critique of Political Economy, (1859).

5. Eleven Thesis of Feverbach, (1845)

6. The Eighteenth Bruminaire of Louis Bonoparte, (1894)

7. Civil War and Class Struggle in France, (1849).

8. The Critique of the Goetter Programme, (1891).

9. Revolution and Counter Revolution.

11.3 COMMUNIST MANIFESTO

Manifesto The phrase "dictatorship of the proletariat" was not used in the Manifesto. Nor was there any mention of the complete elimination of state power and the state machinery. Marx and Engels spoke about the "political rule of the proletariat", advising the workers to capture the state, destroy all privileges of the old class, and prepare for the eventual disappearance of the state.

We have seen above that the first step in the revolution by the working class is to raise the proletariat to the position of the ruling class, to win the battle of democracy. The proletariat will use its political supremacy to wrest, by degrees, all capital from the bourgeoisie, to centralize all instruments of production in the hands of the state i.e., of the proletariat organized as the ruling class; and to increase the total of productive forees as rapidly as possible (Marx 1975: 74).

Marx and Engels were convinced that the existing states, whether as instruments of class domination and oppression, or rule by bureaucratic parasites on the whole of society, would grow inherently strong andremain minority states representing the interests of the small, dominant and powerful possessing class. It was only when the proletarian majority seized the state structure that the state became truly democratic and majoritarian. Whatever might be the form the state assumed, it was powerful and the proletariat would have to contend with while making its revolution. In the later part of his life, Marx was convinced of the imperative need to destroy the state and establish the dictatorship of the proletariat. In the initial stages, bearing in mind the example of the French Revolution of 1789, he anticipated a seizure of the existing state machine by the revolutionary proletariat for he believed that political centralization would assist the revolutionary process.

The initial "capture" thesis of the state, however, yielded to the "smash" thesis subsequently. The former viewpoint was articulated in the Manifesto, where the existing state structure would be used for revolutionizing the mode of production. The "smash" thesis was articulated in response to the experience of the Parisian Communards, as evident in the Civil War in France and the Critique of the Gotha Programme. In a book review written around 1848- 1849, Marx observed that the destruction of the state had only one implication for the Communists, namely the cessation of an organized power of one class for the suppression of another class (Draper 1977: 288).

In the Manifesto, Marx described the nature of Communist society as one in which the classes and its antagonisms would have

disappeared. The bourgeois society would be replaced by "an association, in which the free development of each is the condition for the free development of all" (Marx 1975: 76). For the purpose of socializing the means of production, a list of 10 measures was outlined, which would vary from country to country, but which were essential prerequisites for a Communist society. These ten measures were as follows.

1. Abolition of landed property and application of all rents of land for public purposes.
2. A heavy progressive or graduated income tax, and abolition of all rights of inheritance
3. Confiscation of the property of all emigrants and rebels.
4. Centralization of credit in the hands of the state.
5. Centralization of the means of transport in the hands of the State.
6. Extension of factories and instruments of production owned by the state.
7. Equal liability of all to labour.
8. Combination of agriculture and industry.
9. Gradual abolition of the distinction between town and country.
10. Free education for all children in public schools.

Beyond this, Marx did not delve into the transitional phase. Interestingly, many of these ideas were outlined by Engels in his Principles of Communism (1847), which formed the core of the Manifesto.

11.4   DAS CAPITAL

Das Capital is in three volumes. The first volume was published in 1857; the second and third volumes were published in 1885 and 1894 respectively. Marx regarded his Das Capital as primarily a treatise on economic science. It indeed acquired a symbolic significance beyond anything written since the age of faith. "In its name revolutions were made and counter- revolutions followed. It has been blindly worshipped by millions, who have not read a line of it, or have read without understanding its obscure and tortuous prose."

11.5   DIALECTICAL MATERIALISM

In the 'Theses on Feuerbach', written in 1845 but first published as an appendix to the 1888 edition of Engels Ludwig Feuerbach, Marx laid the foundation for what he called dialectical materialism. "Dialectic is nothing more than the science of the general laws of motion and development of Nature, human society and thought." Though max itself

is a natural process acting upon and being acted upon by the natural environment in which it takes place. It is impossible to transcend the natural process – there are, the general laws of motion and development" and that is all. Karl Marx does not systematically explain anywhere in his works his theory of dialectical materialism. But he makes it clear that his materialism is dialectical not mechanical. In mechanical materialism evolution is the path taken by material things under the pressure of their environment. In dialectical materialism evolution is the development of matter from within, environment helping or hindering, but neither originating the evolutionary process nor capable of preventing it from reaching its inevitable goal. Motion, to the dialectical materialist, is the mode of existence of matter. The ultimate reality in matter is motion. Moreover, this is a dialectical process, the reconciliation of opposing movements in an endless effort to achieve a perfect harmony. Matter to the dialectical materialist is active not passive and moves by an inner necessity of its nature. It contains within itself the energy necessary to transform it. Matter is self-moving or self-determining. The universe is self-sufficient, self-creating, self-perpetuating, Hegel explained the dialectical process as the activity of God in the world, Marx borrows the 'energy' from Hegel's immanent God in the world, dissociates it from God and locates it in matter itself. The dialectical materialism is more interested in motion than in matter, in a vital energy within matter inevitably driving it towards perfect human society just as Hegel's demi-urge drove forward to the perfect realization of spirit. As Engels said, "The dialectical method grasps things and their images, ideas, essentially in their sequence, their movement, their birth and death".

To the dialectical materialist who follows Hegel very closely, this motion is made possible by the conflict of opposites. Every stage of history, which falls short of perfection, carries within itself the seeds of its own destruction. Each stage reached into the March to classless society, the thesis calls into being its opposite or antithesis and from the clash between the two a new synthesis emerges in which what was true in both thesis and anti-thesis is preserved and which serves as a starting point for the whole process again until the classless society has been achieved. Contradiction', then as Hegel says, "is the very moving principle of the world." However, for the Marxist, as for the Hegelian, it works in a peculiar way. The change it produces takes place gradually, imperceptibly, until a certain point is reached, beyond which it becomes sudden, so that, each synthesis is brought about very abruptly. Water

becomes ice, Feudalism into capitalism, capitalism into socialism, because of a sudden qualitative change.

11.6 MATERIALISTIC INTERPRETATION OF HISTORY

History, according to St. Augustine, has a religious basis, not a single blade of grass moves but by His will", he declared, He interpreted everything in the name of the Eternal Will of God. Hegel, the German idealist, gave a metaphysical interpretation of human history. The victory and defeat of a nation in history was determined by the Divine judgment. To Buckle, climate was decisive in the history of man. Freud had the conviction that sex in human history was the determining factor. Against all these interpretations, Marx gave his own which is materialistic or economic. The theory begins with the "simple truth, which is the clue to the meaning of history that man must care to live". His very survival depends upon the success with which he can produce what he wants from Nature. Production is, therefore, the most important of all human activities. Men in association produce more than men in isolation, and society is thus the result of an attempt to secure the necessities of life. But Society has never accomplished that to the satisfaction of all its members, and has in consequence, always been subject to internal stresses and strains. Hence man, not realising that unsatisfied needs are merely the result of defective modes of production, has always imagined another world in which those needs will be met and religion, which is no more than the shadow cast by a defective economic system "the sob of the oppressed creature, the heart of a heartless world, the spirit of conditions utterly unspiritual" and which will pass away with the defects that have produced it, has been widespread. It is "the opium of the people, a kind of spiritual intoxicant to keep the slaves of capital to drown their humanity and to blunt their desires for a decent human existence. It is the opium not in the sense that it is a drug administered to the exploited by the exploiters but that in a society where no one's needs are fully met, religion is the resort of all."

Reverting back to the same discussion, the Marxian interpretation of human history is economic. Marx saw evolutionary changes in the ethical, religious, social, economic, and political ideas, and institutions of mankind. According to him, institutions and ideas, and therefore, action are subject to endless change. The chief motive force which brings about this change in human things is not the Hegelian Idea but the material conditions of life. Human history, therefore, has a material basis. The important material conditions of life are productive forces which are animate i.e. labourers, inventors and engineers etc.

and inanimate i.e. soil, raw material and tools, etc. of all these, the manual and mental labourers, are the most important. Next in importance to the forces of production are the 'conditions of production' which include the form of state, laws and groupings of social classes. The conditions of production have definite reactions on political, legal and social institutions as well as on religious, ethical and philosophical systems. The forces of production are the gifts of nature; the conditions of production are created by men. Any expansion or improvement in the productive forces makes the old laws, institutions and ideas unsuitable, because these are more conservative in comparison with the forces of production. This results in discontent and society enters on a revolutionary period. There is a struggle in the social order for adaptation to new forces of production. The mutual relations between various sections of society get new adjustment. New ideas and institutions are created. Thus, the disharmony between forces of production create conflict of interests and promotes class struggles till the old social order, full of contradictions, gives place to new one based on new conditions of production. That is why, "the essence of the historical development of human society has been so far, the progressive dialectical unfolding and perfection of the productive forces". Marx accepted the Hegelian process of evolution but substituted in place of the idea "the economic forces as the predominant dynamic agency of human society and its history".

11.7 LABOUR THEORY OF VALUE

Prior to Marx, there was labour theory of value. It implied that labour has a value and it is an exchangeable commodity. The labour is a perishable commodity. It is readilly available because the labourer cannot preserve his labour. To Marx, mere labour does not create value but when it is mixed with some commodity which has social significance then alone the value is created. The labour should be socially acquired. It should be in accordance with the needs and requirements of social production. The commodities produced by the labour of labourers should be of such nature that these are acceptable in markets. It should have universal characters. The more widely acceptable these are, the moreshall be the value. The labour of the labourer is in itself a commodity and its value in the market is fixed in the same manner as the value of other commodities. But a unique quality of labour is that, when it gets mixed up with other commodities it creates more and does not get consumed. It has thus a creative force which is the most distinguishing feature of labour.

11.8   THEORY OF SURPLUS VALUE

11.8.1 CAPITALISM BASED ON SURPLUS VALUE

As the chief exponent of scientific theory of communism Marx was of the opinion that the whole system of capitalism is based on the theory of Surplus Value'. It is because of this that there is concentration of wealth in the hands of only a few persons who exploit others. This concentration of wealth makes the rich, richer and the poor, poorer. This is leading the world ultimately towards a revolution which is bound to disturb the whole social order.

11.8.2 WHAT IS SURPLUS VALUE?

C.E. M. Joad has defined Marxian theory of surplus value in these words, "The capitalist buys the labour power of destitute workmen, applies it to the machinery and raw-materials which he owns and as a result produces a commodity having exchange value, that is a commodity which can be sold for a price which is greater than the amount expended in the payment of workmen's wages and the upkeep of the factory. This difference between the exchange value of the manufactured commodity and the price paid to the workman is called surplus value."

11.8.3 HELPLESSNESS OF THE LABOURER

Marx believed that the capitalist earns out of the labour of the labourer alone. He foresees that with the aid of his capital and reorganisation of work capitalist can earn more and arranges his business accordingly. He pays less to the labourer than what is due to him and which normally and reasonably ought to be paid. It is less payment to the worker, as compared to his earnings, which increases wealth of the capitalist and makes him rich. The labourer knows this every fundamental thing but he is forced to accept low wages under compelling circumstances. He accepts low wages because he cannot preserve his labour. At the same time he has no alternative of using that in a better way. He has neither the capital nor regimentation of commodities which are exchangeable with other commodities in the market.

11.9   THEORY OF CLASS STRUGGLE

Marx believed that since time immemorial, one class has dominated other classes in every society. This tendency gave birth to class war. It was the direct result and outcome of misuse of political power. Since the most powerful classes gained power in every society

these were bound to misuse the power as a wheel of oppression against the majority. Sabine has said. "It was characteristic of Marx that he was less interested in perfecting dialectical materialism as a philosophy of history than in applying it to concrete situations, with a purpose of finding a programme of action for consciously revolutionary proletariat."

2.   Need of Revolution. When society fails to keep pace with the economic, social and political changes, revolution is bound to come.

3.   History of Class Struggle. Marx could not reconcile to the idea that the nations were only fighting units and history was a record of these events. He named past history as history of class struggle. Whole history of mankind is available in this struggle. All social movements are class movements. A constant struggle is always going on between economic and political classes for capturing power. To quote Sabine: "The class had for Marx a collective unity as the nation had for Hegel. It acts in history as a unit and it produces its characteristics as a unit, acting under the compulsion of its place in the economic and social system. The individual counts mainly through his membership in the class, because his ideas, his moral convictions, his aesthetic preferences, even the kind of reasoning that seems to him convincing are in the main a reflection of the ideas generated by the class."

4.   Materialism. Karl Marx's theory of class struggle is closely interlinked with his theory of historical and dialectical materialism. Every society is divided into two classes namely those who exploited and those who were exploited. This class struggle has resulted in all great movements in the universe. It has created social, economic and political changes.

5.   Weakness of Labourers. According to Marx, classes come into being because of the system of production in which the capitalists employ labourers. The labourers are interested in selling their labour. Unless labour is purchased, the labourer is bound to starve. Since his labour cannot be stored, he wants to sell that at any cost. This weakness of labourer results in exploitation and oppression. This system of production creates two classes- one interested in capital and the other in labour.

 6.   Selfishness of Capitalists. Class conflicts arise because a modern capitalist produces for promoting his personal interests. He controls legal and political system which makes laws against the interests of the proletariat, i. e. working classes. Sabine has said "From this standpoint (of Hegel's philosophy) the history of senseless deeds of violence, all equally condemnable before the judgment sent of the now

matured philosophic reason but as the process of development of humanity itself."

7.   Capitalism Encourages Proletariat Organisation. In the class conflict there was always a tendency on the part of bourgeoisie to expand. Every capitalist will like to go out of home market and expand trade in the foreign countries. The bourgeoisie will also like to create big factories. This tendency of creating big factories results in the concentration of labourers in factory areas. He will also evolve new methods of production. This large- scale employment in centres of production brings closer unity among the workers or the proletariats and enables them to decide their programme of further action.

8.   Interdependence of Bourgeois and Proletariat. In the present system both the bourgeois and the proletariat are interdependent. The capitalist has his capital which is not perishable whereas proletariat havelabour which is highly perishable. In the present set-up proletariat are merging as a new force. A new system can come into power only by a revolutionary struggle. In this revolutionary struggle proletariat have support from all the exploited classes.

9.   Destruction of Capitalism. Marx believed that the modern system of capitalism has outlived its utility. It has resulted in over- production which requires destruction. This system of over-production and destruction in itself indicated the inner instability of the system of modern capitalism.

        Marx logically came to the concussion that modern system of capitalism sows the seeds of its own destruction. As Coker has said, "The instruments which the owners use to enlarge their profits and rents are the instruments which when perfected, fall inevitably into the hands of the workers, to be used by them to demolish the whole capitalist system."

10.   Causes of Destruction. This destruction is due to the following causes which are the creation of capitalists themselves.

(i)   Large-scale Production and Monopoly. A capitalist tries to monopolise everything. He pushes small capitalists out of the market. These small capitalists cannot compete with big capitalists. Gradually increasing their number they become proletariat.

(ii)   Local Concentration. The capitalist employs thousands of workers who come into contact with each other. This contact

creates class consciousness and facilitates their mutual co-operation.

(iii)   Wider Markets. The capitalist is not satisfied with his home market. He wants to get wider markets. This results in international co- operation among the workers.

(iv)   Creation of Economic Crisis. According to Coker "the capitalist produces recurring economic crises. The labourers who constitute the great body of consumers, are paid enough to purchase only a very limited portion of what they produce; the products accumulate and the crisis of entre me over production takes place. Each crisis is more severe than the other. This recurring crisis results in the loss of faith in the capitalist system."

(v)   Increase in Misery and Ignorance. The capitalist tries to keep the Workers ignorant and miserable. This results in hostility between the two classes. To quote Coker again; "Thus the capitalist system enlarges the number of workers, brings them together into compact groups, makes them class conscious, supplies them with means of inter-communication and co-operation on a world wide scale, reduces their purchasing power, and by increasingly exploiting them arouses them to organised resistance."

11.10 CLASSLESS SOCIETY AND WITHERING AWAY OF THE STATE

The proletariat will ultimately establish its own supremacy as and when the society would represent not a group of mutually antagonistic classe but "an association in which the free development of each should be the condition for the free development of all". When in the course of development, class distinctions have disappeared and all production has been concentrated in the hands of a vast association of the whole nation, the state will lose its political character and will wither away as there are no capitalisis now, whose interest it had been serving all through. Bourgeois ideologists had pictured the state as some kind of a supernatural force given to man by providence since time immemorial. It supposedly had no class character and was merely an innocuons instrument of order", an 'arbiter' called upon to resolve disputes which arose between people regardless of their class affiliation. Such a theory of the state served to justify the privilege of the bourgeoisie and the existence of exploitation and capitalism.

In contrast to bourgeoisie ideologists, Marx has demonstrated that the state is not something introduced into society from outside, but is a produce of society's internal development. The state was brought into being by changes in material production. The succession of one mode of production by other causes a change in the state system.

According to Marx, the state has not always existed. Primitive society, which had no private property and no classes, had no state either. Naturally, there were certain social functions, but they were performed by men chose by all of society, which had the right to dismiss these people at any time and to appoint others. In those distant times, relations between people were regulated by public opinion.

The further development of productive forces, led to the disintegration of primitive society. Private property appeared, accompanied by classes-slaveslss; and slave-owners. It became necessary to protect private property, the rule and the security of its owners, and this brought the state into being. The only birth of the state and its further development were accompanied by a Sition fierce class struggle. It is, thus, evident that the state is a product of The class society. It arose with the appearance of classes and it will vanish with the disappearance of classes. However, this will happen only under communism.

In an antagonistic class society, the state is a political instrument, "a class machine for maintaining the rule of one class over another". The class dominating economically, i.e., possessing the means of production, acquires in the state a powerful instrument for the subjection of the oppressed and exploited. The state has a clearly defined class character. Being the principal component of the superstructure founded on the economic basis of society, the state takes every measure to strengthen and protect this basis.

The main feature of a state is the existence of public authority representing class and the interests of the class, which dominates economically, and not of the entire population. This authority rests on armed force-the army and the police. In primitive society all the people were armed. But in a society into hostile classes, the armed forces are in the hands of the ruling class and are used to suppress the people, to subordinate them to a handful of exploiters. Representative bodies (parliaments), the huge bureaucratic machine with a whole army of official, intelligence agencies, the courts, procurator's offices and prisons-all are used for the same purpose. All of them combined make up the political authority of the exploiting state.

As class contradictions deepen and the class struggle intensifies, the state machine expands. The process is particularly intensive in contemporary capitalist society where the state machine and the armed forces have grown to an unprecedented size. The maintenance of this colossal state machine and the armed forces is a heavy burden for the people, especially today when imperialist circles are engaged in the armed race. The state of any exploiting society, designed to protect the interests of the ruling class both within the country, in relation with other classes, and outside, in relation with other states. The state, therefore, with such a character committee' serving the interests of the capitalist class will have no reason for existence in a classless society. In the words of Engels, "It will be sent to the museum of antiquities and will be placed side by side with the spinning-jenny and Bronze axe". A classless society based upon the doctrine "from everyone according to his ability and to everyone to his needs will come into existence". This was the Marxian El Dorado, which is achieved through the operation of the laws of science. Marxism is, thus, worked out of a scientific theory of society which used to be (and still are) put forward notions associated with religious beliefs, race and hero worship, personal inclinations or utopian dreams.

LET US SUM UP

Marxism is a social, political and economic philosophy named after Karl Marx. It examines the effects of capitalism on labor, productivity, and economic development and argues for a worker revolution to overturn capitalism in favour of communism.Karl Marx has expressed his views on Dialectical materialism theory of surplus value, class Struggle and atlast he says that there is no need for the state and the state will wither always.

CHECK YOUR PROGRESS

1. The communist manifesto was written by Marx in_____

   a) 1846   b) 1859   c) 1848   d) 1867

2. The other name for communism is_____

   a)Falianism   b) Utilitarianism   c) Syndicalism d) Scientific socialism

3. According to Marx class struggle continues until_____

   a) classless society is established   b) State is created

   c) State less society is established   d)None of the above

4. Who Said the history of all hither to existing society is the history of class struggle.
   a) Marx   b) Hegels   c) Weber   d) Mao- Tse Tung

GLOSSARY

Proletariat   :   Working people

Class struggle   :   Struggle between the haves and have nots

Manifesto   :   Declaration of the principles and aims

Ideology   :   Principles

ANSWER TO CHECK YOUR PROGRESS

1. 1848
2. Falianism
3. Classless society is established
4. Marx

MODEL QUESTION

1. What is dialectical materialism by Marx?
2. What is surplus value? And how is explained by Karl Marx.
3. Describe the theory of class struggle by Karl Marx.
4. Write an essay about the classless society and withering away of the state.

SUGGESTED READINGS

1.   J.C.Johari (2002) *Foundations of Political Science*, ShobanLal & Co, Jalandhar.

2.   S. Vijayaraghavan, R Jayaraman (1994), *Political Thought*, Sterling Publishers Private Limited, New Delhi.

3.   D.R.Bhandari (1986), *History of European Political Philosophy*, the Bangalore Printing and Publishing Co. Ltd. Bangalore.

Block V

Socialists and Reformists

UNIT - 12

LIBERALISM

STRUCTURE

Overview

Learning Objectives

12.1   Introduction

12.2   The Development of the Concept 'Liberalism'

12.3   Meaning of Liberalism

12.4   Definitions of Liberalism

12.5   Principles of Liberalism

12.6   Classical or Negative Liberalism

12.7   Principles of Classical Liberalism

12.8   Criticism of Classical Liberalism

12.9   Marx and Liberalism

12.10   Positive Liberalism or Liberalism as a theory of the Welfare State

12.11   Modern Concept of Liberalism

12.12   Conclusion

Let us sum up

Check Your Progress

Glossary

Answers to check your Progress

Model Questions

Suggested readings

OVERVIEW

There are many political theories available to us and they are sociolism, communism, fascism, Nazism, conservatism and liberalism. Liberalism has been a dominant political philosophy of the west, which created inmense impact for about from centuries Liberalism maybe traced from the writings of Socrates, Plato, John Locke, Montesquieu, Thomas Paine, Bentham and Rousseau. This unit tries to explain the meaning of liberalism, development of concept, liberalism, principles of liberalism, modern concept of liberalism.

LEARNING OBJECTIVES

After studing this unit, you will be able to

➢ Understand the meaning and concept of liberalism
➢ Know the various definitions of liberalism
➢ Explain the principles of liberalism
➢ Describe the modern concept of liberalism.

12.1 INTRODUCTION

Liberalism has been a dominant political philosophy of the west which created immense impact for about four centuries. It was not developed at a particular point of time. A few thinkers have expressed liberalism as a faith and a spiritual affair. Others viewed it as a matter of intellectual affair. A few writers equated liberalism with individualism. Yet there are a few others who interpreted it in terms of social democracy. It is thus evident that it is difficult to describe it either as a dogma or doctrine. It represents a system of ideas which ultimately aims in realising a plural society with abundance of diversity in socio, politico, economic and cultural life.

12.2 THE DEVELOPMENT OF THE CONCEPT 'LIBERALISM'

Liberalism may be traced in the writings of Socrates and Plato who argued, for the freedom of inquiry and expression. In fact, liberalism is a movement, which was adopted to fight against authority of the monarchy, the feudal lords and the tyranny of the church in fifteenth and sixteenth centuries. In reality it was a product of reformation, individualism and scientific temper representing the middle class. It stood for the removal of hurdles coming in the way of human progress to free the individual and the society from the bondage of the State and government. In essence its political expression was manifest in the assertion of the individual and his rights, autonomy and freedom against the arbitrary authority of the State.

Subsequently it was further developed and got consolidated at the hands of John Locke, Montesquieue, Thomas Paine, Bentham and Rousseau during 17th and 18th centuries. The American Declaration of Independence as well as the French Declaration of the Rights of the man amply reiterated a great belief in the natural law 'and inalienable rights of the individual. Liberalism as a movement though made itself felt in almost all the countries of Western Europe and in America but the most spectacular development took place in England due to rise of the middle class with the industrial development in the 19th century.

12.3 MEANING OF LIBERALISM

Liberalism is the theory and practice of individual liberty, Judicial defence and a Constitutional State. It was an attempt to give back to man his personality and individuality. According to W.M. Meegovern, "Liberalism as a political Concept a compound of two is separate elements, one of them democracy and the other individualism" Liberalism embraces the principles of democracy Such as equality, liberty, fraternity, secularism, toleration and constitutional methods and individualism and fullest development of personality of an individual.

Liberalism means freedom from the authority of the government in the affairs of the individual. Thus, liberalism means the absence of governmental authority in matters relating to the welfare of the individual. Thus, theory is based on the principle that the individual can develop his personality to the fullest possible extent, if alone he is left free from the arbitrary interference of the government. That is why J.S. Mill declared that "that government is the best which governs the least.".

12.4 DEFINITIONS OF LIBERALISM

According to David G. Smith, "Liberalism is the belief in and commitment to a set of methods and policies that have as their common aim, greater freedom for individual men."

As per H.J. Laski, "Liberalism is the expression, less of a creed than of a temperament. It implies a passion for liberty and that passion may be compelling, it requires a power to be tolerant, even skeptical about opinions and tendencies you hold to be dangerous, which is one of the rarest human qualities."

In the words of Sartori, "very simply, liberalism is the theory and practice of individual liberty, judicial defence and the Constitutional State."

12.5 PRINCIPLES OF LIBERALISM

With a thorough and clear understanding of the concept of liberalism, one can find the following principles

Social

- Liberalism is opposed to all artificial pressures as well as regulations on individual freedom and conscience of individuals.
- It believes that traditions and institutions being outdated will have no relevance in the individual's prosperity and development.

Economical

- In economic sphere liberalism supports free trade an production.
- It vigorously opposes any restriction on imports and exports.
- It advocates that the citizens should be allowed freely to exploit natural resources and distribute economic dividends as he desires.

Political

- Initially, liberalism had advocated the total restriction of State interference in the freedom of man.
- It advocates the strict application of the theory of separation of powers, Judicial review, Parliamentary control over the executive, protection of minority interests, prevention of the concentration of power and the rule of law.
- Liberalism preaches that the power rests with the people and the government must be accountable to the people through periodic elections.
- It is a voice in favour of equality before law.
- It advocates freedom of thought and expression.
- It maintains that State and Society should protect individual's natural rights,
- It stands for secularism.

12.6 CLASSICAL OR NEGATIVE LIBERALISM

Liberalism, which originated in 17th and 18th centuries, is popularly known as classical liberalism. Adam Smith, John Locke, Jeremy Bentham, David Ricardo and Thomas Malthus have laid the foundations of classical liberalism. Adam Smith advocated for the establishment of natural liberty. Natural liberty implies that a man should not be restricted by the authoritarian laws made by the State. He particularly emphasized that regarding the economic sphere every man is free. Ricardo and Malthus supported a self-regulating market, In their view, the market should not have any political restrictions. Thus, it leads to capitalism.

According to their vision, capitalism is fruitful for all sections of people, capitalists reap profits, workers get employment, farmers receive good price for their produce and land-owners receive high rents. Jermy Bentham pleads that every man is the best judge of his pain and pleasure. This is based on utilitarianism. Classical liberalism had emphasised on the fundamental individuality of man, liberty, rationality and dignity and worth of man and expressed a profound faith in the

individual freedom. It interpreted that freedom was to be viewed as the absence of restraint by the State in the individual's sphere, It professed a faith in the spiritual equality of the individual and absolute valuo of human personality, It believed that the State is an artificial institution owning its existence to the consent of the individual The State is viewed as a neceary performing minimal functions without negating the basic freedom of man. It had pleaded the sanctity of private property and supported free trade.

Prof. Hallowell interpreted it as negative in its nature and summed up the following focal points as the main tenets of classical liberalism.

(1)   Equality of citizens in matter of faith and personality;

(2)   It relies totally on the human rationality, good and positive behaviour of man;

(3)   It supports inalienable natural rights such as right to life, liberty and property;

(4)   The State is the result of human acquiescence so as to promote and preserve the rights of citizens

(5)   Significantly it elaborates the sphere of State activity in which the citizens and the State are placed on contractual obligation

(6)   It emphasises a total faith in the concept of rule of law and continuation of government, It does not support the rule of a few individuals administering arbitrarily, negating the individual's interests;

(7)   It believes that the State is a necessary evil and hence it must be assigned minimal functions;

(8)   It amply emphasises politico, socio, cultural, economic, moral and spiritual freedoms

(9)   Lastly, it adheres to the basic assumption that man is essentially rational and that pursuance of his own interests tantamounts to the promotion of the interests of society.

12.7   PRINCIPLES OF CLASSICAL LIBERALISM

In his book Liberalism', Hobhouse discussed certain basic principles of liberalism. According to him, those principles were evolved because of the struggle of the middle classes against feudalism, the government by aristocrats and the power of the clergy. These principles are as follows**.**

Civil Liberty: This principle implies that people were not to be governed by rule but by laws. It consists of rights and privileges which the State creates and protects for its subjects. The most important of these rights are right to life, right to work, right to personal afoot and freedom, right to religion, right to property, right to freedom of speech, public meetings. Rousseau thought that all men were born free and equal in rights and that rights of man could be limited only by law and that for the formulation of law it was the right of every citizen to participate either in person or through a representative and that the law must apply with precise equality to all.

Fiscal Liberty: According to this principle, there should be no taxation without representation. The middle classes were the producers of the new wealth of the community and no wonder they claimed they should be allowed to decides as to how and whom their money was to be spent on. They wanted to decide as to how much, how, where and on whom their money was to be spent.

Personal Liberty: Personal liberty covered several rights and dutie. It was to secure freedom of speech, discussion, writing and painting, and freedom of thought and faith. No government or church has the right to invade the privacy of a man's thought or his home or demand that he make his thought known. It also includes the freedom of religious belief and worship.

Social Liberty: Social liberty means social equality. It means that there should be no discrimination on grounds of birth, wealth, colour, creed, sex, race and economic position. In essence social liberty means that all men are born equal and they must have equal opportunities of progress.

Economic Liberty: Economic liberty means that the individual should have the right to property and contract. Hobhouse also includes in it the right to form economic associations and partnerships. The middle classes were keen to get all the restriction of buying, selling removed, and they wanted the sphere of State activity to the minimum. They advocated the policy of laissez-faire

Domestic Freedom: Domestic freedom covers rights for women as regards property and marriage and rights for children. Children have rights against the exploitation of their parents. They need to be protected against maltreatment, cruelty and exploitation. They were also to have the right to education.

Administrative, Geographical and Racial Liberty: This concept implied administrative and local autonomy and the right of nations to

self-determination. As the middle classes grew in power both economically and politically, they found themselves in conflict with different social orders in those areas where they wanted to establish themselves

International Liberty: Liberals were opposed to the use of force as an instrument of national policy or to militarism

Political Liberty and Popular Sovereignty: Political liberty and popular sovereignty were described by Hobhouse as the crown and glory of liberalism. These two things involved and supported each other. Political liberty involved a wide system of subordinate liberties. The theory of popular sovereignty rested on the assumption of the essential equality of man. The middle class supported the ideas of popular sovereignty and political liberty in their own interests.

12.8   CRITICISM OF CLASSICAL LIBERALISM

(i)   It is a conservative philosophy of the capitalist class, i,e., it is a bourgeoise philosophy.

(ii)   The claim of the liberal democratic State that it endeavours to secure benefits to the over whelming majority in society is incorrect

(iii)   The classical liberalism limits the claims of authority and thus paves the way for anarchy.

(iv)   It is rather amorphous both as a doctrine and as a movement is not completely consistent doctrine and it has no concise programme which is accepted by all liberals.

(v)   Liberties failed to bring perfect equality.

(vi)   It has failed to protect the interests of working class.

12.9   MARX AND LIBERALISM

Marx was not the supporter of liberalism. He equated liberalism with capitalism. He regarded it as primarily a theory of capitalist exploitation over social justice, According to him, liberalism was limited by its class origins and class interests.

Marx did not see in liberalism a doctrine which contained in itself the seeds of a development beyond its class origins which might incorporate the best ideas of socialism. However, Marx did not reject outright all the liberal ideas particularly those concerned with political liberty. He contended that political liberties were merely abstractions without any other purpose than to keep the masses submissive to their rulers,

Marx criticised liberalism on the ground that it excludes all considerations of the role of class and class interests in the making of fundamental changes in society.

Marx contended that liberalism did not apply to any particular class. It spoke in the name of humanity. It disregarded the patent fact that the landlords and capitalists were not interested in the welfare of the majority. Liberals looked upon the State not as an instrument of a class but as means by which the interests of all men were expressed. Marx contended that the State and ruling class were inseparable. Liberalism helps the ruling capitalist class by neglecting majority working class.

12.10 POSITIVE LIBERALISM OR LIBERALISM AS A THEORY OF THE WELFARE STATE

By the close of 19th century, positive liberalism had flourished consequent to the set-back to the classical notion. Unrestricted freedom to the capitalism widened the gap between haves and have-nots. There was a considerable demand from the have-nots for their economic and social emancipation. The evils brought by the capitalism such as starving conditions of labour, insecurity, exploitation, degeneration of health conditions, etc. paved the way for positive liberalism.

Jermy Bentham and J.S. Mill realised the need of reconciliation between individual liberty and social liberty, i.e., the greatest happiness of the greatest number. They supported democracy and also accepted the increasing functions of the State in the broader interests and welfare of the society. J.S. Mill had suggested compulsory education, liberation of individuals from certain contracts like slavery, marriage, monopoly, control, regulaton of the working hours, fixing of minimum wages and social security measures.

Modern States became welfare States. They provided not only law and order but a wide range of social services also. The primmary purpose of the welfare State is to give the citizens security and to help them if they lose their source of income. "A welfare State guarantees minimum standard of subsistence without removing incentives to private enterprise and it brings about a limited redistribution of income by means of graduated high taxation." The State plays a positive role in removing large inequalities.

T.H. Green also supported the direct State interference in three spheres of social life. They are ignorance, pauperism and use of intoxicants. Being an idealist thinker he believed that the State should not merely confine its activity to regulatory functions but also suggested

to remove the external hindrances in the voluntary performance of good acts. In fact, the individual during this period has been very much humanised by the removal of negative features of classical period.

G.D.H. Cole says, "The welfare State is a society in which an assured minimum standard of living and opportunity become a possession of every citizen." T.W. Kant states that a welfare State is "a State that provides its citizens a wide range of social services." It is a system wherein Government agrees to under write certain levels of employment, income, education, medical and social security and housing for all its citizens.Hobman opined that a welfare State setS a pattern for any human and progTessivesOciety.

Hobhouse, H.J. Laski and MacIver have championed positive liberalism which stands very close to socialism. According to Hobhouse, "The ideal society is conceived as a whole which flourishes and lives by the harmonious growth of its parts, each of which is developing on its own nature, tends on the whole to the further development of the other."

According to the welfare philosophers, the State should have three main objects to pursue.

(i) The State should individuals; ensure the well-being of the

(ii) It should bring about the well-being of the State or the collective interest of individuals in their associated capacity

(iii) It should promote the civilization of mankind. The following are some of the main features of positive Liberalism or theory of welfare State.

Positive liberalism believes that the rights are not natural and sacrosanct. It supports the view that the rights are created by the State and could be restricted in the interests of the several welfare.

i. It does not believe the notion that the State is a necessary evil. It advocates that the State has to partake more and more in socio-economic, cultural and other activities.

ii. It believes that State is a moral institution to promote the intellectual and moral faculties of the individual.

iii. It believes in humanism and secularism as the principle goals and objectives to promote harmony and peace.

iv. It also stands for liberating the country from alien rule and securing administration.

v. It advocates regulation and control of econ omic life of the society to pave way for possible reforms.

vi.   It also pleads for constitutional, democratic and parliamentary system.

12.11 MODERN CONCEPT OF LIBERALISM

Modern liberalism had mainly emphasised that the world should be saved from utilitarianism and prone justice, fairness and equality, Modern liberalists have argued for the emancipation of the personality of the individuals as well as social groups, They believe that the State is a federation of groups and a union of guilds, Modern liberalism lays greatest faith in the value of free expression of individual personality emphasises equality opportunities for all citizens but do not promise as 1ar as liberty and rational choice the human beings are concerned.

Modern liberalism has aimed two forms in the arrow sense and in the general sense, in the narrow, it has come to mean a positive midway between Conservalism and socialism and one that is favourable to reform but opposed o radicalism. In a or general sense it has come to be equated with democracy as opposed to totalitarianism, both of the communites and the fascist, In this sense it implies the preservation popular institutions of government, hike the suffrage, representative assemblies, executive responsible to the legislature, etc. So modern liberalism is the outcome of the drive of liberal and socialist ancestors for a world free of tyranny and exploitation**.**

12.12 CONCLUSION

The theory of liberalism as is evident has undergone many changos from time to time. Prof. Andrew Hacker classified liberalism into four kinds, namely

(i) Free Market Liberalism;

(ii) Reformist Liberalism;

(ii) Utopian Liberalism; and

(iv) Democratic Liberalism.

With the advent of socialism it has lost its vitality as a doctrine and thus was relegated to the background.

LET US SUM UP

Liberalism has been a dominant political philosophy of the west which created inmense impact for about centuries. The ultimate aims of in realising a plual society with abundance in social political and economic cultual life life liberalism means freedom form the authority of the government in the affairs of the individual. The principles of the

classical liberalism are civil liberty, fiscal, personal, liberty, social, economic, and domestic freedom. Marx equated liberalism with capitalism. Modern liberalism had mainly exphasised that the world should be saved from utilitarianism and prone justice, fairness and equality. The theory of liberalism has undergone many changes from time to time.

CHECK YOUR PROGRESS

1. Who dedared that, that government is the best which govern the least.

    a) J.S.Mill   b) James Mil

    c) Bentham   d) Bertrand Russell

2. Liberalism which originated in_____th and centuries is popularly known as classical.

    a) 15   b) 16,17

    c) 17,18   d) 18

3. In his book 'liberalism'_____discussed certain basic principles of liberalism

    a) Hobbes   b) Adam Smith

    c) John Locke   d) Bentham

4. Marx equated liberalism with_____

    a) Capitalism   b) Socialism   c) Communism   d) Conservatism

GLOSSARY

Social Democracy   : Democracy which strives for the promotion of society

Secularism   : Principle not based on any particular religion.

Domestic freedom   : Rights for women as regards property and marriage and rights for children

Welfare state   : The state which is for the welfare of the state

ANSWER TO CHECK YOUR PROGRESS

1. J.S.Mill
2. 17,18
3. Hobhouse
4. Capitalism

MODEL QUESTION

1. Trace out the development of the concept liberalism.
2. Bring out the meaning of liberalism.
3. Discuss the various principales of liberalism.
4. Explain liberalism as a theroy of welfare state.

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UNIT - 13

<div align="right">**SOCIALISM**</div>

STRUCTURE

OVERVIEW

Socialism is a theory which advocates that private ownership of means production and distribution should be abolished. Important industries and services should be brought under public ownership and control. It has been differently described by different scholars such as collectivism, guild socialism and syndicatism. This unit tries to analyse the meaning, definitions and varieties of socialism.

LEARNING OBJECTIVES

After Studing this unit, you will be able to

➢ Understand the meaning of socialism.

➢ Explain the principles of socialism.

➢ Know the merits and demerits of socialism

13.1 MEANING OF SOCIALISM

According to C.E.M. Joad, "It is a matter of some difficulty to give a comprehensive account of socialism." It is due to three difficulties: First, socialism is not only a theory finding its place in the world of books, it is a movement having its manifestation all over the world. Second, it is not only a political idea having its concern with the scope of state activity it has an economic dimension too in as much as it seeks to give a definite shape to the system of national economy. Finally, it has its advocates all over the world who have varying notions about the nature of things with the result that it has come to have various categories. Keeping these difficulties in his view, Joad says: "Socialism, in short, is like a hat that has lost its shape, because everybody wears it."

However, instead of feeling helpless in the face of certain notable difficulties, we may take a synthesised view of things and then come to offer a generally acceptable definition of this term Encyclopaedia Britannica, "Socialism is that policy or theory which aims at securing by the action of the central democratic authority a better distribution and, in due subordination thereto, a better production of wealth than now prevails." Sellar says that socialism "is a democratic movement whose purpose is the securing of an economic organisation of society which will give the maximum possible at any one time of justice and liberty." Prof. Ely writes: "A socialist is one who looks to society organised in the State for aid in bringing about a more perfect distribution of economic goods and an elevation of humanity."

13.2 FEATURES OF SOCIALISM

Though a precise definition of the term 'socialism' may not be given on account of varying viewpoints of the writers on this subject, its essential features may be pointed out as under: Socialism desires that private ownership of the means of production and distribution should be abolished. Important industries and services should be brought under public ownership and control. Industry should be carried on for the purpose of meeting the needs of the community and not with the object of making profits for a few individuals.

The motive of social service should be substituted for the incentive of private profit. The area of state activity should be increased so that exploitation of the workers by the capitalists is prohibited. Competition should be replaced by co-operation. Prof. FJ.C. Hearnshaw enumerates the essential features of socialism in his 6 E's in the order given below:

1. Exaltation of the community above the individual.

2. Equalisation of human conditions,

3. Elimination of capitalism,

4. Expropriation of landlordism,

5. Extinction of private enterprise, and

6. Eradication of competition.

Keeping these things in view, a well-known socialist writer of England, Prof. G.D.H. Cole says "Socialism means four closely related things a human fellowship which denies and repels distinctions of class, (1) a social system in which no one, is so much richer or poorer than his neighbours as to be unable to mix with them on equal terms, in the common ownership and use of all vital instruments of production, and an obligation upon all citizens to serve one another according to their capacities.".

13.3 MERITS OF SOCIALISM

Stellar points out the following advantages that people can obtain under the system of socialism:

- It seeks reduction of the disorder of the economic system by enforcing a system of group ownership and control.
- It lessens waste by drastic reduction in the amount spent on advertisements, the elimination of the huge army of middlemen found today and better co-ordination.
- It desires elimination of anti-social forms of competition.
- It lays stress on the abolition of unmerited poverty by elaborate schemes of social security and vocational educations.
- It insists on the tapping of new energies by the increase of opportunities for work.
- It guarantees labour-saving devices.
- It ensures procurement of a fair degree of leisure for everybody and elimination of social parasites.

13.4 DEMERITS OF SOCIALISM

According to Garner, the theory of socialism suffers from the following weaknesses:

- It runs counter to the traits of human nature. By substituting generally collective ownership for private ownership, it tends to destroy one of the most powerful mainsprings of human endeavour.

- It wants to increase the scope of state activity. It would result in the growth of bureaucracy and the burden of taxation.
- Service restrictions on the enterprising capacities of the people would discourage them to attain high records in the sphere of production of goods.
- Practical instances show that countries with a socialist system like China have made less progress compared to those having laissez fare system.
- Above all, the theory of socialism is like a storehouse of confusion. One fails to understand as to what it really aims at.

Despite these weaknesses, the theory of socialism has now become a matter of universal appreciation. All thinkers ranging from the advocates of liberalism to that of communism express their unflinching faith in the doctrine of socialism. None can deny the fact that movement of socialism has brought about numerous reforms. The rise of wages, reduction in the hours of work, improvement of working conditions, curbs on the prevalence of destructive competition, decrease in the degree of exploitation and the like are some of the leading achievements of socialism.

13.5 TYPES OF SOCIALISM - COLLECTIVISM

As pointed out above, socialism is not merely a single political theory, it is the name for several varieties ranging from those preferred by the neo-liberals to those given by Karl Marx and his ardent followers. Mention, in this connection, may be made of Collectivism (State Socialism, Democratic Socialism or Fabianism) preferred by the neo-liberals as a reaction against classical Individualism on the one extreme to Communism (Scienctific Socialism as given by Karl Marx) on the other. We may also refer to the theory of Guild Socialism as developed by G.D.H. Cole of England and Syndícalism that emerged as a trade union movement irn France followed by a brief discussion of the theory of Anarchism.

Collectivism: Broadly speaking, socialism is of two types Scientific Socialism as expounded by Karl Marx (which became Communism with the application of Leninism and which, for this reason, is also known by the name of Marxism-Leninism) and Democratic Socialism known as Fabianism in England. It is the latter variety of socialism that has witnessed its different versions and for this reason different names have come into currency like those of 'State Socialism', 'Democratic Socialism', Evolutionary Socialism'and Fabianism'. Its best illustration is available in the writings of leading English socialists like George Bernard

Shaw, William Clarke and Sidney Webb who founded the Fabian Society in 1884 and brought out their Fabian Essays five years after to herald the advent of a new variety of socialism in their country. Instead of following the doctrine of 'class war', as given by Karl Marx, they took inspiration from the new political economy' of John Stuart Mill who laid down the doctrine of taxation on 'unearned increments or socially created values' and sought State control over them. Thus, Mill, rather than Marx, is the starting point of the English Fabians'.

The meaning of this type of socialism is contained in the broad affirmations that may be enumerated as under:

- State is a welfare agency. It should ensure a better distribution of national wealthso that wider economic disparities are done away with.
- An increase in the wealth of the individual on account of the social growth should be under heavy taxation.
- Private industry should be placed under regulations imposed by the state for the sake of social good. If need be, some key industries should be nationalised in the public interest by the authority of law and on the payment of reasonable compensation.
- There should be decentralisation of authority. government should manage important affairs like defence, foreign affairs, and communications, administration of minor affairs should be entrusted to local governments.
- Social welfare programmes should be adopted by the state for the eradication of gigantic evils like those of unemployment, disease, starvation, ignorance, squalor and the like.
- The state should undertake planning programmes for the economic uplift of the country.
- Legislation should also cover industrial sphere so that the legitimate interests of the workers are duly protected.
- A system of mixed economy should prevail so that private and public sectors run together with this provision that the former will have to operate under the direction and control of the latter.
- The constitutional, peaceful or democratic methods should be used for the achievement of the goal.

Such a variety of socialism has its points of strength and weakness which we have already discussed in the preceding section. It may, however, be added that a socialism of this type has been an object of attack at the hands of the Marxists, in particular, who call it by nicknames of "bourgeois Socialism, 'utopian socialism', 'arm-chair

socialism' and the like. Fredrick Engels, the friend and collaborator of Karl Marx, described the contributions of the English Fabians as 'rottern socialism.

13.6   GUILD SOCIALISM

In Great Britain, in the days immediately before the First World War, "a somewhat new and fascinating phase of socialist thought began to take root. It went by the name of Guild Socialism." (HW. Laidler). In this connection, we may refer to the writings of A.J. renty, S.G. Hobson and A.R. Orage who emphasised the restoration of the guild system that was prevalent during the middle ages. The keynote of their argument was the replacement of the trade union organisations of the present by the guilds of the past so that workers enjoy the benefits of 'self-government in industry'. Early in 1915, National Guilds League came into being. The goal of this organisation was described as 'the abolition of the wage system, and the establishment by the workers of self-government in industry, through a democratic system of National Guilds, working in conjunction with other democratic functional organisations in the community.

This movement gained prominence when G.D.H. Cole wrote extensively on the aim of the Guild Socialism. He said that positively guildism aimed at 'self-government in industrya self government for the worker which would give him an opportunity to develop his personality and which would at least assure to him as a minimum:

1. recognition and payment as a human being, and not merely as the moral tenement of so much labour power for which any efficient demand exists,

2. control of the organisation of production in co-operation with his fellows, and

3. a claim upon the product of his work, also exercised in co-operation with his fellows.

13.7   MAIN PRINCIPLES OF GUILD SOCIALISM

Instead of territorial representation, there should be functional representation. It implies that delegates should be elected on the basis of specific functions and not on the basis of territorial units of the country. Formation of constituerncies should be made on the basis of functions so that workers, lawyers, teachers, sportsmen, peasants, industrialists etc. elect their respective representatives to the parliament

Self-Government in Industry: Mere nationalisation of private industries is not enough. Workers remain workers whether they are paid by the capitalists or by the state. What is really desired is that the wage system should go. Workers must be made the masters of the industry. It is possible only when the trade unions are converted into the guilds. All persons engaged in the running of an industry should be the members of that guild. The guild should decide every matter relating to the amount of production, determination of the price of produced goods and distribution of profits in the form of remuneration to all from the manager to the gate keeper and the like.

Guild Commowealth: There should be councils of the producers and consumers interlinking the two. While the consumers' councils would show the requirements of the people, the producers' councils would deal with the supply of goods. Communes would work like connecting agencies. There would be guilds throughout the country with National Guild at the top that would look to the maintenance of the guild co-operative commonwealth system.

13.8   METHOD OF GUILD SOCIALISM

Like Fabianism, Guild Socialism advocates the use of peaceful and democratic methods for the achievement of its goal. relies on the use of trade unions so that they may eventually be converted into the guilds. The keynote of their methods is 'encroachirng control of the workers. It means that the workers should try to gain more and more powers So that the hold of the capitalists is decreased in degrees and correspondingly that of the workers is increased. The workers may also enter into "collective contracts' with their employers to produce that much amount ot goods and in return get that much amount of money to be distributed among them.

The movement, however, failed to mark any notable success. The reason for this should be traced in the fact that the theory of Guild Socialism remained vague at several essential points. Nothing more than a hazy outline could be furnished by its leading light like Cole. After the Second World War, Cole himself felt disillusioned and he virtually abandoned his faith in the principles of self-government in industry and guild co-operative commonwealth. It was widely thought that Guildism would invite the anarchy of the middle ages. Even the advocates of this variety of socialism came to realise that what they desire "is bound to collapse before the simple fact of the vital interdependence of the 'great society of today.".

13.9 SYNDICALISM

It is another variety of socialism that came out of the trade union movement as it developed in France in the last century and remained in limelight till the First World War The term "Syndicalismn derives from the French world 'syndicate meaning trade union. As now employed, it, as G.E. Hoover says, "means the theories and programmes of those revolutionists who would utilise the economic power of industrial unions to destroy capitalism and organise a socialist society." According to Joad, it "may be defined as that form of social theory which regards the trade union organisations as at once the foundation of the society and the instrument whereby it is to be brought into being." The main features of the theory of Syndicalism may be enumerated as under

Attack on Capitalism: Syndicalism claims to be the only school of socialism in the name of being a product of the movement of the workers. It is said that while all other forms of socialism have emanated from the brains of the clever middle class theorists, it has developed out of the trade union movements conducted by the workers themselves. The main tenet of socialism lies in destroying the capitalist system. Since state is an instrument of exploitation and oppression in the hands of the capitalists, it should also be destroyed.

Trade Union Society: A new society should be created after the destruction of capitalism. In this new order all power shall be with the trade union organisations. Thus, a leading figure of this movement like relloutier says that the task of the revolution is to free mankind not only trom all authority but also from every institution which has not for its essential purpose the development of production.

13.10 METHODS OF DIRECT ACTION

What is peculiar about the theory of syndicalism as a variety of socialism is that it believes in the methods of direct action. It takes inspiration not from Marx (the Father of Scientific Socialism) but from Joseph IProudhon (the main exponent of Anarchism) ror this reason, it is also known by the nicknames of Anarcho-Syndicalism and "Organised Anarchy'. It is evident from the use of violence and destructive methods like general strike, sabotage or damage to machinery and buildings, and libel or spreading false propaganda about the bad quality of the goods produced so that people boycott them. It all would result in heavy losses to the capitalists. The theory of syndicalism may be subjected to certain lines of attack. First, though the outline is clear, the details are missing. We do not know as to what the syndicalists really desire by destroying the state and the system of capitalism.

Whether political authority would survive in the new society or not, or whether trade unions would be able to manage public affairs effectively in that new order are matters on which the syndicalists are silent. Instead of telling us frankly about the future programme, a great leader like Sorel advises workers not to indulge in such controversies as it would do harm to the cause of the revolution. Second, the methods of the syndicalists are very dangerous. They want to play with fire. We may understand that while using methods of direct action, the workers would develop a taste in it and continue to use them even after their aim is achieved. Thus, the governments of highly industrialised countries like England, France and the United States put a heavy hand on trade union activities with the result that syndicalism lost its ground in the period following the first World War.

LET US SUM UP

Socialism advocates for the abolition private ownership of the means of production and distribution. It has been variously described by the scholars. It has many features while seller has pointed out it's merits, Garner has pointed out its demerits. There are varieties of socialism like collectivism syndicateism and Guild socialism.

CHECK YOUR PROGRESS

1. According to _____ it is a matter of some difficulty to give a comprehensive account of socialism

    a) C.E.M.Joel   b) Ely   c) Hearnshaw   d) GDH Cole

2. Broadly speaking socialism is of_____types
    a) One   b) Two   c) Three   d) Four
3. The term syndicatism derives from the word syndicate meaning trade union
    a) Latin   b) Greek   c) French   d) German
4. The main exponent of anarchism was_____.
    a) Joseph Stalin   b) Lenin   c) Joseph proudhan   d) Sorel

GLOSSARY

Guild socialism   : Government for the workers which would give him
                        a   opportunities to developed his personality.

Socialism   : A form of social theory which regards the trade
                        union organisations as at once the foundation of
                        the society.

Communism   : A condition of life in which possession over things is
                        common

| Functional Democracy | : | Delegates should be elected on the basis of specific function and not on the basis of the territorial unity |

ANSWER TO CHECK YOUR PROGRESS

1. C.E.M.Joed
2. Two
3. French
4. Joseph proudhan

MODEL QUESTION

1. Bring out the different meaning for socialism.
2. Explain the features of socialism.
3. Discuss the merits and demerits of socialism.
4. Describe the various types of socialism.

SUGGESTED READINGS

1. J.C.Johari (2002) *Foundations of Political Science*, ShobanLal & Co, Jalandhar.

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3. D.R.Bhandari (1986), *History of European Political Philosophy*, the Bangalore Printing and Publishing Co. Ltd. Bangalore.

UNIT - 14

STRUCTURE

OVERVIEW

There are many political ideas available to us and they are liberalism, socialism, collectivism, idealism, individualism facism and nazism. One another such a theory is communism. Which aim`s to bring all the production and the distribution by the state only rather than private individuals. Karl Marx is considered as the father of communism. This units rise to explain the features of communism in detail.

LEARNING OBJECTIVES

After going through this unit, you will be able to

➤   Understand the concept of communism.
➤   Know the main tenets of the theory of communism.
➤   Understand the criticism on communism.

14.1   INTRODUCTION

In very simple terms, Communism implies a condition of life in which possession over things is common. Such a name may be given to a system under which food, clothing, medical care, tools of production, rewards of distribution and the like are under the ownership and control of all. For instance, in his Republic, Plato suggests that the rulers and the soldiers should lead a communistic pattern of life in respects of family and material possessions. In the realm of political theory, however, it carries a particular appellation. Here, the term Communism implies the application of the principles of Scientific Socialism as given by Marx. It has its implications as contained in the Communist Manifesto of 1848 written by Marx and Engels. In this sense, Communism "is essentially a theory of method; it seeks to lay down the principles upon which the transition from Capitalism to Socialism is to be accomplished; and its two essential doctrines are the class war and the revolutionary that is, the forcible transference of power to the proletariat."

14.2   THE MAIN TENETS OF THE THEORY OF COMMUNISM

14.2.1 FOUNDATIONS OF MARXISM

Communism has its foundations in the political philosophy of Marxism. What Marx said is a matter of unflinching faith to the Communists. Thus, Communism stands on the tenets of Marxism. The noticeable thing, in this direction, is that Communism believes in the reinterpretation of Marxism in the light of changing conditions of the world. Lenin has emphasised that Marxism is a dynamic doctrine. As the conditions of the world change, so its reinterpretations should be made. It would amount to updating the philosophy of Marxism. Since Marx and Engels lived in the age of capitalism, we are living in the age of imperialism (which is the final stage of capitalism), we should understand the operation of the system of capitalism turned into imperialism before hoping for the inevitable outcome of the socialist system.

14.2.2 NEED FOR REVOLUTION

Lenin made an earnest effort to revise and update the theory of Marxism in an era of imperialism. For this he dwelt on the need for bringing about a bloody revolution as the only effective way to liquidate the bourgeois system. For this purpose, creation of a revolutionary consciousness is required. Hence, he placed reliance on the organisation and training of a party (Communist Party) that would work as the 'vanguard of the working class'. Automatic revolution may take

place in a highly industrialised country, it will have to be created in a poor and backward country in which the Communist Party will play the crucial role. It is the role of the Party to frame secret programmes, give constructive training, arrange arms, and guide the working class in an insurrection for the overthrow of the capitalist system.

14.2.3 DICTATORSHIP OF THE PROLETARIAT

In case revolution is successful, power would fall into the hands of the Communist Party. A new form of government would come into existence called 'Dictatorship of the Proletariat'. It would also be known by the name of the 'revolutionary stage'. In this era state would be used as a means for totally liquidating the old bourgeois and feudal order. The aim of the state would be to establish a 'classless society'. Parliament, ministry, courts, bureaucracy, police, military, press and, in a word, the entire paraphernalia of political organisation would be used to liquidate the capitalists, reactionaries, counter-revolutionaries and 'enemies of socialism'.

14.2.4 POST-REVOLUTIONARY STAGE

Since state is a 'temporary institution' which is to be made use of in the revolution, it would go in the final stage of socialism called Communism. When all shades of the bourgeois order have gone, there would be no fear to the consolidation of socialism. Political machinery with its government, military and police force would 'wither away' as Lenin visualises. It would find its 'place in the museum along with bronze axe and spinning wheel' as visualised by Engels. Complete co-operation and freedom would prevail in the final stage of socialism. All public affairs would be managed by the free and voluntary associations of the people.

In this way, Marxism and Communism are integrally connected. While the former constitutes the ideological foundation of Scientific Socialism, the latter has its practical dimension.

14.3 CRITICISM

The political theory of Marxism-Lenism has been attacked on several grounds:

The idea of dialectical materialism is misleading inasmuch as matter is a dead weight which cannot work without the force of spirit. Hence, not matter but spirit is supreme reality in this world.

The idea of economic interpretation of history is wrong in laying all importance on the role of economic factors. We may say that several

other factors like religion and nationalism also play their part in the occurrence of social development.

The theory of surplus value is also inadequate in the sense that it gives all credit to the factor of labour. In production the role of other factors like land, capital, organisation and enterprise cannot be lost sight of. Hence, all dividends can not be distributed among the workers only.

The theory of class war is highly pernicious. It misleads the people. It creates social disharmony by fomenting feeling of class hatred.

Marxism has grown out of date in the changed conditions of the world. Communists are shrewd Marxists who interpret the ideas of Marx in their own ways. They may, for this reason, be accused of being opportunists in doing peculiar things in the name of their unflinching faith in the doctrine of Marxism.

Communism believes in violence. It desires destruction of the prevailing system by means of bloodshed. It treads the path of fire.

There is no place for freedom and democracy in the system of Communism. What the communists call people's democracy is another name for a political dictatorship.

The indictment of state as an instrument of exploitation and oppression by one class over another is quite misleading. Equally unconvincing is their hope for a future society without classes and state.

It may also be said that neither Marx nor his staunch followers present a clear picture of their ideal society. Mere affirmation that all public affairs would be managed by the free and voluntary groups of the people is not enough.

Marxism and Communism may also be accused of giving no place to the values of religion and morality.

LET US SUM UP

Communism implies a condition of life in which position over things is common. The term Communism implies the principles of scientific socialism gives as given by Karl marx. The main tenets of this theory is foundation of Marxism, need for revolution, dictatorship of proletariat, post revolutionary stage. This theory has been criticized on several grounds.

CHECK YOUR PROGRESS

1. The father of communism is_____.

    a) Karl Marx   b) Engels   c) Lenin   d) MaoTse Tung

2. Communist Manifesto was published in_____.

    a) 1848   b) 1938   c) 1850   d) 1865

3. _____suggest that the rulers and soldiers should lead a communistic pattern of life in respect of family and material position

    a) Plato   b) Aristotle   c)Marx   d) Engels

4. _____made an earnerst, effort to revise and update the theory of Marxism in an era of imperialism

    a) Stalin   b) Marx   c)Lenin   d) Engels

GLOSSARY

Prolotaiat   : Working people.

Realm   : Area.

Doctorine   : Ideology or principle.

Vanguard   : A group of people leading the way in new developments or ideas.

ANSWER TO CHECK YOUR PROGRESS

1. Karl Marx
2. 1848
3. Plato
4. Lenin

MODEL QUESTION

1. Explain the meaning of the term communism.
2. Bring out the foundations of Marxism.
3. What is dictatorship? Why it is needed?.
4. How is the theory of Marxism, Leninism criticized by the scholars.

SUGGESTED READINGS

1. J.C.Johari (2002) *Foundations of Political Science*, ShobanLal & Co, Jalandhar.

2. S. Vijayaraghavan, R Jayaraman (1994), *Political Thought*, Sterling Publishers Private Limited, New Delhi.

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UNIT - 15

STRUCTURE

OVERVIEW

In the earlier days, the states performed only protective functions. It does not care for the welfare of the people. But incouse of time the activities and functions of the state have been increased and at present the state not only perform the protective or police function it performs the welfare functions. It concentrate almost all activities of human being. This unit tries to explain the meaning nature and functions of welfare state.

LEARNING OBJECTIVES

After going through this unit, you will be able to

➢ Understand the meaning nature and functions of welfare state.

➢ Know the origin of welfare state in UK and USA.

➢ Explain the various causes for the origin of welfare state.

15.1 INTRODUCTION

The concept of the state as an agencies of human welfare can be traced back to Aristotle. The state was expected to serve as a moral institution ande it's functions have been gradually multiplying. The origin of Modern welfare States starts from the 18th century.the acceptance of welfare state is a recognition of the technology and economics fact that that economy of the 20th century most people are wage and salary earners that is economically dependent. The welfare state performs many functions.

15.2 ORIGIN AND GROWTH OF THE WELFARE STATE

The very nature of the state implies the concept of welfare. Whatever the form or purpose of the state, be it democratic or totalitarian, republican or monarchical, communist or fascist, capitalist or collectivist, there must be a sufficiently strong feeling throughout the community that its welfare is effectively served by the government. Origin and Growth of Welfare State The concept of the state as an agency of human welfare can be traced back to Aristotle, who observed, "The state comes into being for the sake of life and continues to exist for the sake of good life." The state was expected to serve as a moral institution and its functions have been gradually multiplying. In the 18th century the state became a sort of social service corporation. Thus emerged the concept of welfare state. It denounced the concept of an individualist state which stood to protect and not to promote.

15.3 ORIGIN OF THE WELFARE STATE IN UK

The story of the expanding functions of the state from an agency of law and order to an agency of social welfare is the story of realisation of man's personality. The British claim that the idea emanated first in England. It was in the days of Queen Elizabeth I that the first Poor Law Act was passed under which workhouses were built for able-bodied beggars and relief was provided for the disabled. But Disraeli may be called the originator of the welfare state. The work started by him was given further impetus by Lloyd George and successive governments.

15.4 ORIGIN OF THE WELFARE STATE IN USA

In USA, during the Presidency of President Hoover (1929-34), the Great Depression (1929) reached its peak in 1932. He opposed the concept of welfare state and described the welfare state concept as a dangerous deviation from the American tradition of liberty. But there has been gradual formulation of a number of social and economic reforms which have practically turned America into a welfare state.

15.5   CAUSES FOR THE ORIGIN OF THE WELFARE STATE

The miseries caused by the growth of industrialism with the policy of laissez-faire left man with no other option but to look towards the state as the instrument which could help the individual in bettering his lot. The helplessness of the individual reached its climax when unforeseen disasters of illness or death hit him or his family. In this sense, the acceptance of the welfare state is a recognition of the technological and economic fact that in the economy of the 20th century most people are wage and salary earners, that is, economically dependent. The purpose of welfare state is to lessen the harmful effects of economic dependence and helplessness which necessarily threaten the individual in the economy of today.

The second driving force behind the evolution of the welfare state is political. As more and more people acquired the right to vote, the voters discovered that the right to vote entitled not only the political powers to elect the representatives but also vast social and economic powers. Whoever promised increased social and economic benefits to the voters stood a better chance of election to public office. This phenomenon is behind the growing similarity between the two major parties in Britain and the United States. These parties have realised that hostility or indifference to a broad programme of social and economic security and welfare set-up is a barrier to political success.

The third force behind the growth of the welfare state is psychological. The decline of the influence of religion has made the people unwilling to accept misery and want as an unchangeable order of fate. There has been a growing feeling that man has a right to the good life here in this world quite independently of the happiness of the soul in the heaven. Today, man in advanced as well as in underdeveloped areas increasingly feels that poverty results, not from unchangeable laws of nature, but from changeable institutions of society.

15.6   MEANING AND NATURE OF THE WELFARE STATE

It is difficult to define the concept of the welfare state. In a broad sense the welfare state is one which is wedded to the principle of promoting the general happiness and welfare of the people. It regards itself more as an agency of social service than as an instrument of power. The idea of a welfare state envisages that the individual is the keystone in the arch of a state which is designed to his harmonious development. The welfare state therefore, aims at securing optimum progress and comfort for the individual.

The welfare state is simply a state in which people are free to develop their individual capacities, to receive just awards for their talents and to engage in the pursuit of happiness unhindered by fear of actual hunger, actual homelessness or oppression by reason of race, creed or colour." In the words of Kant, "Welfare state is a state that provides for its citizens a wide range of social services.

A welfare state has the following characteristics

(a)   It gives the individual a pivotal position;

(b)   It assures minimum standard of living and opportunity to the citizens irrespective of race, creed or colour;

(c)   It provides a wide range of social services to citizens;

(d)   It assures equitable distribution of income; thus the welfare state sets a pattern for any human and progressive society.

15.7   FUNCTIONS OF THE WELFARE STATE

The modern states perform two types of functions, namely, protective or police functions and welfare functions. Its protective functions are: (1) upholding sovereignty against internal disorder and foreign invasions, (ii) making laws for upholding sovereignty and enforcing obedience and creating conditions of security, (iii) upholding institutions like the family and property, (iv) construction and maintenance of means of communication and transport, (v) regulating markets, inspecting weights and measures (vi) maintaining diplomatic relations with foreign countries, and (vii) collection of taxes and meting out punishment to tax-evaders.

The welfare state stands for the harmonious development of an individual's personality. Besides, every individual is allowed certain fundamental freedoms. A brief explanation of important welfare functions of the state is as follows:

Economic Security

Every member of the community should be provided with a minimum standard of living. Wide disparities between the rich and the poor must end. Everybody is provided with the bare necessities of life, namely, food, clothing and shelter. The welfare state is committed to a policy of economic stability and progress. It is also committed to full employment as one of the top priorities of public policy. Full employment does not mean literally no unemployment. Full employment means that unemployment is reduced to short intervals with a certainty that very soon one will be wanted in a new job. Advocates of the welfare state believe that free enterprise can be preserved and strengthened by full

employment policies without going to the extreme of nationalisation. Taxation is properly adjusted to periods of prosperity and depression. Interest rates are determined by governmental decisions according to the current and prospective economic needs and conditions. Fiscal policies are designed to redistribute purchasing power in harmony with the best interests of the nation.

Promotion of Health

It takes the initiative in protecting the health of the people. It takes preventive as well as curative measures to promote the health of the workers. It is being increasingly realised that strong and healthy citizens along can make a nation great and strong. Laws are passed to improve the health of workers. It takes full measures to prevent spread of epidemics.

Removal of Illiteracy

The state takes steps to eradicate illiteracy. It strives to bring education within the reach of every individual. At least elementary education is imparted to all and higher education is made possible for those who are capable of intellectual attainments. Liberal schemes of scholarships and stipends are provided in order to enable the deserving candidates to equip themselves with the right type of education.

Social Security

In the field of social security, the welfare state aims at protection against want, sickness and old age. This is justified not only on humanitarian grounds but also on economic grounds, since a minimum standard of living guaranteed by social security provides people with a minimum of purchasing power, which is indispensable to the operation of industry, in prosperity and depression. Similarly, an active support programme for agriculture, guaranteeing the farmer minimum prices for his product, is also implemented.

15.8   HINDRANCES TO THE WELFARE STATE

Though the concept of welfare state is gaining popularity yet there are certain basic obstacles which need to be overcome. Low level of production is the greatest hindrance in the way of welfare state. Equitable distribution of wealth is possible only if there is a phenomenal rise in national production also. Another hindrance to the welfare state is the needless rise in population of the country. Economic amelioration is apt to be neutralised by bewildering growth of the population.

It becomes difficult for the government to provide equitable opportunities for the development of personalities. Thus failure to solve the population problem can ruin attempts to obtain welfare. Fear of high taxes also hinders the realisation of a welfare state. If the citizens evade taxes, it becomes difficult for the government to perform its welfare functions.

15.9 CRITICISM OF THE WELFARE STATE

It is often pointed out that a welfare state is too expensive and hardly suits poor countries. Even in a rich country like America there has been a lot of opposition to this concept while most Americans are opposed to collectivism. It is said that a welfare state results in too much of bureaucracy and too much of departmentalisation. Pound, one of the most influential jurists of the 20th century, argues that a super service state must develop a vast bureaucracy and ultimately it may lead to a totalitarian state, with Marxian communism, and political absolutism.

It is asserted by a critic that a welfare state may diminish the virtue of thrift. A welfare state spends money recklessly without caring for thrift, which is very essential for stabilising the economy of a country. Though some of the above arguments against the welfare state seems to be weighty, yet they are not wholly correct. In the complex industrial society today no state can confine its scope ofactivity to maintaining law and order. The success of the idea of a welfare state reveals that a welfare state has proved more a blessing than a curse.

LET US SUM UP

In the earlier days the state performed police functions. But in course of time activities of the state has increased and it became a welfare state. There are many reasons for the origin of welfare state. If performs multifarious functions like economics security, promotion of health, social security, removal of illiteracy etc. There are some hindrance in the performance of welfare state. In spike of some arguments against the welfare state it reveals that inspite state has proved more blessings than curse.

CHECK YOUR PROGRESS

1. The concept of the state as an agency of human welfare can be traced back to_____

   a) Socrates   b) Plato   c) Aristotle   d) Cicero

2. In the_____century the state become a part of social Science corporation

   a) 16   b) 19   c) 17   d) 18

3. Disreli maybe called the originator of the welfare state in _____

   a) USA   b) UK   c) France   d) Germany

4. The modern state performs_____types of functions.

   a) Two   b) Three   c) Four   d) One

GLOSSARY

Totalitarian   : government without granting liberty to the people

Laissez faire   : non interference in economical activities

Epidemics   : disease affecting people in different places at the same time.

Hindrances   : obstacles.

ANSWER TO CHECK YOUR PROGRESS

1. Aristotle
2. 18
3. UK
4. Two

MODEL QUESTION

1. Bring out the causes of the emergence of the welfare states.
2. Describe the meaning and the nature of welfare States.
3. Discuss the various functions of welfare states.
4. Explain the origin and the growth of welfare states.

SUGGESTED READINGS

1. J.C.Johari (2002) *Foundations of Political Science*, ShobanLal & Co, Jalandhar.

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4. R.C Gupta (2001), *Great Political Thinkers*, Lakshmi Narayan Agarwal, Agra.

TAMILNADU OPEN UNIVERSITY

M.A Political Science (MPSS - 22)

Western Political Thought - II

Model Question Paper

Time: 3 Hrs   Max Marks: 70

PART – A (5 x 5 = 25)

Answer any FIVE questions in 300 words each. Each question

carries 5 marks

1. Bring out the various functions of welfare State.

2. Describe Marsiglio's views on church.

3. Write about the Hegel's general Philosophy.

4. Explain St.Augustine's views on Justice.

5. Bring out Kant's views on moral freedom.

6. Describe Bertrand Russell views on Communism.

7. Explain Hegel's views on family and marriage.

8.   Bring out the features of Socialism.

PART- B (3 x 15 = 45)

Answer any THREE questions in 1000 words each. Each question

carries 15 marks

9. Discuss Cicero's views on Origin of State.

10. Examine the Jean Bodin's views on sovereignty.

11. How does Leo Strauss Plato's interpect Republic?

12. Analyse Karl Marx views on theory of surplus value.

13. Examine St.Augustine's views on war and conquest.

Curiginal

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- Ph.D. Public Administration (Full Time / Part Time)

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M.A., POLITICAL SCIENCE
FIRST YEAR – 2ND SEMESTER

MODERN POLITICAL SYSTEM

SCHOOL OF POLITICS AND PUBLIC ADMINISTRATION
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M.A., Political Science

First Year – 2nd Semester

MPSS - 23

MODERN POLITICAL SYSTEM

SCHOOL OF POLITICS AND PUBLIC ADMINISTRATION

TAMIL NADU OPEN UNIVERSITY

577, ANNA SALAI, SAIDAPET, CHENNAI - 15

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MPSS – 23 MODERN POLITICAL SYSTEMS
Syllabus

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Unit - 3   The Rule of Law and the Administrative Law

Unit - 4   Party system

Unit - 5   Convention and Usages

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Unit - 9   Parliament – House of commons and House of Lords

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Unit - 19   Main features of the Constitution

Unit - 20   President of the Republic of France

Unit - 21   Prime Minister- Parliament- law making

Unit - 22   Judiciary- Administrative Law

Unit - 23   French Party System

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1.   J.C. Johari, Major Modern Political System

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MPSS – 23 MODERN POLITICAL SYSTEMS
Scheme of Lesson

TAMIL NADU OPEN UNIVERSITY

(A State Open University Established by Government of Tamil Nadu, Recognized by UGC & DEB,
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No.577, Anna Salai, Saidapet, Chennai - 600 015. Tamil Nadu.

Professor K.Parthasarathy
Vice Chancellor

21.04.2022

My Dear Beloved Learners! Vanakkam,

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

With warm regards,

(K. PARTHASARATHY)

Block I

CONSTITUTION

DEFINITION OF CONSTITUTION AND MEANING OF STATE

STRUCTURE

Overview

Learning Objectives

1.1   Meaning of Constitution

1.2   Definition of Constitution

1.3   Definition of Constitution by Different Political Thinkers

1.4   Meaning of State

1.5   State under Indian Constitution

1.6   Meaning of the State in Constitution

1.7   Understanding the Meaning of State under Article 12

1.8   Definition of State under Article 12

Let us sum up

Check your progress

Glossary

Answers to check your progress

Model questions

Suggested readings

OVERVIEW

A constitution may be said to be a collection of principles according to which the powers of the government, the rights of the governed, and the relations between the two are adjusted. In other words, it may be described as a frame of political society organised 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 'rules of the state', 'instrument of government', 'fundamental law of the land', 'basic statute of the polity', 'cornerstone of the nation-state' and the like. In this unit, we will discuss about the definition of state and constitution.

LEARNING OBJECTIVES

After going through this unit, you will be able to

➢ Understand Constitution and its importance.

➢ Know the nature and Scope of Constitutions.

➢ Learn the meaning of State within the Indian Constitution.

1.1 MEANING OF CONSTITUTION

The rules of a constitution may be in a written form, whether in detail or in brief, or most of them may be in the form of maxims, usages, precedents and customs, it is essential that these rules as a whole determine the organisation and working of the government of a state. It may be a deliberate creation on paper in the form of a single document prepared by some assembly or convention, or it may be in the form of a bundle of documents having authority of the law of the state the best example of which may be seen in the case of the English constitution. According to K.C. Wheare, "the word 'constitution' is commonly used in at least two senses in an ordinary discussion of political affairs.

First of all, and partly non-legal or extra-legal, taking the form of usages, understandings, customs, or conventions which courts do not recognise as law but which are no less effective in regulating the government than the rules of law strictly called. In most countries of the world the system of government is composed of this mixture of legal and non-legal rules and it is possible to speak of this collection of rules as the „constitution." It is used to describe the whole system of the government of a country, the collection of rules which establish and regulate or govern the government. These rules are partly legal, in the sense, that the courts of law will recognise and apply them.

1.2 DEFINITION OF CONSTITUTION

A constitution is a basic design, which deals with the structure and powers of government. It also includes the rights and duties of citizens. Often a 'constitution' is understood as a document that is written and accepted at a particular time, but it is not the true meaning of the constitution, the constitution may be written or unwritten. Sometimes it is found as an established body of rules, maxims, traditions, and practices according to which its government is organized and its powers are being exercised.

Every country should have a constitution because it helps and guides in the operation of a country. History suggests that since the origin of countries there have been some sort of rules and laws to

maintain order and harmony. In every country it is necessary to be democratic or autocratic that rules should be accepted which will determine the role and Organisation of political institutions to save the society from chaos. And now, in modern states, these rules took the form of a constitution.

1.3 DEFINITION OF CONSTITUTION BY DIFFERENT POLITICAL THINKERS

1. **Aristotle: –** According to him, definition of constitution is the way by which all citizens or constituent parts of the state are organized in relation to each other

2. **Sir James Mackintosh: –** By the state constitution, a body of written or unwritten fundamental laws means those which regulate the most important rights of the High Magistrate which are the most essential privileges of subjects.

3. **George Cornwell Lewis: –** He defined constitution as "system and distribution of sovereign power as community or government".

4. **Leacock: –** According to him, "Constitution is the form of government".

5. **Austin: –** stated the definition of constitution as, "It fixes the structure of supreme government."

Therefore, based on the above definitions, we can say that, the constitution is the fundamental law of the land. Constitution may be written or unwritten. The constitution deals with the structure and power of government. The constitution deals with the rights of citizens. The constitution deals with the relationship between governments and governed. The constitution is the supreme law that must be followed.

1.4 MEANING OF STATE

It is significant that though some sort of political Organisation has existed since ancient times, such as Greek city-states and the Roman empire, yet the concept of the 'state' as such is comparatively modern. The contemporary concept of the state owes its origin to Machiavelli (1469-1527) who expressed this idea in early sixteenth century as 'the power which has authority over men' (The Prince; 1513). This was an important idea because it describes the nature of the state, not the end of the state which was a question of political philosophy rather than political sociology or political science. This peculiar feature of the state has been the focus of attention of many recent thinkers.

Max Weber (1864-1920), a famous German sociologist, sought to evolve a 'sociological' definition of the state: Sociologically, the state cannot be defined in terms of its ends. Ultimately, one can define the modern state sociologically only in terms of the specific means peculiar to it, as to every political association, namely the use of physical force. From this standpoint, Weber arrives at the following definition which is widely acknowledged in modern political theory: 'A State is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory'.

R.M. MacIver, in his famous work The Modern State (1926), sought to distinguish the state from other kinds of associations in that it embraces the whole of people in a specific territory and it has the special function of maintaining social order. It performs this function through its agent, the government 'which speaks with the voice of law'. Similarly, R.M. MacIver and C.H. Page (Society: An Introductory Analysis; 1950) have observed: "The state is distinguished from all other associations by its exclusive investment with the final power of coercion." Harold J. Laski, in An Introduction to Politics (1931), similarly points out: Whereas all other associations are voluntary in character, and can bind the individual only as he chooses membership of them, once he is a resident of some given state, legally he has no choice but to obey its commands. The state, so to say, is the crowning-point of the modern social edifice, and it is in its supremacy over all other forms of social grouping that its special nature is to be found.

As used in political science, the word state means a community or society politically organized under one independent government within a definite territory and subject to no outside control. There can be no community without the people to form one, and no common life without some definite piece of territory to live in. When people live a collective life, they fulfil the meaning of Aristotle's famous phrase, "Man is a social animal" and when they live a settled life on a definite territory to realize the purpose of collective living, they fulfil the meaning of Aristotle's second famous phrase, "Man is a political animal". The people are bound by rules of common behaviour and their violation is accompanied by punishment. That is the state. Society meets man's companionship; the state solves the problem created by such companionship. Therefore, the state is some form of association with some special characteristics particularly that of its territorial connection and of its use offered. It is charged with the duty to maintain those conditions of life for which the state came into existence and for which it continues to exist.

Therefore, the state is a natural, a necessary, and a universal institution. It is natural because it is rooted in the reality of human nature. It is necessary because, according to Aristotle, "The state comes into existence originating in the bare needs of life and continuing in existence for the sake of good life". Man needs the state to satisfy his diverse needs and to be what he desires to be. Without the state he cannot rise to the full stature of his personality. In fact, in the absence of such a controlling and regulating authority, society cannot be held together and there will be disorder and anarchy. What food means to the human body the state means to man. Both are indispensable for his existence and development. The state has exists whenever and wherever man has lived in and organized society.

1.5 STATE UNDER INDIAN CONSTITUTION

Part III of the Constitution deals with Fundamental Rights which are the restriction on the power of the legislature, executive and judiciary that, no one can encroach upon this part. In order to define the scope of these rights and the scope of remedy under Article 32 constitution makers have defined "State" in the beginning as under: "the Government and the Parliament of India and the Government and the Legislature of each of the State and all local or other authority within the territory of India or under the control of the Government of India".

Therefore to understand the expanded meaning of the term "other authorities" in Article 12, it is necessary to trace the origin and scope of Article 12 in the Indian Constitution. Present Article 12 was introduced in the Draft Constitution as Article 7. While initiating a debate on this Article in the Draft Constitution in the Constituent Assembly, Dr.Ambedkar described the scope of this Article and the reasons why this Article was placed in the Chapter on fundamental rights as followed: "The object of fundamental rights is twofold.

First, that every citizen must be in a position to claim those rights. Secondly, they must be binding upon every authority which has got either the power to make laws or the power to have discretion vested in it. Therefore, it is quite clear that if the fundamental rights are to be clear, then they must be binding not only upon the Central Government they must not only be binding upon the Provincial Government, they must not only be binding upon the Governments established in the Indian States, they must also be binding upon District Local Boards, Municipalities, even village Panchayats and taluk boards, in fact every authority which has been created by law and which has got certain power to make laws, to make rules, or make bye-laws.

From the above, it is seen that the intention of the Constitution framers in incorporating this Article was to treat such authority which has been created by law and which has got certain powers to make laws to make rules and regulations to be included in the term "other authority" as found presently in Article 12. This definition has given birth to series of judgments and cases primarily due to inclusion of words "authority" in the last part of the definition. Attempts have been made to determine the scope this word initially the definition of State was treated as exhaustive and confined to the authorities or those which could be read ejusdegeneris with the authorities mentioned in the definition of Article 12 itself.

The next stage was reached when the definition of 'State' came to be understood with reference to the remedies available against it. For example, historically, a writ of mandamus was available for enforcement of statutory duties or duties of a public nature. Thus a statutory corporation, with regulations farmed by such Corporation pursuant to statutory powers was considered a State, and the public duty was limited to those which were created by statute. The decision of the Constitution Bench of this Court in Rajasthan Electricity Board v. Mohan Lal and Ors is illustrative of this. The question there was whether the Electricity Board which was a corporation constituted under a statute primarily for the purpose of carrying on commercial activities could come within the definition of 'State' in article 12.

1.6   MEANING OF THE STATE IN CONSTITUTION

According to Article 12 of the Constitution of India, the term 'State' can be used to denote the union and state governments, the Parliament and state legislatures and all local or other authorities within the territory of India or under the control of the Indian government. Over the period of time, the Supreme Court has explained the ambit of 'State' to include Corporation such as LIC and ONGC since they perform tasks "very close to governmental or sovereign functions." In fact, the term 'State' also accommodates any authority that's created by the Constitution of India and has the power to make laws. It need not perform governmental or sovereign functions.

1.7   UNDERSTANDING THE MEANING OF 'STATE' UNDER ARTICLE 12

Executive and legislature of Union and states include union and state governments along with Parliament and State legislatures. The President of India and Governors of states can also be referred as 'State' as they are a part of the executive. The term 'government' also

includes any department of government or any institution under its control. The Income Tax Department and the International Institute for Population Sciences could be cited as examples. 'Local authorities', as used in the definition, refers to municipalities, Panchayats or similar authorities that have the power to make laws & regulations and also enforce them. The expression 'Other authorities' could refer to any entity that exercises governmental or sovereign functions.

1.8   DEFINITION OF STATE UNDER ARTICLE 12

Article 12 defines the term 'State' as used in different Articles of Part III of the Constitution. It says that unless the context otherwise requires the term 'State' includes the following

1.   The Government and Parliament of India, i.e., Executive and Legislature of the Union.

2.   The Government and Legislature of each State, i.e., Executive and Legislature of State.

3.   All local and other authorities within the territory of India.

4.   All local and other authorities under the control of the Government of India.

The term 'State' thus includes executives as well as the legislative organs of the Union and States. It is, therefore, the actions of these bodies that can be challenged before the courts as violating fundamental rights.

a) Authorities – According to Webster's Dictionary; "Authority" means a person or body exercising power to command. In the context of Article 12, the word "authority" means the power to make laws, orders, regulations, bye-laws, notification etc. which have the force of law and power to enforce those laws.

b) Local Authorities - 'Local authorities' as defined in Section 3 (31) of the General Clause Act refers to authorities like Municipalities, District Boards, Panchayats, Improvement Trust and Mining Settlement Boards. In Mohammed Yasin v. Town Area Committee, the Supreme Court held that the bye-laws of a Municipal Committee charging a prescribed fee on the wholesale dealer was an order by a State authority contravened article 19 (1) (g). These bye-laws I effect and in substance have brought about a total stoppage of the wholesale dealer's business in the commercial sense. In Sri Ram vs. The Notified Area Committee, a fee levied under Section 29 of the U.P. Municipalities Act, 1919, was held to be invalid.

c) Other authorities - in Article 12 the expression 'other authorities' is used after mentioning a few of them, such as, the Government, Parliament of India, the Government and Legislature of each of the State and all local authorities. In University of Madras v. Santa Bai, the Madras High Court held that 'other authorities' could only mean authorities exercising governmental or sovereign functions. It cannot include persons, natural or juristic, such as, a University unless it is 'maintained by the State'.

In Article 12 the bodies specifically named are the Government of the Union and the States, the Legislature of the Union and the States and local authorities. There is no common genus running through these named bodies nor can these bodies so placed in one single category on any rational basis.

LET US SUM UP

We have read about the meaning, development and kinds of constitutions convinces us with this important axiom of political theory that every state must have a constitution of its own. It is indispensable even for the states in which a regime of the most primitive type or despotism of the worst sort prevails. Jellineck is right in holding that a state without a constitution would not be a state but a regime of anarchy. In all times, whether ancient, medieval, or modern, constitutions have existed in some form irrespective of the fact that the rulers acted in the most autocratic manner. Evidence shows that in the days of ancient Greece, Aristotle could have a study of about 158 constitutions. Even during Middle Ages constitutions existed, though in a very crude form, if we compare them with present standards. A remarkable change has taken place in modern times when the constitution of state is given utmost sanctity. It is lauded as the 'cornerstone' of a democratic nation-state; even the non-democratic states have their own set of rules which they call 'a charter' or 'a manifesto' of the ideology of their state apparatus.

CHECK YOUR PROGRESS

1. A constitution is a basic design, which deals with the structure and powers of _____.

2. Constitution as a system and distribution of sovereign power as community or government defined by _____.

3. Dr. Ambedkar described the scope of article 12 in the drafting constitution of _____.

4. _____ means a person or body exercising power to command.

GLOSSARY

Constitution : Written or Unwritten document for a population.

Administration : Function of a political state in exercising duties.

Article : The main element or clause of a Constitution.

Constitutional Order : Power is "tamed" by making it less consequential.

ANSWERS TO CHECK YOUR PROGRESS

1. Government.

2. George Cornwell Lewis.

3. Constituent assembly.

4. Authority.

MODEL QUESTIONS

1. Discuss the meaning, nature and scope of State.

2. Critically analyze the meaning of the State.

3. Explain the rationale of having a Constitution.

4. Bring out the meaning of State under Indian Constitution.

SUGGESTED READINGS

1. R. Hague & M. Harrop (2000), *Comparative Government and Politics: An Introduction*, 5th edn., New York, Palgrave.
2. B.L.Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
3. A. Sharma & R. P. Gajanan, (2011), *Modern Public Administration*, Crescent Publishing House.

UNIT - 2

THE THEORY OF SEPARATION OF POWERS

STRUCTURE

Overview

Learning Objectives

2.1   Theory of Separation of Powers

2.2   Montesquieu Theory of Separation of Powers

2.3   The Constitution of United States of America and the Doctrine of Separation of Powers

2.4   Arguments against the Theory of Separation of Powers

2.5   Value of the Theory of Separation of Powers

Let Us Sum Up

Check Your Progress

Glossary

Answers to check your Progress

Model Questions

Suggested readings

OVERVIEW

Division of Power implies there is no connection between any organs of the public authority. Each organ like authoritative, chief and Judiciary has its own force and they can partake in their force uninhibitedly. Then again Division of Power implies circulation of force among the different organ of the public authority like Central to State, State to region, and region to town. In this cycle everybody can partake in a certain level of force. In this unit, we will deal about the theory of separation of power, arguments against the theory and values added to strengthening of the theory.

LEARNING OBJECTIVES

After going through this unit, you will be able to

➢   Understand the Montesquieu's theory of separation of powers.
➢   Know the Doctrine of separation of powers in the U.S.A.
➢   Examine the Value of the Theory of Separation of Powers.

2.1 THEORY OF SEPARATION OF POWERS

The theory of separation of powers deals with the functional division of powers between the three organs of the government, division the legislature, the executive and the judiciary. Though, the theory of separation of powers is associated with the French philosopher, Montesquieu, the need for division of governmental authority was recognized by early political thinkers such as Aristotle and Cicero. Aristotle in his famous treatise 'Politics' divided the powers of the government into deliberate (legislature), magisterial (executive), and, judicial. Jean Bodin and John Locke also emphasized on the separation of powers to prevent the abuse of power. It was Montesquieu who gave a well-knit theory with the central theme of separation of powers in "The Spirit of Laws' published in 1748.

The theory of separation of powers seeks to make a distinction in the functions of the government and to limit each department to its own sphere so that each department has maximum autonomy within its allotted jurisdiction. Each department is entrusted to a separate body of persons. The main objective of this theory is to preserve political liberty by preventing the abuse of power. Montesquieu observed that, "Constant experience shows us that every man invested with power is apt to abuse it and to carry his authority until he is confronted with limits." Amal Ray writes, "Montesquieu's theory is based on an intelligent evaluation of man's power psychology." The theory of separation of powers recognizes the equality of powers of all the three departments of government-executive, legislative and judicial. Montesquieu was of the view that separation of powers of the different organs of the government resulted in stability and efficiency in any country.

It is, however, interesting to note that Montesquieu cited the cabinet system in England as an example of separation of powers. In this Montesquieu was not correct. In the cabinet system, the legislature and executive are closely related. The members of a executive are also members of the legislature. Moreover, there was no separation of powers in England at that time.

2.2 MONTESQUIEU THEORY OF SEPARATION OF POWERS

Montesquieu's theory of separation of powers is best explained in his own words: "When the legislative and executive powers are united in the same person, or in the same body of magistrate there can be no liberty, because apprehensions may arise lest the same monarch or senate should enact tyrannical laws, and execute them in tyrannical manner.

Again, there is no liberty if the judiciary power be not separate from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control for the judge would then he the legislator. Were it joined to the executive power, the judge might behave with violence and oppression. There would be an end of everything, were the same man or the same body. To exercise those three powers, that of enacting laws, that of executing the public relations, and of trying the cases of individuals.

Later Blackstone in his 'Commentaries on the Laws of England' wrote, "In all tyrannical governments, the supreme magistracy or the right both of making laws and of enforcing them, is vested in one and the same man, or one and the same body of men; and wherever these two powers are united together there can be no public liberty." The English jurist wrote again in 1788 "The accumulation of all powers, legislative, executive and judicial, in the same hands, whether of a few or many, may justly be pronounced the very definition of Tyranny."

The principle of partition of forces has three ramifications. Right off the bat, that similar individual or people ought not hold at least two various types of forces Secondly, that one organ of the public authority ought not meddle or control another organ, and, thirdly that one organ should practice just a single sort of force.

Montesquieu believed that the rule of law could only be achieved through the separation of governmental powers. It was the most effective device to limit political power. The theory of separation of powers has been supported as a doctrine of freedom.

2.3 THE CONSTITUTION OF UNITED STATES OF AMERICA AND THE DOCTRINE OF SEPARATION OF POWERS

There is profound influence of the doctrine of separation of powers on the American Constitution. According to Finer, "The American Constitution was consciously and elaborately made an essay in the separation of powers and is today the most important policy in the world which operates upon that principle."

The connection among executive and the legislative as set up by the constitution of the United States of America shows particular use of the convention of division of forces. The executive forces are vested in the President. He isn't an individual from the Congress. He doesn't go to the meeting of the Congress. He can't break up the Congress before the expiry of its term. The President cannot initiate legislation.

The tenure and or the vice conditions of the judges are beyond the jurisdiction of the executive. The Congress can't pose inquiries from the individuals from the executive.The Congress cannot pass a vote of no-confidence and vote the executive out of office. The President completes his term. He can only be removed by impeachment.

The founding fathers of the American constitution knew that it was impractical to apply an absolute separation of powers. Hence, they introduced modifications in the doctrine of separation of powers by setting up a system of 'checks and balances. This system empowers the President to veto any legislation passed by the Congress. He can also participate in the legislative procedure by sending messages to the Congress. On the other hand, the Congress can carry out impeachmentproceedings against the President by two-thirds majority. The Senate can ratify or refuse treaties and appointments made by the President. The Supreme Court through its power of judicial review also participates in the legislative functions.

It is important to note that most scholars are of the view that Montesquieu stood for a limited separation of powers. G.H. Sabine explains Montesquieu's doctrine in these words, "Montesquieu did not really contemplate an absolute separation of the three powers; the legislature ought to meet at the call of the executive; the executive retains a veto on the legislation: the legislature ought to exercise extra-ordinary judicial powers."

2.4   ARGUMENTS AGAINST THE THEORY OF SEPARATION OF POWERS

The use of outright detachment of forces isn't attainable. The public authority is a natural solidarity. Its different organs are firmly identified with one another: The organs of the public authority, in particular, the chiefs, council and legal executive can't be totally isolated from one another.Rigid application of separation of powers among the organs of the government is neither feasible nor desirable. It creates isolation and disharmony. The spirit of co-operation between departments is lost.

J.S. Mill is of the opinion that complete separation would lead to deadlocks in the system. This would result in inarticulation and inefficiency. MacIver rightly remarks, "What is needed is not the separation of the functions, but, their proper articulation; only thus can the responsibility be wedded to efficiency."The doctrine of separation of powers is based on the equality of powers of all organs of government. Most scholars do not agree with this contention. Professor MacIver holds that the legislative function is supreme.

Laski says, "the powers both of executive and judiciary find their limits in the declared will of the legislative organ".Separation of powers among government may also result in confusion, jealousy and suspicion, jealousy and suspicion.

The raison d'etre for separation of powers is safeguard of individual liberty. Experience, however, shows otherwise. The people of England, under a cabinet system, enjoyed more liberty than the Americans between the two World Wars. Hence, it cannot be maintained that liberty depends on the device of separation of powers.The growth of political parties has rendered the doctrine of separation of powers meaningless. The political party which is in power controls the executive and the legislature as well.

Dr. Finer regards separation of power as confusion of power. "There is no co-ordination. Responsibility cannot be fixed at one place."The communists and the fascists have discarded the theory of separation of powers. They insist on the unity of power. They regard the theory as a bourgeois principle which is unnecessary in a homogeneous state.

2.5   VALUE OF THE THEORY OF SEPARATION OF POWERS

It makes the judiciary independent of the executive. The separation of the judiciary from the executive is the most significant contribution of the doctrine of separation of powers. The liberty of the individuals is assured by an independent and impartial judiciary. The citizens of United States of America are assured of their freedom because of an independent and impartial judiciary rather than because of separation of powers between the Congress and the President.The theory of separation of powers increases with the administrative efficiency of the government.When each department works in its own specific field, each one achieves competence and specialization.

LET US SUM UP

In this unit, we explained the separation of powers and Division of powers. Separation of power is most closely associated with the political systems, in which the legislative, executive, and individual powers of government are nested in separate bodies. Division of power is first split between the public and the state and the neighborhood government under a framework known as federalism. At the administrative level, the constitution again splits power between the three significant parts of our central government the authoritative, the leader and the legal.

CHECK YOUR PROGRESS

1. The concept of 'Separation of Powers' was given by

    A) Montesquieu   B) Machiavelli   C) Bentham   D) None of these

2. The Spirit of laws written by
    A) Laski   B) J.S.Mill   C)Hume   D) Montesquieu

3. What is an example of division of powers?

    a) USA   b) Germany   c) Srilanka   d) Israel

GLOSSARY

Federation	: In a country where one central government and number of state governments.
Separation of Powers	: Separation of three branches of government.
Clead look	: Unable to solve the problem.

ANSWER TO CHECK YOUR PROGRESS

1. Montesquieu
2. Montesquieu
3. USA

MODEL QUESTION

1. What is meant by separation of powers?
2. Analyse theory of Separation of Powers.
3. What is the division of power in a Government?

SUGGESTED READINGS

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

<div style="text-align:center">**RULE OF LAW AND ADMINISTRATIVE LAW**</div>

STRUCTURE

OVERVIEW

In the previous chapter the focus was on understanding the meaning of constitution and meaning of state under international and at the national level here in India. We also discussed the various types of constitution in the previous chapters. Now we move on to the discussion of two important concepts namely, Rule of Law and Administrative Law in this unit. Administrative law is a branch of public law. It deals with the relationship of individuals with the government. It determines the Organisation and power structure of administrative and quasi-judicial authorities to enforce the law. It is primarily concerned with official

actions and procedures and puts in place a control mechanism by which administrative agencies stay within bounds. The concept of Rule of Law is that the state is governed, not by the ruler or the nominated representatives of the people but by the law. In this chapter, we will discuss in detail about the rule of law, administrative law, it nature and features.

LEARNING OBJECTIVES

After going through this unit, you will be able to

➢ Understand Rule of Law and learn about administrative law.

➢ Analyze the nature of Rule of Law.

➢ Know the need for Administrative Law.

➢ Examine the scope of Administrative Law.

3.1   RULE OF LAW

Rule of law is a product of struggle by the people from centuries for recognition of their inherent rights and the concept of a rule is very ancient and old. During the ancient times, the concept of rule of law was discussed by the Greek philosopher Aristotle and Plato at the time of 350 BC so now you can imagine how old this concept. Plato has written that if rule of law under the supervision of any law than it doesn't have any value and the concept of state will get collapsed and if the law is master of government and government work as a slave for law then the concept of state will work effectively and humans can enjoy their rights.

According to Plato the meaning of rule of law is that it is supreme in nature and nobody is above the law.

According to Aristotle has written that law should be the final sovereign of the state.

According to Sir Edward Coke "Rule of Law" means the absence of arbitrary power on the part of Government.

This phrase was derived from the French phrase "la Principe de legality" which means that the principle of legality whatever the legal system principle is called a rule of law. Which refers to government is based on the principles not on any individuals and according to the law everything will move. Rule of law is the basic principle of the English constitution and this doctrine is accepted by the US and as well as India also.

3.1.1 DEVELOPMENT

Rule of law was developed by a British jurist Albert Venn Dicey in his book called "The Law of the Constitution" 1885. In this book, he develops this concept and he identifies 3 principles while establishing the rule of law. According to Albert Venn Dicey rule of law first meaning is "No man is punishable except for a Distinct breach of Law" established in the ordinary legal manner before the ordinary court. The government or any high-class authority cannot punish any individual on the personal ground till the time an individual has committed an offence and if the offence is committed then proper procedure and trail will be conducted and in case the final verdict is that the offence is committed then physical or economic punishment will be given to the accused person. This clearly indicates that even if 100 criminals are not arrested is ok rather than punishing one innocent person.

3.1.2 BASIC PRINCIPLES OF RULE OF LAW

1. Law is supreme and nobody is above the law.
2. All the things should be done according to a law not as per whim.
3. No person should be suffered except for the breach of law.
4. Absence of arbitrary is the soul of the rule of law.
5. Equality before the law and equal protection of the law.
6. Speedy trial.
7. The fair and just procedure should be conducted.
8. Independent and impartial judiciary.

Kesavananda Bharati vs. the State of Kerala under this case the principle of Basic Structure was propounded and it was said that any part of the Constitution can be amended without disturbing the basic structure of it.

Indira Nehru Gandhi vs. Raj Narain, the court held that rule of law is also part of the basic structure and in the list rule of law was also added and it means that no amendment can be done in rule of law.

The State of Bihar vs. Sonawati Kumari, it is an integral part of Rule of law that all the authority within the State including executive government should be bound to obey the rules.

3.1.3 RULE OF LAW IN MODERN STATE

Today the dicey theory of Rule of law cannot be accepted in total. The modern concept of rule of law is very wide and therefore set up an example for the government to achieve and this concept was

developed by the International Commission of Jurists which is also known as Delhi Declaration, 1959.

According to this, the Rule of the law says that the function of the government in a free society is to exercise and create a condition in which the dignity and respect of an individual are increased or upheld. It does not only recognize civil or political rights but the introduction of certain social, political, economic, and educational etc. which are necessary for the full development of personality.

According to Davis, there are 7 types of Modern law

1. Law and orders.

2. Principle of Natural law.

3. Fixed rules and regulations.

4. Eliminate the idea discretion.

5. Due and fair process of law.

6. Preferences for judges and court of law to executive authority and administrative tribunals.

7. Judicial review of administrative action.

So, in proper manner rule of the law say that it silent on the democratic system, where the political interest is encouraged and criticism of the government is not only permitted but given positive merit.

3.1.4 MEANING AND ORIGIN

The rule of law is a product of centuries of the struggle of the people for the recognition of their inherent rights. In classical Greece, Aristotle wrote that "law should be the final sovereign". In 1215, the Magna Carta checked in the corrupt and whimsical rule of King John by declaring that the government should not proceed except in accordance with the law of the land. During the thirteenth century, Thomas Aquinas argued that the rule of law represents the natural order of God as ascertained through divine inspiration and human resource. In the seventeenth century, the English jurist Sir Edward Coke asserted that the "king ought to be under no man, but under God and the law." Despite its ancient history, the rule of law is not celebrated in all quarters. The English philosopher Jeremy Bentham described the rule of law "nonsense on stilts." The twentieth century has seen political leaders who have oppressed disfavored persons or groups, without warning or reason, governing as if no such thing as rule of law existed. For many people around the world, the rule of law is essential to freedom.

The most famous exposition of the concept of rule of law has been laid down by A.V. Dicey (Law of the Constitution) who identifies three principles which together establish the rule of law:

1. The absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power.

2. Equality before the law or the equal subjection of all classes to the ordinary law of the land administered by the ordinary courts; and

3. The law of the constitution is a consequence of the rights of individuals as defined and enforced by the courts

3.1.5 MERITS AND DEMERITS OF THE DICEY CONCEPT

Merits:

1. Help in making limits to the power of administrative authorities.

2. A major role in growth and recognition of administrative law.

3. Act as a scale for the test of administrative action.

Demerits:

1. His theory was not fully accepted during that era also.

2. Failed to distinguish between discretionary and arbitrary power.

3. He misunderstood the concept of Droit administration which was actually successful in France.

3.2 ADMINISTRATIVE LAW

Administrative law is the law that governs the administrative actions. As per Ivor Jennings- the Administrative law is the law relating to administration. It determines the organisation, powers and duties of administrative authorities. It includes law relating to the rule-making power of the administrative bodies, the quasi-judicial function of administrative agencies, legal liabilities of public authorities and power of the ordinary courts to supervise administrative authorities. It governs the executive and ensures that the executive treats the public fairly.

Administrative law is a branch of public law. It deals with the relationship of individuals with the government. It determines the organisation and power structure of administrative and quasi-judicial authorities to enforce the law. It is primarily concerned with official actions and procedures and puts in place a control mechanism by which administrative agencies stay within bounds.

3.2.1 THE GROWTH OF ADMINISTRATIVE LAW

ENGLAND:

In 1885 Albert Venn Dicey, a British jurist, rejected the whole concept of Administrative law. Hence, the numerous statutory discretionary powers given to the executives and administrative authorities and control exercised over them were all disregarded to be able to form a separate branch of law by the legal thinkers. Until the 20th Century, Administrative law was not accepted as a separate branch of law. It was only later that the existence of Administrative law came to be recognised. The Lord Donoughmore Committee, in 1929, recommended for better publication and control of subordinate legislation. The principle, King can do no wrong, was abolished and the scope of Administrative law expanded by virtue of the Crown Proceeding Act in 1947 which allowed initiating civil proceedings against the Crown as against any private person. In 1958, Tribunals and Inquiries Act was passed for better control and supervision of Administrative Decisions.

UNITED STATES OF AMERICA:

In the United States of America, the existence of administrative law and its growth was ignored until it grew up to become the fourth branch of the State. By then many legal scholars like Frank Goodnow and Ernst Freund had already authored a few books on Administrative law. It was in 1933 that a special committee was appointed to determine how judicial control over administrative agencies could be exercised. Thereafter, in 1946 The Administrative Procedure Act was passed which provided for judicial control over administrative actions.

INDIA:

The Mauryans and the Guptas of ancient India had a centralised administrative system. It was with the coming of the British that Administrative law in India went through a few changes. Legislations regulating administrative actions were passed in British India. After independence, India adopted to become a welfare state, which henceforth increased the state activities. As the activities and powers of the Government and administrative authorities increased so did the need for 'Rule of Law' and 'Judicial Review of State actions'. Henceforth, if rules, regulations and orders passed by the administrative authorities were found to be beyond the authority's legislative powers then such orders, rules and regulations were to be declared ultra-vires, unconstitutional, illegal and void.

3.2.2 DIFFERENCE BETWEEN ADMINISTRATIVE LAW AND CONSTITUTIONAL LAW

There are significant differences between Administrative law and Constitutional law. A Constitution is the supreme law of the land. No law is above the constitution and hence must satisfy its provisions and not be in its violation. Administrative law hence is subordinate to constitutional law. In other words, while Constitution is the genus, administrative law is a species. Constitution deals with the structure of the State and its various organs. Administrative law, on the other hand, deals only with the administration. While Constitution touches all branches of law and deals with general principles relating to organisation and powers of the various organs of the State; administrative law deals only with the powers and functions of the administrative authorities. Simply speaking the administrative authorities should first follow the Constitution and then work as per the administrative law.

3.2.3 CONCEPTS IN ADMINISTRATIVE LAW:

Topic	Sub-topics
Evolution and Scope of Administrative law	Nature, scope and development of administrative law.
	Rule of law and administrative law.
	Separation of Powers and its relevance.
	The relationship between Constitutional law and Administrative law.
Legislative Functions of Administration	Delegated legislation and its constitutionality.
	Control Mechanism.
	Sub-delegation.
Judicial Functions of Administration	Need for devolution of adjudicatory authority on Administration.
	Problems of administrative decision making.
	Nature of Administrative Tribunals.
	Principles of Natural Justice.
Judicial Control of Administrative action	Judicial review of administrative action.
	Evolution of the concept of Ombudsman.

3.2.4 EVOLUTION AND SCOPE OF ADMINISTRATIVE LAW

Nature, scope and development of administrative law:

As one begins to study the specifics of a particular branch of law it becomes important to know why and how the said branch of law came about. Administrative law is a judge-made law which evolved over time. It is not a codified law. The need for it arose with the increase in administrative actions and its discretionary powers.

Rule of law and administrative law:

The concept of 'rule of law' is that the State should be governed by principles of law and not of men. Administrative laws ensure that 'rule of law' prevails despite the presence of discretionary powers vested in the administrators. Administrative law developed to restrict the arbitrary exercise of powers by subordinating it to well-defined law.

Separation of Powers and its relevance:

'Separation of power' is one of the basics on which the State machinery works. However, with the increase in administrative actions/powers, it is seen that the doctrine cannot be practised with rigidity. Every organ of the State is dependent on the other for smooth functioning, thus, the doctrine of separation of power cannot be exercised by placing the organs of the State in watertight compartments. There has to be a flexible approach while ensuring that no organ encroaches upon the functions of another.

Relationship between Constitutional law and Administrative law:

As every law of the State must satisfy the Constitutional benchmark, it is essential to know the relationship between the Constitutional law and the Administrative law of the State. Constitutional law is the genus and administrative law its species, hence the judge-made law must comply with the constitutional provisions.

LET US SUM UP

The government under the guideline of Rule of law make to rule or conditions that do not intercept with any individual dignity. Administrative law is the law governing the Executive, to regulate its functioning and protect the common citizenry from any abuse of power exercised by the Executive or any of its instrumentalities. It is a new branch of law which has evolved with time and shall continue to evolve as per the changing needs of the society. The aim of administrative law is not to take away the discretionary powers of the Executive but to bring them in consonance with the 'Rule of law'.

CHECK YOUR PROGRESS

1. The concept of rule of law was discussed by the Greek philosopher _____ and _____ at the time of 350 BC.

2. Rule of law phrase was derived from the French phrase "la Principe de legality" which means that the principle of _____.

3. Rule of law was developed by a British jurist _____ in his book called "The Law of the Constitution" 1885.

4. In 1946, the _____ Act was passed in USA which provided for judicial control over administrative actions.

GLOSSARY

Rule of Law	: The restriction of the arbitrary exercise of power by subordinating it to well-defined and established laws.
Administrative Law	: Administrative law is the law that governs the administrative actions.
Judicial Review	: Power of courts to decide the validity of acts of the legislative and executive branches of government.

ANSWERS TO CHECK YOUR PROGRESS

1. Aristotle and Plato.

2. Legality.

3. Albert Venn Dicey.

4. Administrative Procedure.

MODEL QUESTIONS

1. Discuss the meaning of Rule of Law.

2. Critically analyze the need for Rule of Law.

3. Explain the evolution and scope of Administrative Law.

SUGGESTED READINGS

1. R. Hague & M. Harrop (2000), *Comparative Government and Politics: An Introduction*, 5th edn., New York, Palgrave.
2. B.L.Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
3. Sharma. A & R. P. Gajanan, (2011), *Modern Public Administration*, Crescent Publishing House.

UNIT - 4

PARTY SYSTEM

STRUCTURE

Overview

Learning Objectives

Let us sum up

Check your progress

Glossary

Answers to check your progress

Model Questions

Suggested readings

OVERVIEW

In the previous chapter the focus was on understanding the meaning of constitution and meaning of state under international and at the national level here in India. We also discussed the various types of constitution in the previous chapters. We moved on to the discussion of two important concepts namely, Rule of Law and Administrative Law in this unit. Administrative law is a branch of public law. In this Unit an attempt has been made to define political parties, examine their nature and relevance.

LEARNING OBJECTIVES

After going through this unit you will be able to

➢ Understand Political Parties and its classification.

➢ Analyze the nature of party system.

➢ Know the need for party system.

4.1 INTRODUCTION

Political parties are essential for the effective working of modern democratic states. Professor Harold J. Laski had underlined the importance of parties when he wrote, "There is no alternative to party government, save dictatorship, in any state of modern size. Government requires leaders, leaders require not an incoherent mob behind them, but an organised following able to canalise the issues for an electorate with a free choice." This statement correctly separates dictatorship, which is one person's arbitrary rule, from democracy where people make free choice of their representatives to rule, on their behalf. A dictator like Hitler or Mussolini may also lead a party, but then it is a group of sycophants, not a competitive organisation.

Political parties have multifarious duties to perform. They are the most significant subactors who participate in and regulate the political process. They put up candidates, canvass support for them, and if voted to power they govern the state for the specific period. There are different types of party systems but the two-party system is generally found to be in a position to offer two clear alternatives before the electorate, and also provide stable government which is responsible, and an opposition which, in a responsible manner, keeps the ruling party under constant vigil and check. Democratic process is not allowed to derail. However, many countries have multi-party systems with a large number of parties. These parties provide wider choice to the people, but often lead to instability of government. Political parties are certainly essential to the functioning of democracy. They perform different functions within and outside the realm of politics. Their leadership and policies, internal practices, and the patterns of interaction with other parties and institutions can have profound consequences for the system of governance.

4.2 DEFINITION OF POLITICAL PARTIES

Political parties are the most important agencies that participate in political processes in a modern state. A party may be defined as an organised group of people, having a clear ideology and based on certain

well-defined policies and having clear objectives. A party has a definite leadership, and its ultimate goal is to gain political power and regulate political process by using the power acquired, normally through democratic elections. The above two sentences should enable you to understand the meaning and purposes of political parties. Edmund Burke had defined the political parties in 1770 thus: "Party is a body of men united for promoting by their joint endeavours the national interest upon some particular principles in which they are all agreed." Professor Laski's definition mentioned in last section explains the meaning of parties. These are big or small groups of people which are organised to establish their legitimate control over the government of the country, through the process of elections. Representative government cannot function without them.

4.3   CLASSIFICATION OF POLITICAL PARTIES

The classification of political parties that was presented by Maurice Duverger in 1951 became popular, and is now generally accepted. He had classified parties as (i) the elitist or traditional parties, and (ii) mass parties. Later a third category known as the intermediate type of parties was added. This classification is generally organisation based categorisations.

4.3.1   THE ELITIST PARTIES:

The parties which are not cadre-based and do not have their support among the masses may be described as elitist or traditional parties. These parties do not throw their doors open to one and all. They are selective in admitting members. The elitist parties are normally divided into (a) the European Type and (b) the American Type.

1)   The European type: Most of the political parties set up in the nineteenth century are elitist in nature. Many contemporary parties who follow the same approach also come in the elitist or traditional category. Whether these parties are liberal or conservative or progressive, they are against admitting anybody and everybody to their membership. These parties emphasise quality rather than numbers. They seek support of prominent and influential persons. The wealthy people occupy prominent place in these parties.

2)   The American Type: The parties in the United States are different from British parties in several respects. But, the prominent differences are (i) the nature of presidential government in a federal set-up, as against British parliamentary democracy in a unitary state and (ii) the U.S. parties have remained limited to the elite, away from the masses.

The U.S. parties, as mentioned elsewhere, are essentially election-oriented. The system of party primaries was introduced in the early twentieth century. In the primaries, common citizens, who so desire, participate in the selection of candidates for various elected offices. This system has adversely affected the power of local level party bodies.

4.3.2 MASS PARTIES:

The system of parties based on common man's support began emerging in the early twentieth century. British Labour Party had its origin in the working people's movement. Later, the communists adopted the system of mass support. Several parties in the newly independent third world countries are generally mass parties. Some of the parties of European countries, like the Christian Democratic Parties and the Popular Republican Movement (P.R.M.) of France may also be placed in the category of mass parties.

1)   **Socialist Parties:** Initially, masses were contacted to donate funds for the labour candidates. These candidates were considered revolutionaries, and industrialists and big business houses declined to give them any financial contribution. In fact these elements were quite opposed to these candidates. In Britain trade unions provided support to these candidates. Later they organised themselves as the Labour Party. The mass parties tried to enlarge their membership, and took contributions from their members. The mass parties preferred contributions from common men and women, rather than the rich business houses. These parties, therefore, did not develop into elitist parties.

2)   **The Communist parties:** The communist parties based on the ideology of Marx and Lenin seeks close contacts with the masses. Initially, European communist parties were organised on the pattern of socialist parties, but after 1924, they were reorganised on the directions of Communist International headquartered in Moscow. They followed the pattern of Soviet Communist Party. The communist parties everywhere are much better organised and disciplined as compared to other parties. These parties attract workers and peasants. But, unlike other parties, their local units are generally not regional in nature; they are organised at places of work. The primary units, or cells, maintain close contacts with the members in their workplaces. This makes it easier for them to convey the party directions and to have them implemented. Besides, the problems of members of a workplace are common. They encourage greater unity.

3)   **The Fascist Parties:** Unlike the communist parties, fascists advocate an all-powerful state. However, there is one similarity. Both believe in one-party rule, and in destroying the entire opposition. They both use force to implement their policies. The fascist parties support open competition and capitalism, but they, like the communists, blindly follow one leader. The disobedience to the leader may mean elimination of members. The Italian Fascist dictator, Mussolini had himself said that his party wanted to follow the communist techniques. Fascists talk of mass-base, but they use armed forces to inculcate military discipline and impart military training to the masses. The fascist youth are not only given military training, but they even wear military uniform, carry out daily disciplined exercises, and are often punished for defiance. The fascist leader takes the route of force to assume power, even as pretension of democratic process may be propagated. Fascism comes to power with the support of capitalists and big business houses. It is vehemently opposed to communism, and destructive of democracy. Violence and wars have been important part of fascist programme.

4.3.3   INTERMEDIATE TYPE PARTIES:

According to Maurice Duverger, there is a third category of political parties that may be described as the intermediate type. These are different from both elitist and mass parties; yet they are closer to the mass parties. These are:

1)   **Indirect Parties:** At times a number of big or small committees perform political functions leading to the setting up of a political party. This may be described as an indirect party. The birth of British Labour Party in 1906 was held in somewhat this situation. At that time, the Labour Party did not directly admit members of the party. It began functioning with the association of trade unions, cooperative societies, the Fabian Society and other intellectual bodies. These bodies selected candidates for election, collected funds and carried out their election campaign. Later socialist parties had similar origin in countries like Belgium, Norway and Sweden. In these countries these parties were born in 1940s. Earlier, the same pattern was followed in the formation of Christian Democratic parties in Belgium (1919) and France (1936). All these parties came into existence like traditional parties, but with the difference that their members came not from rich classes, but from amongst the workers and intellectuals.

2)   **Parties in Developing Countries:** In the post-Second World War period a large number of political parties have come into existence in the third world developing countries, which Duverger prefers to

describe as undeveloped countries. In some of the developing countries, the parties followed the pattern of the United Kingdom or the United States, while in some others one party was established following the Soviet example. In some of the African countries two parties each were formed in their own style. All of them have been described as intermediate type because they were yet to be fully organised as disciplined parties. In post-independent India many parties have been formed. Some of them could not last long. The Swatantra Party was a breakaway group of the right wing of the Congress, but it disappeared. Very large number of small parties or regional parties came into existence.

4.3.4   HITCHNER AND LEVINE'S CLASSIFICATION:

According to Hitchner and Levine, many of the parties in the multiparty system and smaller parties even in the two-party system generally represent particular interests. Thus, these may be described as 'interest-oriented' parties. When an interest group converts itself into a party, either temporarily or permanently, it comes in this category. Nature of interests may vary from prohibition-related, to those working for farmers' interests, or those seeking interests of a caste or community. The Swiss Farmers' Party, the German Greens, the Irish Nationalist Party of the UK is some such parties. In India, there are a number of such interest-oriented parties. These, for example, include the Jharkhand MuktiMorcha, the Peasants and Workers Party of Maharashtra, or even the BahujanSamaj Party committed to the upliftment of the dalits.

4.4   PARTY SYSTEM

A comparative study of different party systems enables us to understand the political systems of the countries concerned. Several recent scholars have offered their classifications of party systems. There is lot of similarity between some of these classifications. Duverger broadly divided all the party systems into two. These are (i) pluralistic party systems and (ii) one-party systems and dominant party systems. In the first category Duverger included: 1) Multi-party systems; and 2) Two-party systems

4.4.1   MULTI-PARTY SYSTEMS

There are several countries that have developed a system of having many parties. Technically, the existence of three or more big parties may be described as multi-party system. In Europe, France, Italy and Switzerland are some of the examples of this system. India has over

40 political parties, big or small, represented in the LokSabha. In a multi-party system, three, four or more parties may get together at any point of time to form coalition governments. Such governments generally adopt a common minimum programme for governance, as they do not have commitment to any one ideology. The coalition governments generally do not last long, but there can always be exceptions. In a general election, voters have a wide choice of candidates. Many of them may belong to smaller parties committed to regional or sectarian interests. The winning candidates may not necessarily secure even half of the total votes cast. In a multicandidate election, the candidate getting largest number of votes is declared elected, whatever percentage of total votes this may be.

4.4.2 TWO-PARTY SYSTEMS

Canada, Australia and New Zealand also have two-party systems. The interest-based Labour Parties of Australia and New Zealand do not have narrow outlook. They are also pragmatic and moderate parties. While a number of parties emerged in West Germany after the Second World War, two major parties now constitute German party system. These are Christian Democratic Union, and Social Democratic Party. But, there indeed are a number of smaller parties, including the Greens, who are usually associated with one major party or the other. Some other countries like the Philippines have also adopted two-party systems. The two-party system is said to be a guarantee of success of democracy. Power shifts from one party to the other, and yet stability is maintained. One party rules in a responsible manner and the other offers constructive opposition. There is instability of multi-party system, nor authoritarian rule of one party.

4.4.3 ONE-PARTY SYSTEM

One-party system implies the existence of only one party in a country. The countries committed to certain ideologies such as Marxism or Fascism normally do not allow the existence of any opposition party. In one-party states, there is, therefore, no opposition. Parties other than the ruling party are either constitutionally debarred, or they are crushed by the rulers. This system originated with the establishment of the rule of the Communist Party of the USSR after the Bolshevik Revolution.

Mustafa Kemal Pasha's one-party rule in Turkey was claimed to be democratic, while Fascist Party in Italy (1922-43) and Hitler's Nazi rule in Germany (1933-45) were typical examples of the dictatorship of one man who led the only party permitted by him. The term one-party system was initially used after 1930 by certain Fascist writers. Prominent

among them were Manoilesco and Marcel Deat. They tried to find similarity between Fascist/Nazi and Communist regimes. However, communist writers strongly opposed any such similarity. The western writers place all one-party systems in one category of non-democratic regimes. In China, Communist Party acquired complete power after the success of revolution in October 1949. Later, a one party communist regime was set up in North Korea. This example was followed later by Vietnam and Cuba. But, certain other countries adopted non-communist one-party regimes. This was done in Tanzania, Chad, Ivory Coast, Niger and Liberia in Africa. Many western writers refuse to describe one-party rule as a system, for there can be no party system until there are at least two competing parties.

4.5   ROLE AND EVOLUTION OF PARTY SYSTEMS

Political parties are essential for the working of contemporary political processes. Parties, as explained above, are of different types, as are the party systems. The role of a party depends largely on the type of polity in which it functions. Modern democracies are party governments. Persons like JayaprakashNarain had suggested that a partyless democracy would make for peace and stability. Parties, in their view cause conflict. However, these views may have some merit, but in today's environment these opinions appear to be too idealistic or utopian. The role of political parties in a parliamentary democracy is different from the presidential system. In the former the competitive parties formulate public opinion, select candidates and seek election to secure maximum number of seats in the Parliament, so that they are in a position to form their governments.

The party or parties that fail to secure majority of seats sit in the opposition and offer constructive criticism. Two-party system is best suited for the efficient working of parliamentary democracy. But, there are many democracies, like India, where many competing parties offer varied choice to the voters. Normally, in a multi-party system no single party may secure a clear majority, but a number of parties enter into coalition to form the government; the others occupy the opposition benches.

One-party system is normally found in totalitarian states. It consists of only one party that is often identified with the state. There is lack of opposition which makes the rulers authoritarian. In the presidential system of democracy, parties have relevance only at the time of presidential election. They do not count in the formation of government. In the United States, the directly elected President is

neither responsible to, nor removable by, the Congress. Members of the Congress vote freely without affecting the fortunes of the executive. France and Sri Lanka have combined the parliamentary system with a powerful executive President. This has limited the role of parties in these countries.

LET US SUM UP

Political parties are essential for the working of modern democratic states. Professor Laski had correctly opined that the only alternative of party government was dictatorship. In this Unit an attempt has been made to define political parties, examine their nature and relevance. To quote Edmund Burke, "Party is a body of men united for promoting by their joint endeavours the national interest upon some particular principles in which they are all agreed." In effect, the parties are a two-way communication between the electorate and their representatives.

CHECK YOUR PROGRESS

1. The classification of political parties that was presented by Maurice Duverger in _____.

2. The U.S. parties are essentially _____ that the system of party primaries was introduced in the early twentieth century.

3. The communist parties based on the ideology of _____ and _____ seeks close contacts with the masses.

4. In a multi-party system, three, four or more parties may get together at any point of time to form _____ governments.

GLOSSARY

Political party	: A political party is an Organisation that coordinates candidates to compete in a particular country's elections.
Elitist party	: An elite party is a political party consisting of members of the societal elite, particularly members of parliament, who agree to co-operate politically in the spirit of principles and goals.
Mass party	: A mass party is a type of political party that developed around cleavages in society and mobilized the ordinary citizens or 'masses' in the political process.

ANSWERS TO CHECK YOUR PROGRESS

1. 1951.

2. Election-oriented.

3. Marx and Lenin.

4. Coalition.

MODEL QUESTIONS

1. Write a note on parties in the developing countries.
2. Describe the features and types of two-party system.
3. Explain the nature of multi-party systems.
4. Distinguish between a dominant party system and one-party system. Discuss the features of one-party system.

SUGGESTED READINGS

1. R. Hague & M. Harrop (2000), *Comparative Government and Politics: An Introduction*, 5th edn., New York, Palgrave.
2. B.L. Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
3. Sharma. A & R. P. Gajanan, (2011), *Modern Public Administration*, Crescent Publishing House.

Unit – 5

CONVENTION AND USAGES

STRUCTURE

Overview

Learning Objectives

5.1   Introduction

5.2   Enforceability in the Courts

5.3   Constitutional Conventions in USA

5.4   Constitutional Conventions in UK

5.5   Constitutional Conventions in France

Let us sum up

Check Your Progress

Glossary

Answers to check your Progress

Model Questions

Suggested readings

OVERVIEW

A constitutional convention is an informal and uncodified tradition that is followed by the institutions of a state. In some states, notably those Commonwealth of Nations states that follow the Westminster system and whose political systems derive from British constitutional law, most government functions are guided by constitutional convention rather than by a formal written constitution. In these states, actual distribution of power may be markedly different from those the formal constitutional documents describe. In particular, the formal constitution often confers wide discretionary powers on the head of state that, in practice, are used only on the advice of the head of government, and in some cases not at all.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢   Learn the meaning of constitutional conventions.

➢   Discuss the enforcements of these conventions.

➢   Explain their usages in the different constitution

5.1   INTRODUCTION

The term was first used by British legal scholar A. V. Dicey in his 1883 book, Introduction to the Study of the Law of the Constitution. Dicey wrote that in Britain, the actions of political actors and institutions are governed by two parallel and complementary sets of rules:

The one set of rules are in the strictest sense "laws", since they are rules which (whether written or unwritten, whether enacted by statute or derived from the mass of custom, tradition, or judge-made maxims known as the common law) are enforced by the courts. The other set of rules consist of conventions, understandings, habits, or practices that though they may regulate the conduct of the several members of the sovereign power, the Ministry, or other officials are not really laws, since they are not enforced by the courts. This portion of constitutional law may, for the sake of distinction, be termed the "conventions of the constitution", or constitutional morality.

A century later, Canadian scholar Peter Hogg wrote, Conventions are rules of the constitution which are not enforced by the law courts. Because they are not enforced by the law courts they are best regarded as non-legal rules, but because they do in fact regulate the working of the constitution they are an important concern of the constitutional lawyer. What conventions do is to prescribe the way in which legal powers shall be exercised. Some conventions have the effect of transferring effective power from the legal holder to another official or institution. Other conventions limit an apparently broad power, or even prescribe that a legal power shall not be exercised at all.

Constitutional conventions arise when the exercise of a certain type of power, which is not prohibited by law, arouses such opposition that it becomes impossible, on future occasions, to engage in further exercises of this power. For example, the constitutional convention that the Prime Minister of the United Kingdom cannot remain in office without the support of a majority of votes the House of Commons is derived from an unsuccessful attempt by the ministry of Robert Peel to govern without the support of a majority in the House, in 1834–1835.

5.2   ENFORCEABILITY IN THE COURTS

Constitutional conventions are not, and cannot be, enforced by courts of law. The primary reason for this, according to the Supreme Court of Canada in its 1981 Partition Reference, is that, "They are generally in conflict with the legal rules which they postulate and the courts may be bound to enforce the legal rules." More precisely, the

conventions make certain acts, which would be permissible under a straightforward reading of the law, impermissible in practice. The court ruled that this conflict between convention and law means that no convention, no matter how well-established or universally accepted, can "crystallize" into law, unless the relevant parliament or legislature enacts a law or constitutional amendment codifying for a convention at which must specify request and consensus' for enactment. This principle is regarded as authoritative in a number of other jurisdictions, including the UK.

Some conventions evolve or change over time. For example, before 1918 the British Cabinet requested a parliamentary dissolution from the monarch, with the Prime Minister conveying the request. Between 1918 and 2011, Prime Ministers requested dissolutions on their own initiative, and were not required to consult members of the Cabinet (although, at the very least, it would have been unusual for the Cabinet not to be aware of the Prime Minister's intention). However, conventions are rarely ever broken. Unless there is general agreement on the breach, the person who breaches a convention is often heavily criticised, on occasions leading to a loss of respect or popular support.

5.3   CONSTITUTIONAL CONVENTIONS IN USA

- The President of the United States will give his State of the Union address in person, before a joint session of Congress, and will do so every year except the first year of a new term (in which the President's inaugural address stands loosely in its stead). This practice was followed by George Washington and John Adams but abandoned by Thomas Jefferson and not resumed until 1913, when Woodrow Wilson delivered his State of the Union address in person. The constitution requires the President give an update on the state of the union "from time to time", but no specifics are outlined. Speeches have been broadcast on radio since 1923 and 1947; the last State of the Union message delivered only in writing was in 1981 by Jimmy Carter during his Lame Duck period.

- Much of how the United States Cabinet operates is dictated by convention; its operations are only vaguely alluded to in the US constitution.

- While members of the United States House of Representatives are only required to live in the state they represent, it has generally been expected that they live in the district they represent as well, though there are some exceptions; Allen West was elected in 2010 representing a district adjacent to the one he resided in.

- The President of the United States will obtain the consent of both Senators from a state before appointing a United States Attorney, federal district judge, or federal marshal with jurisdiction in that state.

- Cabinet officials and other major executive officers resign and are replaced when a new President takes office, unless explicitly asked to stay on by the new President.

- The Speaker of the House is always the Representative who leads the majority party, even though the Constitution does not specify that the Speaker must be a member of the chamber. Also by custom the Speaker does not vote (except to break a tie).

- The President pro tempore of the United States Senate is the senior most Senator of the majority party.

- Members of the Electoral College are pledged to vote for a particular Presidential candidate, and are chosen by popular vote with the name of the candidate, and not necessarily the elector, on the ballot.

- Senate rules require a majority of 60 votes to invoke cloture, that is, to break off debate on a bill and force a vote. The Senate could revise its rules at any time, and the rules for each session of the House and Senate are typically set at the beginning of each elected Congress. In the Senate, under the current rules, the filibuster is available as a tool for a large-enough minorities to indefinitely block any measure it finds objectionable.

5.4 CONSTITUTIONAL CONVENTIONS IN UK

While the United Kingdom does not have a written constitution that is a single document, the collection of legal instruments that have developed into a body of law known as constitutional law has existed for hundreds of years. As part of this unmodified British constitution, constitutional conventions play a key role. They are rules that are observed by the various constituted parts though they are not written in any document having legal authority; there are often underlying enforcing principles that are themselves not formal and codified. Nonetheless it is very unlikely that there would be a departure of such conventions without good reason, even if an underlying enforcing principle has been overtaken by history, as these conventions also acquire the force of custom.

- The texts of most international treaties are laid before Parliament at least twenty one days before ratification (the 'Ponsonby Rule' of

1924). This convention was codified by the Constitutional Reform and Governance Act 2010.

- The monarch will accept and act on the advice of their ministers, who are responsible to Parliament for that advice; the monarch does not ignore that advice, except when exercising reserve powers.

- The Prime Minister is leader of the party (or coalition of parties) with an absolute majority of seats in the House of Commons and therefore most likely to command the support of the House of Commons. Where no party or coalition has an absolute majority, the leader of the party with the most seats in the Commons is given the first opportunity to seek to form a government. This convention was asserted by Nick Clegg, leader of the Liberal Democrat party, to justify seeking a coalition with the Conservatives instead of Labour (who additionally would not have been able to form a majority) in the hung parliament following the 2010 general election.

- All money bills must originate in the House of Commons.

- The monarch grants royal assent to all legislation, sometimes characterised as all legislation passed in good faith. It is possible that ministers could advise against giving consent, as happens with the Crown dependencies (convention since the early 18th century previously monarchs did refuse or withhold royal assent).

- The Prime Minister should be a member of either House of Parliament (between the 18th century and 1963). By 1963 this convention had evolved to the effect that no Prime Minister should come from the House of Lords, due to the Lords' lack of democratic legitimacy. When the last Prime Minister peer, the Earl of Home, took office he renounced his peerage, and as Sir Alec Douglas-Home became an MP. The Prime Minister can hold office temporarily whilst not a Member of Parliament, for example during a general election or, in the case of Douglas-Home, between resigning from the Lords and being elected to the Commons in a by-election.

- All Cabinet members must be members of the Privy Council, since the cabinet is a committee of the council. Further, certain senior Loyal Opposition shadow cabinet members are also made Privy Counsellors, so that sensitive information may be shared with them "on Privy Council terms".

- The House of Lords should not reject a budget passed by the House of Commons. This was broken controversially in 1909 by the House of Lords, which argued that the Convention was linked to another

Convention that the Commons would not introduce a Bill that 'attacked' peers and their wealth. The Lords claimed that the Commons broke this Convention in Chancellor of the Exchequer David Lloyd George's "People's Budget", justifying the Lords' rejection of the budget. The Commons disputed the existence of a linked convention. As a consequence, the Lords' powers over budgets were greatly lessened, including by removing their power to reject a bill, by the Parliament Act 1911.

- During a general election, no major party shall put up an opponent against a Speaker seeking re-election. This convention was not respected during the 1987 general election, when both the Labour Party and the Social Democratic Party fielded candidates against the Conservative Speaker, Bernard Weatherill, who was MP for Croydon North East. The Scottish National Party (SNP) does stand against the Speaker if he or she represents a Scottish constituency, as was the case with Michael Martin, Speaker from 2000 to 2009.

- The Westminster Parliament will only legislate with respect to Scotland on reserved matters. It will not legislate on non-reserved matters ('devolved matters') without first seeking the consent of the Scottish Parliament (since 1999, the Sewel convention, later renamed to legislative consent motions).

- The House of Lords shall not oppose legislation from the House of Commons that was a part of the government's manifesto (the Salisbury convention).

5.5   CONSTITUTIONAL CONVENTIONS IN FRANCE

- If the President of the Republic and the Prime Minister are not from the same party, foreign affairs and defense are shared by the President and the government according to the constitution.
- If the president of the National Assembly, the president of the Senate or 60 deputies or 60 senators claim that a just-passed statute is unconstitutional, the President of the Republic does not sign the law and instead waits for a petition to be sent to the Constitutional Council.

LET US SUM UP

Some constitutional conventions operate separate from or alongside written constitutions, such as in Canada since the country was formed with the enactment of the Constitution Act, 1867. In others, notably the United Kingdom, which lack a single overarching constitutional document, unwritten conventions are still of vital importance in understanding how the state functions. In most states, however, many

old conventions have been replaced or superseded by laws (called codification).

CHECK YOUR PROGRESS

1. The term was first used by British legal scholar _____ in his 1883 book, Introduction to the Study of the Law of the Constitution.

2. Constitutional convention that the Prime Minister of the United Kingdom cannot remain in office without the support of a majority of votes the _____ .

3. Before _____, the British Cabinet requested a parliamentary dissolution from the monarch.

4. The texts of most international treaties are laid before Parliament at least twenty one days before ratification is the convention was codified by the _____ Act 2010.

GLOSSARY

Legal : Permitted by law

Enforcement : The act of compelling observance of or

compliance with a law, rule, or obligation.

Convention : An agreement between states covering particular matters, especially one less formal than a treaty.

ANSWER TO CHECK YOUR PROGRESS

1. A. V. Dicey

2. House of Commons

3. 1918

4. Constitutional Reform and Governance

MODEL QUESTIONS

1. Discuss the constitutional conventions of UK.

2. Critically analyze the constitutional conventions and usages in USA.

3. Define constitutional conventions.

SUGGESTED READINGS

1. R. Hague and M. Harrop, (2000) *Comparative Government and Politics: An Introduction*, 5th edn., New York, Palgrave.

2. Vishnoo Bhagawan and Vidhya Bushan, *World Constitutions*, New Sterling Publishers.

Block II

CONSTITUTION OF U.K.

UNIT - 6

SALIENT FEATURES OF BRITISH ADMINISTRATIVE SYSTEM

STRUCTURE

OVERVIEW

    Each country has its own administrative system developed in accordance with its social, economic, political and cultural conditions. The British constitutional system is the oldest democratic system; British constitution is the mother of constitutions. The principles and institutions of representative government were first developed in Britain. The aim of this unit is to explain the features of the administrative system of United Kingdom.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➤ Understand the salient features of the British constitution.
➤ Analyse the features of the administrative system of United Kingdom.
➤ Know about the institutions and features of British administrative system.

6.1 INTRODUCTION

The British constitution offers a very interesting field of study to the students of comparative governments. It is a unique constitution in several ways. As an unwritten, evolved and most flexible constitution, this provides for the continuance of constitutional monarchy within a fully developed liberal democratic system of politics. It deserves a primary place in the study schedule of comparative politics and government. Prof. Munro describes it as the mother of all the constitutions of the world.

6.2 FEATURES OF THE BRITISH CONSTITUTION

The salient features of the British Constitution are explained below:

6.2.1 AN UNWRITTEN CONSTITUTION:

Unlike the American Constitution, the British Constitution is unwritten. In the UK most of the principles governing the distribution and exercise of the governmental powers are not written. Only a small portion of the British Constitution is covered by written documents. The British Constitution is an evolved constitution, not an enacted one. It is a product of history and a result of evolution. It is a child of chance (accident) as well as wisdom (design). It is not a static constitution but a remarkably dynamic one. Hence, L.S. Amery in his book Thoughts on the Constitution says that the British Constitution is "a blend of formal law, precedent and tradition".

6.2.2 A FLEXIBLE CONSTITUTION:

Unlike the American Constitution, the British Constitution is flexible in nature. It requires no special procedure for its amendment. It can be amended by the Parliament in the same manner as the ordinary laws are made. Thus, in Great Britain, there exists no distinction between the constitutional law and the ordinary law.

6.2.3   A UNITARY CONSTITUTION:

The British Constitution provides for a unitary state. Hence, all the powers of the government vested in a single supreme central government. The local governments are created only for administrative convenience and they work under the complete control of the central government located at London. They derive their authority from the central government, which can also abolish them altogether at any time.

6.2.4   PARLIAMENTARY GOVERNMENT:

The British Constitution provides for parliamentary form of government in which executive hails from the legislature and remains responsible to it. The features of the British parliamentary system of government are as follows:

(i)   The King is the nominal executive while the Cabinet is the real executive. The King is head of the state while the Prime Minister is head of the government.

(ii)   The party, which secures majority seats in the House of Commons, forms the government. The leader of that party is appointed as the Prime Minister by the King/Queen.

(iii)   The ministers are individually as well as collectively responsible to the House of Commons for their acts. They remain in office so long as they enjoy the majority support in the House.

(iv)   The King can dissolve the House of Commons on the advice of the Prime Minister.

(v)   The ministers (members of the executive) are also the members of the British Parliament. This avoids conflicts between the executive and the legislature and facilitates better coordination between them.

6.2.5   SOVEREIGNTY OF PARLIAMENT:

Sovereignty means the supreme power within the state. That supreme power in Great Britain lies with the Parliament. Hence sovereignty of Parliament (or supremacy of Parliament) is a cardinal principle of the British constitutional law and political system. This principle implies the following things.

(i)   The British Parliament can make, amend, substitute or repeal any law. De Lolme said, "The British Parliament can do everything except make a woman a man and a man woman".

(ii)   The Parliament can make Constitutional laws by the same procedure as ordinary laws. In other words, there is no legal

distinction between the constituent authority and the law-making authority of the British Parliament.

(iii) The parliamentary laws cannot be declared invalid by the judiciary as being unconstitutional. In other words, there is no system of judicial review in Great Britain.

6.2.6 RULE OF LAW

The doctrine of rule of law is one of the fundamental characteristics of the British constitutional system. It lays down that the law is supreme and hence the government must act according to law and within the limits of the law. A.V. Dicey in his book The Law and the Constitution (1885), has given the following three implications of the doctrine of rule of law.

(i) Absence of arbitrary power, that is, no man can be punished except for a breach of law.

(ii) Equality before the law, that is, equal subjection of all citizens (rich or poor, high or low, official or non-official) to the ordinary law of the land administered by the ordinary law courts.

(iv) The primacy of the rights of the individual, that is, the Constitution is the result of the rights of individual as defined and enforced by the courts of law, rather than the constitution being the source of the individual rights. The rights of the citizens of Great Britain flow from judicial decisions, not from the Constitution.

6.2.7 A CONSTITUTIONAL MONARCHY

Great Britain is a monarchical state. It is described as a limited hereditary monarchy. The hereditary monarch (King or Queen) is the head of the state. The Crown is the visible symbol of the supreme executive power. However, the King or Queen only reigns, but does not rule. These powers are actually excised by the Cabinet headed by the Prime Minister. The cabinet is collectively responsible to the Parliament for Its actions and ultimately to the electorate. Hence, what Great Britain has is a "Constitutional monarchy."

6.2.8 BI-CAMERALISM

The British Parliament is bicameral, that is, it consists of two houses namely the House of Lords and the House of Commons. The House of Lords is the upper house. It is the oldest second chamber in the world. It consists of lords, peers and nobles and hence, represents the aristocratic element of the British political system. At present it has 1150 appointed members who fall into seven distinct groups. It is mostly

a hereditary body. The House of Commons is the lower house but more important and powerful than the House of Lords. It is the oldest popular legislative body in the world. It consists of the representatives elected by the people on the basis of universal adult franchise. There are at present 650 seats in the House of Commons and these are distributed among England, Wales, Scotland and Northern Ireland.

6.3   FEATURES OF THE ADMINISTRATIVE SYSTEM

It has the following salient features:

1.   Political Leadership of the Administration:

The British administrative system has a pyramidal set up. Here each department at the political level is headed by a minister. He is the political head of the department and all activities of the department is headed by a permanent civil servant called secretary who receives orders from his political boss. He is responsible for the smooth functioning of his department. He is assisted by higher level, middle level and low-level civil servants. All officers in the department receive instructions from the secretary. The number of low and middle level staff is large but that of the higher-level officers is very limited. Each one is required to be disciplined and obedient and not to transgress his legal limits.

The secretary tenders advice to the minister on matters of policy and administration, but the minister is not bound to accept it. Cordial relation between the minister and his permanent secretary is essential for the smooth functioning of the department. All the officials in the department are accountable to the secretary and through him to the minister.

2.   An Evolved System:

In England the administrative system has gradually evolved. In the words of J.A. Cross 'the structure of British Administration is chronological rather than logical. Once the country had absolute monarch and the words of the monarch were the law. Lord Chancellor was just a head clerk of the King. There was then neither democratisation of bureaucracy or public accountability of administration. The Parliament and elected representatives had no say in the running of country's administration. Bureaucracy had absolutely elite character and bureaucrats came from aristocracy. With the passage of time the influence of monarch over administration decreased, new departments were formed, but still old precedents and conventions have sufficiently important place in administration.

3. A Living Organisation:

The whole administration of the country is run on the basis of departmentalization. The work has been divided into departments and each department is required to look after its work and activities. Some of the important departments are Defence, Home Affairs, External Affairs, Commonwealth Affairs, and Finance etc. These departments do not interfere in the affairs of the other departments. All administrative policies are formulated by parliament and all its powers are virtually exercised by the House of Commons. The laws passed by the Parliament are final and the executive is required to enforce these. There is no system of judicial review. Parliament can amend any law or change any policy. It takes keen interest in the Organisation and efficiency of the administration through its various committees.

4. Co-ordination in Activities:

British administration is run through departments. To ensure that all departments function in a coordinated manner and there is no wastage of resources or unnecessary delays, coordination work is paid full attention. It is done both at political as well as bureaucratic levels. Efforts are made to quickly resolve issues relating to allocation of work among different departments and placement of staff etc. Permanent Committee and Treasury play an important role in coordination.

5. Politically Neutral Bureaucracy:

Administrative policies and all policy decisions in the country are taken by the government i.e. the political party in power. Bureaucracy is politically neutral. Its function is to provide all relevant information and advice to political bosses, but once a decision has been taken at the political level bureaucracy is required to implement it, no matter whether a particular bureaucrat agrees with the decision on not. A bureaucrat cannot openly express his disagreement to the print or any other media. He cannot sabotage the policy because of his disliking.

6. A Mix of Amateurs and Experts:

In British administrative system there is a healthy mix of amateurs and experts. Political bosses i.e. ministers who head the departments are amateurs. They have no knowledge of the working of the departments, which they head. They head the department because the Prime Minister has allotted concerned minister a particular portfolio. His tenure is uncertain and he gives only policy guidelines to the civil servants who are experts of the subject with which they are dealing. They remain in service till retirement. Administration runs smoothly when they both work

in close cooperation and understanding with each other. When there are differences between the two, usually the permanent civil servant is removed. Thus the amateur is more dominant than the expert.

7. Rule of Law:

In Britain, there is rule of law. All are to be governed by the same laws irrespective of the position they hold. The same law applies both to an ordinary citizen and a public servant. No citizen can be punished unless he has been found guilty by the courts of law. No individual is above law.

8. Important Role of Committees:

Committees play an important role in the British administrative system. Cabinet or the Council of Ministers is the apex body. It formulates policy and directs the administrative functions. Departmental committees coordinate the work of the department and keep an eye on administration. There are some inter-departmental committees. They regulate administration.

9. Public Accountability:

There is public accountability for every decision taken by the administration. Administrator becomes accountable through the minister. Each member of the parliament has a right to know from the minister concerned about any activity of his department and to bring to his notice any administrative act of omission or commission. The minister has the responsibility to clarify his position and satisfy the house about the action taken by the administration of his department. In such a situation only one individual minister gets involved. When several departments are involved the Council of Ministers is required to defend administrative heads of departments. Thus in England administration for all its activities, is responsible and accountable to parliament and as such there is the system of public accountability.

10. Aristocratic Nature of Bureaucracy:

The bureaucrats in England in majority come from the rich and privileged sections of the society. The system of recruitment is such that it favours the privileged few. British generals, judges, secretaries, ambassadors and top ranking officers are from the elite of the society. Young members of aristocracy are preferred for military services and external department. If a few poor manage to enter bureaucracy they also develop snobbish attitude. Bureaucrats consider themselves a separate class. Senior bureaucrats maintain sufficient distance not only from ordinary citizens but also from the subordinate staff.

11.   Increasing Influence of the Industrialists:

The English bureaucracy is very much under the influence of industrialists, business magnets and capitalist classes. The bureaucracy is coming closer to the rich as against the poor. Each bureaucrat tries to have close links with big business and industry. Many bureaucrats are offered lucrative jobs by big business to get their work done from the bureaucracy due to their influence. Major policy issues are discussed in the clubs formed by big business magnets where bureaucrats are regularly invited. Industrialists often exercise their influence on various boards, commissions and advisory committees.

12. Efficient Bureaucracy:

One very significant feature of British bureaucracy is its efficiency. Every appointment is made by an independent commission after taking merit of the candidate into consideration. After appointment each bureaucrat is properly trained so that he can efficiently perform his duties. He is also provided in service training from time to time to brush his knowledge. A public servant is considered an all-rounder and it is believed that he can head any department and perform his duties anywhere. His service conditions are decided by the Parliament. He is required to work within set rules and is punished for their violation.

13.   No Separation of Powers:

There is no separation of powers of the three organs of government namely, the executive, the legislature and the judiciary. The Parliament has legislative powers and enacts laws. The ministers are executive heads of their respective departments. The Parliament also sits court of law at any time. The laws passed by the parliament cannot be reviewed by judiciary and must be implemented by bureaucracy. Functions of these organs have nowhere been specified. There is a fusion of powers.

6.4   DIFFERENCE BETWEEN THEORY AND PRACTICE

There is a wide gap between theory and practice as far as administrative system and powers are concerned. In theory King/Queen is the head of the administration. All major decisions are taken in his/her name. No Bill can become an Act unless it has been consented by him/her. Ministers are accountable to him/her. But in actual practice he/she is only the constitutional head of the state. Real administrative powers are vested in the Cabinet headed by the Prime Minister. The Prime Minister takes all decisions and gets them approved later on. On the whole the British administrative system is very efficient. It has shown complete adaptability both in times of war and peace. It has very

successfully accepted the principle of political neutrality. The British citizens are being served by the best administrative system in the word. It is an effective means of implementing the national policy.

LET US SUM UP

The British constitution is the oldest in the world. The sources of the British constitution are found in conventions customs, statutes, usages and judicial decisions. The salient features of the oldest constitution are briefly discussed. The administrative system of United Kingdom is developed if not evolved in accordance with its social, political and cultural conditions.

CHECK YOUR PROGRESS

1. In Great Britain, there exists no distinction between the constitutional law and the_____.
2. _____ of Parliament is a cardinal principle of the British constitutional law and political system
3. Why is British constitution a flexible one?
4. Does Britain follow the theory of separation of powers?

GLOSSARY

Unitary   :   All powers vested in single central government.

Sovereignty   :   Supreme Power.

Bi-cameral   :   Two houses.

ANSWERS TO CHECK YOUR PROGRESS

1. Ordinary law.
2. Sovereignty.
3. It requires no special procedure for its amendment.
4. No in fact it is the integration of powers.

MODEL QUESTIONS

1. Bring out the features of the British Constitution.

2. Analyse the salient features of the administration system of U.K.

SUGGESTED READINGS

1. R. Hague & M. Harrop (2000), Comparative Government and Politics: An Introduction, 5th edn., New York, Palgrave.
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UNIT - 7

THE EXECUTIVE – MONARCHY

STRUCTURE

OVERVIEW

Among the three organs of the government the executive dominates the political system. Every political executive is the product of the environment of the state. Its power and position are linked with these. A political executive can be de-facts or de-jure. Britain has a parliamentary form of government. The real executive is the Prime Minister. The Monarch is only the nominal head of the state. This unit attempts to examine the powers and position of the Monarch.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Examine the powers and position of the British Monarchy.
➢ Analyse the role played by the Crown in the Parliament.
➢ Know the significance of the British Crown.

7.1   INTRODUCTION

Monarchy is rule by an individual who is royal, and the system is usually hereditary. The term monarchy derives from the Greek, monarkhia, meaning 'one ruler'. The British monarch, Queen Elizabeth II, is the sovereign and head of state of the UK and its overseas territories. The monarch, referred to in the abstract as 'The Crown', is the source of all legislative and executive power. Since Henry VIII, the British, monarch is also Supreme Governor of the Church of England. The British monarch is also the Head of the Commonwealth, and the head of state in 15 of the other 53 Commonwealth member countries. The British political system is a 'constitutional monarchy': the supreme power held by the monarch is largely ceremonial and formal, with actual political power exercised by others.

7.2   THE EVOLUTION OF THE MONARCHY

Queen Elizabeth II can trace her lineage back to King Egbert, who united England in 829. The only interruption to the institution of the Monarchy was its brief abolition from 1649 to 1660, following the execution of Charles I and the rules of Oliver Cromwell and his son, Richard. The crowns of England and Scotland were brought together on the accession of James VI of Scotland as James I of England in 1603. The 1707 Act of Union joined the countries as the Kingdom of Great Britain, while the 1801 Act of Union joined this with the Kingdom of Ireland, to create the United Kingdom.

Over the last thousand years, political power in Britain has passed from the Monarch, who reigned and ruled by virtue of the 'Divine Right of Kings', to Parliament. Parliament began as a body of leading nobles and clergy that the Monarch consulted in the exercise of power, which gradually assumed more and more power at the expense of the Monarch particularly during the upheavals of the 17th Century, which culminated in the 'Glorious Revolution' of 1689. The 1701 Act of Settlement, critically, passed the power to decide on succession to the throne to Parliament. By the beginning of the 20th Century, power had passed almost entirely to Parliament. However, Parliament and the Government exercise their powers under 'Royal Prerogative': on behalf of the Monarch and through powers still formally possessed by the Monarch.

7.3   MONARCH

One of the features of the British government is the divergence between its theory and practice. The position of the king is the most striking example of this divergence. In theory the king is an nominal powers of the king are extensive and embrace all fields and functions of the government. Monarchy is the oldest form of government in the United Kingdom. In a monarchy, a king or queen is Head of State. The British Monarchy is known as a constitutional monarchy. This means that, while The Sovereign is Head of State, the ability to make and pass legislation resides with an elected Parliament.

Although The Sovereign no longer has a political or executive role, he or she continues to play an important part in the life of the nation. As Head of State, The Monarch undertakes constitutional and representational duties which have developed over one thousand years of history. In addition to these State duties, The Monarch has a less formal role as 'Head of Nation'. The Sovereign acts as a focus for national identity, unity and pride; gives a sense of stability and continuity; officially recognises success and excellence; and supports the ideal of voluntary service.

7.3.1 POWERS OF THE MONARCH

1.   Executive Powers: The king is the head of the state. All administrative powers are vested in him. He appoints the Prime Minister, ministers and all the civil and military officers and they remain in office so long as it pleases His Majesty. He is the Supreme Commander of the armed forces. He declares war, makes peace, concludes treaties with foreign powers, sends and receives ambassadors and other diplomatic agents.

2.   Legislative Powers: The Legislative powers of the king are extensive. He summons, prorogues and dissolves parliament. When a new session of parliament commences, he reads to the members of both the chambers the Speech from the Throne. He assents to bills passed by Parliament. He can refuse to assent any bill. The king creates the peers.

3.   Judicial Powers: The king is the fountainhead of justice. He has the prerogative of granting pardon to criminals or reducing or postponing their sentence. Judges are appointed by the king and all criminal proceedings are stated in the name of the king.

4.   Fountainhead of Honour: The king is the fountainhead of honour. It means that all honours, titles etc. flow from the king. He

bestows decorations and titles such as peerage and knighthood upon those who have done meritorious service to the nation

7.4   **THE ROLE OF** THE MONARCH IN THE UK

In the United   Kingdom, the   monarch has   the   following constitutional duties: the state opening of parliament; the appointment of the prime minister; the approval of parliamentary legislation; the approval of official appointments; the approval of secondary legislation through the privy council; representational duties as head of state such as paying and receiving state visits to and from other heads of state; receiving the credentials of foreign Ambassadors; and regular confidential audiences with the prime minister. In addition to these constitutional duties, the monarch is also the head of the armed forces; the head of the judiciary; the head of the civil service; and the supreme governor of the Church of England. The monarch is also the fount of honour, and all honours are awarded in his or her name although, with notable exceptions, most are awarded on the advice of the government.

7.5   SUPPORT FOR THE MONARCHY

The argument that the UK should abolish the monarchy and become a republic remains at the fringes of mainstream political debate. The   monarchy as   an   institution   retains   public   support and the Queen herself is perceived largely as above criticism, despite the standing of the Royal Family being regarded to have suffered considerably in the last 30 years. According to YouGov Polls in October 2020, 67% of people wished to see the monarchy continue in the future, compared to 21% who stated their preference for an elected head of state, and 12% who didn't know. Support for the royal family remained almost identical amongst different social classes, albeit there were regional and age variations. Compared to 67% in the country as a whole, just 58% of Londoners and 42% of those aged 18-24 supported the continuation of the monarchy.

7.6   PARLIAMENT AND CROWN

Along with the House of Commons and the House of Lords, the Crown is an integral part of the institution of Parliament. The Queen plays a constitutional role in opening and dissolving Parliament and approving Bills before they become law. The highest legislative authority in the United Kingdom. Made up of the House of Commons, House of Lords and the Queen (who is the UK's current hereditary monarch).This is another way of referring to the monarchy - which is the oldest part of the system of government in this country. Time has reduced the power

of the monarchy, and today it is broadly ceremonial. The current UK monarch is Queen Elizabeth II.

Appointing a government:

The day after a general election the Queen invites the leader of the party that won the most seats in the House of Commons to become Prime Minister and to form a government.

Opening and dissolving Parliament:

The Crown opens Parliament through the State Opening (marking the beginning of the Parliamentary year). The Crown only dissolves Parliament before a general election under conditions laid out in the Fixed Term Parliament Act 2011 (dissolution).

Queen's Speech:

The Crown informs Parliament of the government's policy ideas and plans for new legislation in a speech delivered from the throne in the House of Lords. Although the Queen makes the speech the government draws up the content.

Royal Assent:

When a Bill has been approved by a majority in the House of Commons and the House of Lords it is formally agreed to by the Crown. This is known as the Royal Assent. This turns a Bill into an Act of Parliament, allowing it to become law in the UK.

7.7   ARGUMENTS FOR A CONSTITUTIONAL MONARCHY

The most frequent arguments made in favour of a constitutional monarchy revolve around:

An impartial and symbolic head of state: A constitutional monarch is one who is above party politics or factional interests. The monarch is thus said to be a focus of national unity. Supporters of a constitutional monarchy stress the benefits of the head of government (the prime minister) being separate from the role as head of state. A constitutional monarch is also able to give impartial non-political support to the work of a wide range of different types of Organisations and charities that would not be possible in the same way for a political figure. This unifying non-political role of the royal family spreads through the Queen's annual Christmas Broadcast, attendance at ceremonial events like Trooping the Colour, and the dispatch of congratulatory telegrams to centenarians and couples marking their Diamond Wedding anniversary.

A link with history: A constitutional monarch represents a constant and lasting connection to the country's past, with links that date back through history. The British monarch is also the Head of State of 15 other independent countries, as well as being the head of the commonwealth of 53 Nations.

A powerful global representation of Britain: The international recognition of the British monarchy, with its associated foreign tours and state visits, is said to help support the influence of Britain around the world. This is said to bring notable benefits in terms of security, influence, and trade.

A magnet for tourism: The Royal Family are said to represent a strong draw for tourists to visit Great Britain. The tourism linked to royal residences such as Buckingham Palace and Windsor Castle adds up to 2.7 million visitors a year.

7.8   ARGUMENTS FOR THE ABOLITION OF THE MONARCHY

The most frequent arguments made for the abolition of the monarchy are:

Democracy: It is argued that in a democracy, the public should be able to exercise democratic control over the Head of State. This relates to both electing the post, and having the instruments to check or even impeach whoever holds that role. None of this is possible if the head of state is a hereditary monarch.

The Established Church: The continuing existence of the royal family also attracts criticism because of the way in which the monarch is both the head of the church and head of state. It is argued that having an established church, in the form of the Church of England, discriminates in favour of one religion above all. It is said that this is a piece of religious discrimination which is a dangerous anachronism in a multi-cultural, mainly secular society.

A forward looking Britain: Campaigners for the abolition of the monarchy, argue that having an elected head of state would give a global boost to brand 'Britain'. It is argued that such a change would project the image of a modern, confident, and forward looking country abroad. They also argue that the existence of hereditary power at the top of the country's political, military and religious institutions perpetuates a mentality which they describe as being defined by social class.

LET US SUM UP

The political culture and political structure of Great Britain are congruent hence there is political stability. This pattern of political development led Great Britain to remain nominal monarchy linked with a unitary and parliamentary system. Over time Parliament evolved into a true representative government, similar to the Congress of the United States. Its upper house, the House of Lords, consists of nobles and originally held nearly all of Parliament's power, but over the centuries the lower house, the House of Commons, grew more powerful. By the 1700s, the Commons had obtained the sole right to initiate taxes, meaning that a legislative body consisting of elected officials though most people still couldn't vote controlled the state's purse.

CHECK YOUR PROGRESS

1. The British political system is a _____.
2. The _____ plays a constitutional role in opening and dissolving Parliament and approving Bills before they become law.
3. When a Bill has been approved by a majority in the House of _____ and the House of _____ it is formally agreed to by the Crown.
4. Political power in Britain has passed from the Monarch, who reigned and ruled by virtue of the '_____' to Parliament.

GLOSSARY

Adjudication : To judge and give decision.

Primus inter pares : First among equals.

Peers : Male member of one of the ranks of mobility.

Ecclesiastical : Clergyman.

ANSWERS TO CHECK YOUR PROGRESS

1. Constitutional monarchy.
2. Queen.
3. Commons and Lords.
4. Divine Right of Kings.

MODEL QUESTIONS

1. Critically examine the powers and position of the Monarch of England.
2. What is the role of monarchy in the British Parliament?
3. Bring out the arguments for a constitutional monarchy in the United Kingdom.
4. Analyse the powers of the monarchy in the United Kingdom.
5. Trace the evolution of the monarchy in England.

SUGGESTED READINGS

1. R. Hague & M. Harrop (2000), *Comparative Government and Politics: An Introduction*, 5th edn., New York, Palgrave.
2. B.L.Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
3. Sharma. A & R. P. Gajanan, (2011), *Modern Public Administration*, Crescent Publishing House.

UNIT - 8

<div align="center">PRIME MINISTER AND CABINET</div>

STRUCTURE

OVERVIEW

Among the three organs of the government the executive dominates the political system. Every political executive is the product of the environment of the state. Its power and position are linked with these. A political executive can be de-facts or de-jure. Britain has a parliamentary form of government. The real executive is the Prime Minister. The Monarch is only the nominal head of the state. This unit attempts to examine the powers and position the Prime Minister and Cabinet.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢   Understand the powers and functions of the Prime Minister.

➢   Examine the powers and position of the Prime Minister.

➢   Analyse the role played by the Cabinet.

8.1 PRIME MINISTER

The Prime Minister is appointed by the monarch but in actual practice he is the leader of the major political party in the House of Commons. All other ministers are appointed by the monarch on the recommendation of the Prime Minister. The Ministers are of three categories: Cabinet Ministers, State Ministers and Deputy Ministers. Collectively they are called the Council of Ministers; Prime Minister and his Council of Ministers have no fixed tenure (5years). They remain in office till their party enjoys majority in Parliament.

8.1.1 POSITION AND POWERS OF THE PRIME MINISTER:

The Prime Minister by convention is a member of the House of Commons. He has long experience of administrations as a member of previous cabinets. His personality and ability have been judged by the Members of the Parliament. The Prime Minister is the most powerful person in Britain; 'He can take upon himself a power not inferior to that of a dictator, provided that the House of Commons stands by him' Sir Anthony Eden writes, a Prime Minister is still nominally primus inter pares, but in fact his authority is stronger than that'.

1. Prime Minister and Council of Ministers: In England each department is headed by a Minister of the Cabinet rank. These ministers are appointed by the King/Queen on the recommendation of the Prime Minister who also allocates them portfolios. He ensures that all departments are being administered well. When he gets an impression that a particular minister is not pulling on well with his department, he either changes his portfolio or drops him from his cabinet.

2. Prime Minister as Co-ordinator: For smooth running of administration several independent departments have been created and each one is allocated certain functions to perform. It is the responsibility of the Prime Minister to ensure that there is perfect coordination in administration. He sees that there is no overlapping in work and there is no waste of resources.

3. Prime Minister as Presiding Officer: Prime Minister is the head of the Council of Ministers and his views about socio-economic, political, internal and external policies and administration of the country are final. All Ministers have the right to express their view point on any issue but the final decision rests with the Prime Minister. He also issues policy guidelines for other departments also. If a Minister does not agree with him, he has to leave the Ministry.

4. Prime Minister as Leader of the House: He is leader of the House of Commons where he announces his policies and gets them approved by the House. If the House does not approve of his policies, it means a vote of no confidence against him. He, therefore ensures that his administrative policies, procedures and systems are approved by the House.

5. Power of Patronage: He controls administration through his power of patronage. He recommends to the monarch who should be appointed on which position so that the administration runs smoothly. Certain senior positions are filled up by the Cabinet Committees which function under his guidance and control. This means that a large number of important and influential positions in the higher ranks of the British Establishment are effectively in the gift of the Prime Minister.

6. Prime Minister and Legislation: He plays a leading role in the legislative activities of the country. He finally decides what type of legislation should be introduced by each Minister in each session of the Parliament, which laws need amendment and in what way and which law ought to be removed from the statute book. Each Minister reports his administrative difficulties to him and receives instructions from him.

7. Prime Minister and Committee system: In British Administrative system parliamentary committees play an important role. A lot of work is done at this level. Each such committee has members belonging to all political parties, but Prime Minister's party is always in majority. No important matter can be placed for the consideration of any committee unless it has been approved by the Prime Minister. Similarly, no final report can be placed on the table of the House without his consent.

8. Link between the Monarch and the Government: Prime Minister is an important link between the monarch and the government. He keeps the monarch informed about policies of the government and also about important national and international happenings as well as the reaction and the attitude of his government on these matters. Similarly he keeps the government and the parliament informed about the Monarch's viewpoints. All official engagements of the Monarch are fixed with the approval of the Prime Minister.

9. Prime Minister during Crisis: The administrative capacity of the Prime Minister is fully tested in crisis situations such as the sudden outbreak of war, financial crisis, international events taking a run to the disadvantage of the nation etc. The whole nation then looks towards him and watches carefully how he acts so that the administrative system

functions smoothly. Administrative functions increase to a great extent during emergency.

10. Prime Minister and Foreign Affairs: England is a member of several international Organisations including the U.N. Security Council. Thus the country has to see that there are no administrative lapses in its implementation. The Prime Minister has to play a big role at administrative level in foreign affairs. He has to ensure that there is no unrest. The Prime Minister has considerable powers and prestige on the national and international stage. He has to attend frequent summit meetings with counter parts in other countries. This elevates him above his colleagues.

8.1.2 FACTORS AFFECTING THE POWERFUL ROLE OF THE PRIME MINISTER:

(i)   His relations with the Monarch. If he has cordial relations with the Monarch he can discharge his duties freely and may get useful advice and guidance from the Monarch. If his relations are not friendly, he may have to face difficulties.

(ii)   If the Prime Minister enjoys the support of the majority in the House of Commons he can work more effectively. If he enjoys support in the House of Lords also, his work becomes very easy. In the absence of such support he has to face undesirable pressures and tension may have to strike unwanted compromises.

(iii) The position of the Prime Minister is powerful if he heads a single party Cabinet. If it is bi-party or multi-party Cabinet his position becomes weak and he might have to accept unreasonable demands of the coalition parties. This would limit his freedom and power.

(iv)   His power also depends on his freedom to select his Cabinet colleagues. If his colleagues are trusted and efficient and work with loyalty and dedication, he will emerge as a powerful administrator. If it is a gathering of discordant elements, it will weaken his position.

(v)   His power also depends on how he exerts control and authority on his Ministers. They must work with a team spirit and defend him inside and outside the Parliament from the attacks of the Opposition. The Prime Minister should also shield them or they would lose morale and his leadership will be questioned.

8.2   THE BRITISH CABINET SYSTEM

The term Cabinet was first used during the reign of Charles II who used to summon a few favoured members of his Privy Council for consultation in his private apartments and such courtiers came to be known as the members of his 'Cabinet' after the French word for 'private quarters'.

The office of Prime Minister and the institution of the Cabinet evolved together throughout the nineteenth century. Until 1832 the Prime Minister and Cabinet were answerable to the Monarch as well as to the Parliament but after 1832, they became more answerable to the House of Commons. The power of the Cabinet continued to grow and by the end of the nineteenth century Britain had moved essentially from Parliamentary government of the classic type to Cabinet government of the modern type that is, government through Parliament rather than government by Parliament.

Cabinet in England plays an important role in the administration of the country. The whole Cabinet system functions on the basis of certain well-established conventions and its decisions have no force of law, but according to Ramsay Muir it is the steering wheel of the ship of state. Bagehot calls it is hyphen which joins, a buckle, which fastens the legislative part of the state to the executive part of the state.

Before discussing the formation and powers of the Cabinet, let us distinguish between the ministry and the cabinet. The ministry consists of all the crown officials having seats in Parliament and having direct responsibility to the House of Commons. These are (a) Cabinet Ministers, (b) Ministers of State (c) Deputy Ministers and (d) Parliamentary Secretaries. The Cabinet on the other hand consists of important Cabinet Ministers. The Cabinet is the supreme policy-making body; non-Cabinet Ministers have no say in policy-making. Then another difference between the two is that every Minister is not a member of the cabinet but every member of the cabinet must be a Minister.

8.2.1   COMPOSITION

The Formulation of the Cabinet: Certain very senior Ministers have a place in every cabinet for example the Chancellor of the Ex-chequer, the Home Secretary and the Foreign Secretary Members are also selected to give representation to different groups and sections of the party as well as different religions of the country. They must be persons who can work together as a term and are prepared to accept the principle of collective responsibility.

Moreover, debating talent is an essential qualification for inclusion because a Cabinet Minister must not only be a good administrator but should also have the capacity to defend his department / departments when they are criticized by the Opposition parties both inside and outside the Parliament.

Nearly every Cabinet in modern times has divided into two layers: a 'first eleven' of very senior Ministers who carry real weight and authority in the Government and a 'second eleven' who count for less in any Government. In every Cabinet it is the Prime Minister who usually holds most of the high cards in dealings with Cabinet colleagues. He can determine the membership of Cabinet committees at any rate at the margin by including additional members who can be relied upon for their support. He can exploit the use of bilateral meetings with individual.

8.2.2 FUNCTIONS OF THE CABINET

As said above, the Cabinet is the most important decision making body in British Central Government. Its functions are discussed below:

1. Executive: It determines both domestic as well as foreign policies and decides how to meet any problem that may arise from time to time. It makes important administrative appointments. All legal powers of the King / Queen in the executive sphere like the declaration of war, negotiations of treaties, issuing orders in council are actually exercised by the Cabinet. It also coordinates the work of different administrative departments and settles inter-departmental disputes. It also enjoys the powers of delegated legislation. This has enhanced the authority of the Cabinet. It decides about the creation of new departments and abolition of existing ones. It also decides which administrative activity should be dealt with in which department.

2. Legislative: It is the leader in the sphere of legislations. It prepares legislative programmes and puts them before the Parliament in the form of bills. Parliament does what the cabinet asks it to do. It summons and prorogues the Parliament and can dissolve the House of Commons. It prepares the speech, which the King Queen delivers at the opening of each session of Parliament.

3. Financial: The Cabinet is responsible for raising necessary revenues to meet national expenses. The Chancellor of Exchequer prepares annual budget and presents it to Parliament on behalf of the Cabinet. Any demand can be rejected or reduced by a Parliamentary vote but can never be increased. All financial initiatives have passed into the hands of the Cabinet. It sees that Departments do not commit financial

irregularities and that the money is spent for the purpose for which it was sanctioned. It also sees that accounts are being properly maintained in the prescribed forms.

4. Judicial: The Cabinet performs some judicial functions also. Judges are appointed by the Monarch on the advice of the Lord Chancellor who is a member of the Cabinet. The Cabinet also has judicial powers known as administrative adjudication. This gives judicial and quasi-judicial powers to the Ministers and high officials of the government.

Other Administrative Functions of the Cabinet:

i. Honours and titles are bestowed on British citizens on its recommendations;

ii. All high appointments both civil and military as also both inside the country and abroad are made on its recommendations;

iii. All judicial appointments are made on the recommendations of Lord Chancellor, who is a member of the Cabinet.

iv. Criminals are pardoned on its recommendations.

8.2.3   SECRETARIAT OF THE CABINET

In 1916, Lloyd George, the then Prime Minister of Britain, established a Cabinet Secretariat to organize the business of the war cabinet and to serve the Committee of Imperial Defence. He transferred the then Secretary of the Committee of Imperial Defence (Sir Maurice Hankey) to become the first Secretary of the Cabinet. Later on, the British Cabinet decided to retain this War Secretariat on a permanent basis on the recommendation of the Haldane Committee Report on the Machinery of the Government in Britain (1918).Over a period of time, the Cabinet Secretariat has grown in size, strength and significance. In fact, some more units have been added to it to constitute a bigger unit called the Cabinet Office. At present, the Cabinet Office includes the following components:

1.   Cabinet Secretariat
2.   Central Statistical Office (created during World War-II)
3.   Historical Section
4.   Government's Chief Scientific Officer (1966).
5.   Efficiency Unit (1983).
6.   Office of the Minister for the Civil Service (1987).

It must also be noted here that the Central Policy Review Staff had been a component of the Cabinet Office from 1970 to 1983.

The functions of the Cabinet Secretariat are:

1. To circulate the memoranda and other documents required for the business of the cabinet and its committees.

2. To compile the agenda for meetings of the cabinet and its committees.

3. To issue summons of meetings of the cabinet and its committees.

4. To take down and circulate the conclusions of the cabinet and its committees.

5. To prepare the reports of cabinet committees.

6. To keep the cabinet papers and conclusions.

8.2.4 WORKING PROCEDURE OF THE CABINET:

The working procedure of the Cabinet has been changing according to the political climate in the country. But now its meetings have become very frequent. Some important features of the Cabinet system of government are as follows:

(i) Exclusion of the King / Queen from Meetings: All political powers are wielded by the Cabinet in the name of the Monarch who has no real power. He does not attend the meetings of the Cabinet, as he takes no part in politics. However, all decisions and policies of the Cabinet are conveyed to him by the Prime Minister. He also has a right to advice.

(ii) Political Homogeneity: Ministers are members of Parliament mostly from the House of Commons and are chosen from the majority party. This provides machinery to secure a stable government under a unified command of the politically homogeneous and disciplined leaders.

(iii) Close Relationship between the Executive and the Legislature: The British Constitution is based on the fusion of powers and ministers must be members of the Parliament. This gives the Ministers a representative and responsible character. It binds the executive and the legislature. This harmonious collaboration of the two ensures a stable and efficient government.

(iv) Secrecy: Perfect secrecy is maintained about the proceedings of any meeting of the Cabinet. It saves it from public criticism.

(v) Leadership of the Prime Minister: The Prime Minister creates keeps and destroys the Cabinet. Minister's work under his guidance and leadership. If a Minister refuses to carry out his

instructions, he can be asked to resign or the Prime Minister may advise the Monarch to dismiss him.

(vi) Solidarity: Solidarity is the requisite of the modern cabinet system. Matters are fully discussed in the Cabinet and decision taken. Then collective responsibility becomes obligatory on every Cabinet Ministry as well as on every Minister outside the cabinet.

(vii) Ministerial Responsibility: Each Cabinet Minister heads a particular department and is individually responsible for its smooth working. In addition, he has a collective responsibility with other members of the government. The British Cabinet is a truly collective leadership the acts of each member are the acts of all stand or fall together.

(viii) No Legal Recognition: The British Cabinet has no legal status. Its actions do not have the force of law. All powers and functions of the British Cabinet are based on convention.

(ix) Functioning through Committees: In order to have smooth and efficient working of Cabinet, help of Cabinet Committees is also sought. These committees are an essential and integral part of Cabinet Government. They are empowered to take decision on behalf of the entire cabinet. These decisions are put to full Cabinet simply for formal ratification.

LET US SUM UP

The Prime Minister is appointed by the monarch but in actual practice he is the leader of the major political party in the House of Commons. All other ministers are appointed by the monarch on the recommendation of the Prime Minister. The Ministers are of three categories: Cabinet Ministers, State Ministers and Deputy Ministers. Collectively they are called the Council of Ministers; Prime Minister and his Council of Ministers have no fixed tenure (5years). They remain in office till their party enjoys majority in Parliament. The administrative system of United Kingdom is developed if not evolved in accordance with its social, political and cultural conditions.

CHECK YOUR PROGRESS

1. The Ministers are of three categories: _____ Ministers, _____ Ministers and _____ Ministers.
2. _____ is the head of the Council of Ministers and his views about socio-economic, political, internal and external policies.

3. England is a member of several international Organisations including the _____.
4. The British Cabinet decided to retain this War Secretariat on a permanent basis on the recommendation of the _____ Committee Report.

GLOSSARY

Tenure : The holding of an office.

Portfolio : A collection of financial investments like stocks, bonds, commodities, cash, and cash equivalents.

Patronage : The power to control appointments to office or the right to privileges.

Homogeneity : The quality or state of being all the same

ANSWERS TO CHECK YOUR PROGRESS

1. Cabinet, State and Deputy.
2. Prime Minister.
3. U.N. Security Council.
4. Haldane.

MODEL QUESTIONS

1. Discuss the role of the Prime Minister in British Administrative System.
2. Explain the British Cabinet System.

SUGGESTED READINGS

1. R. Hague & M. Harrop (2000), *Comparative Government and Politics: An Introduction*, 5th edn., New York, Palgrave.
2. B.L. Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
3. Sharma. A & R. P. Gajanan, (2011), *Modern Public Administration*, Crescent Publishing House.

UNIT - 9

PARLIAMENT – HOUSE OF COMMONS AND HOUSE OF LORDS

STRUCTURE

Overview

Learning Objectives

9.1 The House of Lords

> **9.1.1   Composition**
>
> **9.1.2   Organisation**
>
> **9.1.3   Powers and Functions**

9.2   The House of Commons

> **9.2.1   Composition**
>
> **9.2.2   Organisation**
>
> **9.2.3   Powers and Functions**

9.3 The Speaker of the House of Commons

> **9.3.1   Election of the Speaker**
>
> **9.3.2   Duties and Functions**

9.4 The Process of Law-Making

Let us sum up

Check your progress

Glossary

Answers to check your progress

Model Questions

Suggested readings

OVERVIEW

The British Parliament is considered to be the "Mother of Parliament". It consists of two houses, the House of Lords that are the Upper House and the House of Commons, which is the Lower House. An important feature of the party system of England is the predominance of two parties. The Legislature in Great Britain is called the Parliament. The aim of this unit is to discuss the composition, powers and functions of both the houses, and the main features of the legislative system of England.

LEARNING OBJECTIVES

After studying this unit you should be able to

➢ Explain the powers and functions of both the houses.
➢ Discuss the law making process in UK.
➢ Describe the features of the legislative system of England.

9.1 THE HOUSE OF LORDS

9.1.1 COMPOSITION

The House of Lords is the Upper House or the second chamber of the British Parliament. It has more than 1000 members, the number varying through deaths and the creation of new peers. It consists of seven categories of members.

(1) **The Princes of the Royal Blood.** In this group there are usually only two or three male members of the royal family who can qualify, and these almost never attend meetings.

(2) **Hereditary Peers.** About 90 percent of the membership is found in this group. These are the persons who have either received peerages from the monarch or are the descendants of such persons. Hereditary peers are automatically members of the House of Lords. Under the Peerage Act of 1963, however, anyone succeeding to peerage can disclaim that peerage for his or her lifetime lose their seat in the House of Lords but are eligible for election to the House of Commons.

(3) **The Scottish Peers**. Until 1963 the Scottish peers elected for each Parliament 16 members from among themselves. The Peerage Act of 1963 has done away with the practice of election, and opened membership of the Lords to all Scottish peers.

(4) **Lords Spiritual**. There are 26 ecclesiastical members of the House of Lords who are known as Lords Spiritual. They include two Archbishops of Canterbury and York, the Bishops of London, Durham and Winchester and 21 most senior Bishops of the Church of England.

(5) **Law Lords.** There are nine Lords of Appeal in ordinary (commonly called Law Lords), appointed under the provision of the Appellate Jurisdiction Act, 1876 to assist the House of Lords in the performance of its judicial functions. They hold their seats for life.

(6) **Life Peers.** The Life Peerage Act 1958 allowed the Crown to create life peers who would also be entitled to receive writ summons for the House of Lords. They are chosen from among distinguished jurists.

Formerly 28 representatives of the Irish peers used to sit in the House of Lords. But since the creation of the Irish Free State (non-Irish Republic) no elections have been held, and no Irish peers remain now.

9.1.2 ORGANISATION

The Lord Chancellor is the presiding officer of the House of Lords. The crown appoints several peers to take their place on the "Woolsack" in order of precedence in the absence of the Lord Chancellor. The first of the deputy speakers to act for him is the Lord Chairman of Committees, who is appointed for each session and presides over all committees, unless the House otherwise directs. The House also appoints number of Deputy Lord Chairman of Committees.

The house conducts some of its business in the Committee of the Whole House, which consists of the members present. It is presided over by the Lord Chairman of Committees. The House has no standing committees except one for textual revision to which bills are referred after being considered by the committee of the whole house. There are sectional and select committees who consider special kinds of legislation and gather additional information on pending bills. The Lord Chancellor is a member of the Cabinet. He is usually a peer, and if he is not, he is raised to peerage immediately after his appointment. However, a Commoner can also be chosen to that office. His powers as the presiding officer are very limited. He has no casting vote.

9.1.3 POWERS AND FUNCTIONS:

The powers and functions of the House of Lords are limited. It is, therefore, considered to be the weakest second chamber in the world. Its powers and functions are as follows:

Executive Powers: The House of Lords still enjoys a share in executive powers. Some of the ministers are members of the House of Lords. The number of cabinet ministers in the Lords varies; there are usually two to four out of a total number of about 20.The Lords have the right to ask questions, to seek information from the government on any aspect of administration and to debate its policies. But the ministers are not individually or collectively responsible to the House of Lords. A ministry is not obliged to pay any attention to a hostile vote in the House of Lords.

Legislative Powers: The legislative powers of the House of Lords were drastically curtailed by the Parliament Act of 1911. They were further reduced by the Amending Act of 1949. The Act of 1911provided that any public bill if passed by the House of Commons in three successive sessions and if sent, each time, to the Lords at least one month before the end of the session, might become law without the Lord's approval, provided that at least two years have elapsed between the first debate on the bill in the first session and its final passage in the third. The period of delay was further reduced by the Parliament Act of 1949 from three sessions to two and from two years to one. A bill may now become law despite the dis-approval of the Lords if it has been passed by the Commons in two successive sessions and if one year has elapsed between the date of the second reading in the first session in the House of Commons and the date on which it is passed by the Commons for the second time.

Financial Powers: On money bills the House of Lords have no powers at all. The Parliament Act of 1911 provided that more bills, if passed by the House of Commons, should become law on their concurrence. The term "money bill" is so defined as to include measures relating not only to taxation but also to appropriations, loans, and audits, and the Speaker of the House Commons is given absolute power to decide whether a given measure is or is not a money bill within the meaning of the Act.

Judicial Powers: The House of Lords is the Supreme Court appeal for cases in the United Kingdom of Great Britain and Northern Ireland and a court of impeachment for the trial of important officers of the crown. Impeachments have long gone out of use; there is no need for them as the principle of ministerial responsibility is now well established. As the highest court of appeal the whole house never meets. It is only the Law Lords who perform the judicial function of the house.

9.2   THE HOUSE OF COMMONS

9.2.1   COMPOSITION

There are 635 members in the House of Commons, 516 for England, 36 for Wales, 71 for Scotland and 12 for Northern Ireland. Every British citizen who has attained the age of 18 enjoys the right to vote. There is no distinction between men and women in this respect. There is no racial, literary, educational property owning or tax-paying qualification. Only those citizens who are subject to legal incapacity, such as, insanity or imprisonment, have no right to vote.

All British citizens of either sex, provided they are 21 years age are eligible for election. The clergymen of the Church of England the Church of Scotland, the Church of Northern Ireland and the Roman Catholic Church; undischarged bankrupts, persons holding certain public offices, the members of public services and peers are prohibited from seeking election. The House of Commons is elected for a period of five years. However, it may be dissolved earlier by the sovereign on the advice of the Prime Minister. Its period can also be lengthened during war or other emergency.

9.2.2 ORGANISATION

The House of Commons is presided over by the Speaker. He is elected by the members immediately after a new parliament is formed. As soon as he is elected, the Speaker cuts of his party affiliations and becomes a non-party man. The Speaker presides over the sittings of the house, maintains discipline, control debates, allows members to speak, gives permission for the introduction of a bill or motion, puts bills and motions to votes and announces the result of voting. The Speaker has the absolute power to decide whether a bill is or is not a money bill. The chairman of the Ways and Means and one or two deputy chairman are other office of the House. All of them can act as deputy speaker.

The House of Commons has a number of legislative committees such as (1) committee of the whole house, (2) standing committees, (3) sessional committees, (4) select committees on public bills, and (5) committees on private bills. These committees examine the bills referred to them.

9.2.3 POWERS AND FUNCTIONS

(1) **Legislative functions:** The function of the House of Commons is numerous. Its most important function is law making. Parliament is a sovereign law-making body, within legal restrictions on its powers. In theory law making is just formal. The legislative powers of the House of Lords also have been drastically curtailed by the Parliament Act, 1911 and the Parliament Act, 1941. The House of Commons can initiate any measure. The most important bills generally originate there and the verdict of the commons determines their fate. A bill passed by the Commons goes to the House of Lords and then presented to the King for his assent, which is invariably signified. However, the House of Lords can delay the passage of a bill for one year. The Parliament of Act 1949 provides that if a non-money bill is passed by the House Commons in two successive sessions and one year has elapsed between the date of the second reading in the first session and the date of which it is passed

by the Commons for the second time, it will become law despite the disapproval of the Lords.

(2)   Financial functions: The House of Commons is supreme in financial matters. All money bills originate in the Commons. The Parliament Act of 1911 runs as follows: "If a money bill, having been passed by the House of Commons, and sent up to the House of Lords at least one month before the end of the session, is not passed by the House of Lords without amendment within one month after it is sent up to that House, the bill shall, unless the House of Commons direct to the contrary, be presented to his Majesty and becomes an Act of Parliament on the royal assent being signified, notwithstanding that the House of Lords has not assented to the bill."

The term 'money bill' is so defined as to include measures relating not only to taxation but also appropriation and loans and audits. The power to decide whether a bill is or is not a money bill within the meaning of the act, is given to the speaker of the House of Commons, with no appeal from his decision.

9.3   THE SPEAKER OF THE HOUSE OF COMMONS

9.3.1   ELECTION OF THE SPEAKER

The speaker of the House of Commons is elected by the house from amongst its own members at the opening of each parliament. In practice the Prime Minister selects in consultation with the opposition a person who has not been a conspicuous partisan. The election of the speaker is subject to formal approval of the king. The speaker thus elected, continues in office for the whole life of parliament. But once elected, continues in office for the whole life of parliament. But once elected, he is invariable re-elected again and again so long he is willing to serve. There is a convention that the Speaker's seat must not be contested at a general election.

9.3.2   DUTIES AND FUNCTIONS

(1)   The speaker presides over the sittings of the House, except when it sits as a Committee of the Whole. All speeches and remarks are addressed to him and not to the House. It is his business to see that the proceedings are conducted with decorum and in an orderly manner. He warns disorderly members, and suspends them from sittings. The sergeant arms are always present in the House to assist the Speaker in maintaining decorum and order. He adjourns the house if the disorder becomes too serious.

(2)   The Speaker decides who shall have the floor. He has to see to it that the debate centers on the main issue before the House and members do not deviate from the subject of discussion.

(3)   The Speaker interprets and applies the rules. He decides points of order. As regards interpretation of the rules his decision is final. It is said that the speaker like the Pope is infallible.

(4)   When a member of the House addresses a query to the Prime Minister or to an individual minister, the speaker approves it as proper. He can declare a question as improper and disallow it.

(5)   The Speaker puts the bills and motions to vote and announces the result.

(6)   Whenever there are equal votes "for" and "against" a bill, the Speaker has the right to give a casting vote. However, the casting vote is exercised according to well-established conventions.

(7)   The Speaker decides whether a bill is or is not a money bill, and there is no appeal against his decision.

(8)   The Speaker derives his name from being the spokesman of the house in its dealings with the crown.

(9)   He issues writs to fill vacancies in the House. He signs warrants by the order of the house for the commitment of offenders against its privileges. He is the judge of any alleged breaches of privilege that occur inside the House during debate.

(10) He appoints members to conferences and commissions.

9.4   THE PROCESS OF LAW MAKING

In England the Cabinet system vests legislative initiative and responsibility in the Cabinet. The individual members of Parliament may introduce what are known as "private members" bills, but only a limited amount of time is allotted for their consideration. Most legislative proposals are introduced by ministers, and they are called government bills. Bills may be either public or private. A public bill is one, which affects the general interest and concerns the whole public or a large section of them. A private bill is one whose object is "to alter the law relating to some particular locality, or to confer rights on or relieve from liability some particular person or body of persons".

The main stages in the passing of a bill are:

(1) First reading: The introduction of a bill is preceded by a formal notice. A member (or a minister) has to give notice of his intention to

introduce a bill. When called upon by the Speaker he may present the bill on the Clerk's table. The Clerk of the House reads aloud the title of the bill. Normally, no opposition is made. The bill is printed.

(2) Second reading: The second reading is the most crucial stage in the life of a bill. The member in charge of the bill moves "that the bill be now read a second time". It is at this stage that "the battle between the friends and foes of the measure really begins. There is no detailed, clause-by-clause, discussion. After the debate the bill is put to vote, and if passed, it is committed, sent to a committee. It may be remembered here that the British system differs from the American in this respect. In America a bill is referred to a Committee immediately after a first reading.

(3) Committee stage: The committee stage provides occasion for a detailed discussion of the bill. Every clause of the bill is separately discussed, and accepted, rejected or amended with or without debate. The British committees, unlike their American counterparts, do not possess the power of life and death over the bill. They cannot kill a bill by declining to send it back to the House. Their role is limited; they can only refine and improve bills referred to them.

(4) The report stage: If the bill has not been amended by the committee, it may be given a third reading without a discussion. But if the committee has suggested amendments to the bill, they may be debated during the Report stage. Any member may move amendments. Generally, a bill reported back to the House is passed with little, if any, delay.

(5) Third reading: The final stage in the passage of a bill in the House is the third reading. The debate at this stage is only on the principles of the bill as a whole. No detailed discussion takes place. The bill is passed or rejected

(6) Consideration by the House of Lords: If a bill has been initiated in the House of Commons it would go to the House of Lords after the third reading. There it passes through more or less similar stages.

(7) Finally, if the bill has been passed by both Houses without any disagreement, it is presented to the Sovereign for his assent. The assent may be given by him in person, or he may issue a commission authorizing certain commissioners to declare and notify his royal assent. The latter is now a normal practice.

Financial legislation (budget): The procedure of enacting money bills is somewhat different from that of ordinary bills. First, a money bill always originates in the House of Commons. Secondly, a money bill is not referred to a standing committee, but to the committee of the whole, that is to say, the entire membership of the House of Commons. Thirdly, the House of Commons cannot vote money for any purpose, nor can impose a tax except at the demand and responsibility of the crown. Finally, the House of Lords has no power in financial matters; the house of commons is supreme.

The function of the House of Commons in respect of financial begins only after the budget is presented to it by the government. The budget is prepared by the Treasury with the Chancellor of Exchequer at its head. The various departments of government supply their estimates to the treasury; and they are discussed in the cabinet before the budget is presented. On presentation, the House transforms itself into a committee of the Whole House in supply (the committee of supply) to discuss the estimates of expenditure. This committee is presided over not by the speaker, but by the chairman of the committee of the whole. Similarly, the House meets as its committee of the whole House in "Ways and Means" (the committee of ways and means) to discuss proposals for raising funds. The resolutions of the committee of supply and the committee of way and means are reported back to the house with the speaker back is the chair. On the basis of these resolutions, two acts, the appropriation act and the finance act are passed by the house. The appropriation act authorizes expenditure and the finance act taxation.

LET US SUM UP

The House of Lords is the Upper House in U.K. Lord Chancellor presides over its sittings. It has varied functions. It is the supreme court of appeal. The House of Commons is the Lower House. It is elected for five years. The important function of it is law making. When a money bill has been passed by the House of Common it is sent up to the House of Lords at least one month before the conclusion of its session. The House of Lords has no right to amend or reject a money bill. If a money bill is not passed by the House of Lords without amendment within one month after it is sent up to that House, the bill is presented to the Sovereign and becomes an Act of Parliament on the royal assent being signified notwithstanding that the House of Lords has not assented to the bill.

CHECK YOUR PROGRESS

1. There are nine Lords of Appeal appointed under the provision of the Appellate Jurisdiction Act, 1876 to assist the House of Lords in the performance of its _____ functions.
2. The _____ is the presiding officer of the House of Lords.
3. The legislative powers of the House of Lords were drastically curtailed by the Parliament Act of _____.
4. The House of Lords is the Supreme Court appeal for cases in the United Kingdom of Great Britain and _____.

GLOSSARY

Bankrupt   : Declared in law as unable to pay their debts.

Peerage   : The title and rank of peer or peeress.

Racial   : Connected with difference in race or ethnicity.

Arch Bishops   : The chief bishop responsible for a large district.

ANSWERS TO CHECK YOUR PROGRESS

1. Judicial.
2. Lord Chancellor.
3. 1911.
4. Northern Ireland.

MODEL QUESTIONS

1. Discuss the role of the legislature in the British Administrative System.
2. Explain the role of Parliament in the United Kingdom.
3. What are the functions of the House of Commons?
4. What is the law-making process in British Parliament?

SUGGESTED READINGS

1. R. Hague & M. Harrop (2000), *Comparative Government and Politics: An Introduction*, 5th edn., New York,Palgrave.
2. B.L.Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi
3. Sharma. A & R. P. Gajanan, (2011), *Modern Public Administration*, Crescent Publishing House

JUDICIARY

STRUCTURE

OVERVIEW

For historical reasons, as a state made up of several separate jurisdictions, the United Kingdom does not have a single unified legal system. Instead, there is one system for England and Wales, another for Scotland, and a third for Northern Ireland. In most cases, The Supreme Court sits above all of these as the final court of appeal. The Supreme Court was established to achieve a complete separation between the United Kingdom's senior Judges and the Upper House of Parliament, emphasising the independence of the Law Lords and increasing the transparency between Parliament and the courts. In this unit, we will study about the judicial system of U.K.

LEARNING OBJECTIVES

After reading this unit you should be able to

➢ Understand the structure and functions of UK's Judiciary.
➢ Know the importance of rule of law.
➢ Discuss the Organisation of Rule of Law in UK Constitution.

10.1 INTRODUCTION

The Rule of law, in UK, was developed over the centuries as a brake on arbitrary power. The modern concept of Rule of law owes much to the

great battles between the English kings and their subjects, the struggle for supremacy between parliament and Stuart kings, and finally the war between the British Empire and its American Colonies. The Rule of Law is one of the outstanding features of the British constitution. It means government of law as against government of men. In the words of Lord Hewart, the Rule of Law means the "supremacy or dominance of law, as distinguished from mere arbitrariness, or from some alternative mode which is not law of determining or disposing of the right of individuals."

According to A.V. Dicey, the Rule of Law means three things:

1. Firstly, no man is punishable, or can be lawfully made to suffer in body or goods, except for a distinct breach of law, established in the ordinary legal manner before the ordinary courts of the law. In this sense the Rule of Law is contrasted with every system government based on the exercise by persons in authority, of wider arbitrary or discretionary powers of constraint. This principle implies that no person may be deprived of life, liberty and property except for a definite breach of law proved in a definitely constituted court of law.

2. Secondly, the Rule of Law means equality, i.e., there is one law for all. In this sense it excludes any idea of exemption of officials or others from the duty of obedience to the law, which governs other citizens, or from the Jurisdiction of ordinary courts. Every official from the Prime Minister down to a constable is under the same responsibility as any other citizen. This is in contrast to the system of administrative law prevailing in France and other European countries.

3. Thirdly, the general principles of the constitution, e.g., the right to personal liberty, the right of public meeting and freedom from trespass, are in England, the result of judicial decisions determining the right of private persons in particular cases brought before the courts. In other countries these principles are generally laid down in a written constitution. According to Dicey, the rule of law is a better guarantee of the rights of the people.

10.2   CIVIL COURTS

The County Courts: The lowest of the civil courts in England and Wales are the county courts. There are about 500 such courts. A county court is presided over by a salaried judge, who almost always sits alone, but may take the help of a jury if either party desires. But for the London County Council, the lowest court is the Mayor's and City of London Court. Some boroughs are served by borough courts like Salford Hundred Court, Liverpool Court of Passage and Bristol Tolzey Court.

The High Court of Justice: Above the county courts there is one Supreme Court of Judicature. It has two sections, the Court of Appeal, in which sit the Master of Rolls and eight Lord Justices of Appeal, and the High Court of Justice. The latter is organized into three divisions: (a) the King's (or queens) Bench; (b) the Chancery; and (c) the Probate, Divorce and Admirally Division. The Court of Appeals is divided into the Court of Appeal proper and the court of Criminal Appeals. The highest court in the country is the House of Lords. Appeals from the Country Courts are heard by the High Court of Justice. If the sum involved in a dispute a large, a case may directly go to the High Court.

The Court of Appeal: The Court of Appeal is a sort of upper chamber of the High Court of Justice. It hears appeals against the decisions of both the High Court and the Country Courts. It has no original jurisdiction.

The House of Lords: The House of Lords is the highest court in Britain, both in civil and criminal cases. The whole House never sits as a court. All appeals are heard by ten Law Lords, the Lord Chancellor who presides over the court and nine Lords of Appeal in Ordinary. In civil cases appeals can be taken to the House of Lords only with the permission of the Court of Appeal, or when the House of Lords itself grants special leave to appeal to itself.

10.3   CRIMINAL COURTS

Courts and Justices of Peace and Stipendiary Magistrates: The lowest criminal court in a country is known as the Court of Justice of Peace and in a borough the court of Stipendiary Magistrate. Justices of Peace are appointed by the Lord Chancellor on behalf of the Crown and the Stipendiary Magistrate by the Secretary of State for Home Affairs. Justices of Peace serve without pay, and the Stipendiary Magistrates are paid regular salaries or stipends. These courts are entitled to try minor cases which are punishable by a fine not exceeding twenty shillings or by imprisonment for not more than two weeks. Where two or more Justices sit as a court, it is known as Petty Sessions. The Petty Sessional Courts have greater power to impose fines or award jail sentence. But in most case they cannot award more than 6 months imprisonment.

The Court of Quarter Sessions: Higher above the Justices of Peace Courts is the Court of Quarter Sessions. It is so named because it normally meets four times a year. It consists of the majority of or all the Justices of Peace in an administrative county or county borough. All indictable offences save the most serious ones like those of murder and

treason can be tried in this court. In larger towns the Quarter Sessions is presided over by a single judge known as the Recorder.

Court of Assizes: A Court of Assizes is a sort of a branch of the High Court of Justice. It is a circuit court, which is held periodically in each county and each of the bigger towns. The Court of Assizes can try all cases of serious crimes, e.g., armed robbery, arson, murder etc. It is the highest court of original jurisdiction. A Queen's Bench judge presides over the court and he is assisted by a jury.

Appeals in Criminal cases: An appeal from convictions or sentences in the Quarter Sessions and Assizes may be taken to the Court of Criminal Appeal, which consists of at least three judges of the Queen's Bench Division of the High Court of Justice and is presided over by the Lord Chief Justice. The Court sits in London without a jury. An appeal from the verdict of the Court of Criminal Appeal may be carried to the House of Lords, provided the Court certifies that some legal point is involved in the case. The House of Lords is the highest court of appeal in criminal as well as civil cases. The last legal resort for a convicted criminal is to request for the royal prerogative of pardon.

10.4   PECULIAR FEATURES OF THE BRITISH JUDICIAL SYSTEM

1. **No Single form of Judicial Organisation:** An important feature of the judicial system of Britain is that no single form of Organisation prevails throughout the United Kingdom. There is one scheme of courts for England and Wales, another for Scotland and still another in Northern Ireland.

2. **Absence of administrative courts:** There are no separate administrative courts in Britain; such as there are in France and other continental countries. In France and other continental states there are two kinds of law, ordinary and administrative, and for the administration of each kind there is a separate set of courts known as administrative courts. In England there is some sort of administrative law in the form of accepted principles and usages which apply in fixing relationships and settling disputes between administrative officers on the one hand and private individuals or corporations on the other. But there are no separate courts for settling such disputes. Disputes of this type also go to the same courts as the cases of other sorts.

3. **Integration of the Courts in England and Wales:** A third important feature is that now there is an integrated and unified system of courts for England and Wales. A century ago, "the country was cluttered up

with unrelated, overlapping and sometimes relatively useless tribunals". But the reforms introduced between 1873 and 1876 thoroughly reorganized the judicial system in England and Wales. Practically all the courts in these regions have been brought together under a single centralized system.

4. **No Judicial Review:** In Britain there is no system of judicial review. Parliament is sovereign. It can make or amend any law, ordinary or constitutional. The courts have no right to challenge the validity of parliamentary enactments on any ground whatsoever. However, Orders-in-Council, rules and orders of administrative authorities may be scrutinized by the courts to ascertain whether they are ultra vires. Besides, the courts also interpret the statutes in the sense of determining what they mean.

5. **Courts custodians of the liberties of the people:** The English men have no fundamental rights as the Russians, the Americans or Indian have. But it does not mean that the British citizen enjoys no right and liberties. The burden of guarding the liberties of the citizen rests on the courts. Some constitutional guarantees of liberty, e.g. the privilege of the writ of habeas corpus, the right to bear arms the right of petition and immunity from excessive bail and cruel punishment are provided in great statutes like the Habeas Corp us Act of 1679 and the Bill of Rights of 1689. Others, as freedom of speech, assembly and religion are enshrined in the principles of common law. And above all there is the rule of law. It is the duty of the courts to defend the liberties of the people embodied in the above mentioned documents and principles.

6. **The Jury System:** Trial by jury is another important feature of the British judicial system. It means a mode of trial by which a few citizens selected for the purpose act as the judges of the truth of the facts in suits between parties, and are compelled to discharge the duty, but in subordination to the higher judge who has distinct functions of control. In this mode of trial there is an association of laymen and experts, of the unlearned jury and the learned judge. The verdict of a jury in favour of the accused cannot be reviewed at the instance of the prosecution. But as the expenses of the jury have to be paid by the accused, the jury system has become unpopular.

LET US SUM UP

The judiciaries of the United Kingdom are the separate judiciaries of the three legal systems in England and Wales, Northern Ireland and Scotland. The judges of the Supreme Court of the United Kingdom, the Special Immigration Appeals Commission, Employment Tribunals,

Employment Appeal Tribunal and the UK tribunals system do have a United Kingdom–wide jurisdiction but judgments only apply directly to the jurisdiction from which a case originates as the same case points and principles do not inevitably apply in the other jurisdictions. In employment law, employment tribunals and the Employment Appeal Tribunal have jurisdiction in the whole of Great Britain.

CHECK YOUR PROGRESS

1. The county courts have two sections, the Court of _____ and the _____.
2. A _____ is a circuit court which is a branch of the High Court of Justice.
3. Examples of _____ are War Crimes Act 1991 and some laws relating to taxation.

GLOSSARY

Tax   : A compulsory contribution to state revenue.

Imprisonment   : The state of being imprisoned or captivity.

ANSWERS TO CHECK YOUR PROGRESS

1. Appeal and the High Court of Justice.
2. Court of Assizes.
3. Retrospective legislation.

MODEL QUESTIONS

1. Discuss the peculiar features of British judicial system.
2. Explain about the criminal courts.
3. Describe the concept of civil courts in British.

SUGGESTED READINGS

1. R. Hague & M. Harrop (2000), *Comparative Government and Politics: An Introduction*, 5th edn., New York, Palgrave.
2. B.L. Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
3. Sharma. A & R. P. Gajanan, (2011), *Modern Public Administration*, Crescent Publishing House.

Block III

CONSTITUTION OF U.S.A.

UNIT - 11

SALIENT FEATURES OF AMERICAN ADMINISTRATIVE SYSTEM

STRUCTURE

Overview

Learning Objectives

11.1   Introduction

11.2   Features of the American Constitution

11.3   Features of the Administrative System of USA

      11.3.1 Important Role of the President

      11.3.2 Spoils System

      11.3.3 Involvement of Administration in Politics

      11.3.4 Separation of Power

      11.3.5 Forms of Administrative Organisation

      11.3.6 System of Judicial Review

      11.3.7 Division of Powers

      11.3.8 Ever Increasing Size and Influence of Bureaucracy

      11.3.9 Influence of Political Parties

      11.3.10 Right of Collective Bargaining

      11.3.11 Role of Pressure Groups

      11.3.12 Supremacy of Political Bosses

      11.3.13 The Impact of Technology

      11.3.14 Relationship of Top Bureaucracy and Power

      11.3.15 Limitations Due to Bill of Rights

11.4   Independent Regulatory Commission in USA

Let us sum up

Check your progress

Glossary

Answers to check your progress

Model Questions

Suggested readings

OVERVIEW

The constitution of the United States of America was molded by the exigencies of time. It is the oldest written constitution in the world. It is a very brief constitution. That it has survived so long is a tribute to the sagacity, moderation and a sense of the possible shown by its makers. USA has a Presidential form of government. The President enjoys vast powers. The administration is run through departments and independent commissions. The founding fathers of USA adhered to idea of separation of powers. The constitution of USA is a classic example for federalism. The aim of this unit is to discuss the features of the constitution and the features of the administrative system of the USA.

LEARNING OBJECTIVES

After studying this unit, you should be able to

➢ Know the important features of the constitution.

➢ Understand the salient features of the administrative system.

➢ Discuss the working of the Independent Regulatory Commissions in USA.

11.1 INTRODUCTION

American constitution is the oldest written constitution in the world. The declaration of independence of 4th July 1776 was the first formal state paper it is. Here that the term United States was for the first time officially used. The constitution was drafted by the Philadelphia convention on September 17, 1787. It was adopted by the congress of the confederation in 1788, and was finally put in to effect in 4th march, 1789.

11.2 FEATURES OF THE AMERICAN CONSTITUTION

Written Constitution: The Constitution of the United States of America is the oldest written constitution in the world. Originally there were 13 colonies in America. In 1776 the famous Declaration of Independence was issued. Consequently each colony became a completely sovereign state. The need for concerted action during the Revolutionary war and the general need for government led to the adoption of the Articles of Confederation, which provided a semblance of national government. After the war a strong need was felt for a new frame of national government. Consequently a constitutional convention was held at Philadelphia in 1787. The convention drafted a new constitution, which was approved and ratified. In 1789 the new government under the new constitution began to function. The American constitution was the first in

the modern times to be framed by a duly set up assembly. It is a very brief constitution. That "it has survived so long is a tribute to the sagacity, moderation and a sense of the possible shown by its makers."

Rigid Constitution: The American constitution is rigid. It cannot be amended by the ordinary law-making process. There are two ways of proposing amendments: either a two-thirds vote of both the House of Representatives and Senate, or by a convention called by Congress on the application of the legislatures of two-thirds of the states. There are two ways of ratifying amendments: either approved by the legislatures of three-fourths of the states, or approved by conventions in three-fourths of the states. Congress determines which of the two methods of ratification shall be used.

Supremacy of the Constitution: In America the constitution is supreme. Article VI of the constitution lays down: "This constitution, and the laws of the United States made in pursuance thereof shall be the supreme law of the land, and Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." This is unlike England where Parliament, not the constitution is sovereign.

Federal Constitution: The American constitution is federal originally there were thirteen states that combined to form a federal system of government. Now there are fifty states. First, there is the National Government with its separate legislative, executive and judicial agencies exercising powers conferred upon it by the constitution. Then there are the states, each with its separate legislature, executive and judiciary. The original constitutional document did not contain a clear statement concerning the distribution of powers between the states and the federal government. However, it enumerated the powers of the National Government. It was the Tenth Amendment that laid down clearly the principal of distribution of powers. It provided that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, as reserved to the States respectively, or to the people." Thus even authority not specifically vested in congress remains in the States or in the people.

Republican Constitution: The American form of government is republican. Unlike England, there is no hereditary monarch. The Head of the federal government is the elected President and the states have elected Governors. The republican form of government has been guaranteed in the constitution.

Separation of Powers: In the eighteenth century when the American Constitution was framed Montesquieu's doctrine of separation of powers was very popular in America and it exercised a great influence on the fathers of the constitution. James Madison wrote in the Federalist, "No political truth is certainly of greater intrinsic value or is stamped with the authority of more enlightened patron of liberty, than that. The accumulation of all powers as legislative executive and judicial in the same hands may justly be pronounced the very definition of tyranny." Accordingly, the American constitution is based on the theory of separation of powers. The three functions of government, law making, administration of laws and justice are entrusted to three distinct branches of government. Congress makes laws, the President performs the executive functions of government and the federal judiciary interprets laws and imparts justice. The three branches are independent of one another.

Presidential form of Government: Separation of powers has given rise to a peculiar form of government known as the presidential type. The president is both the head of the state as well as the head of the executive. He is elected directly by the people for a fixed of four years. He is not responsible to the legislative (Congress). He cannot be removed from office by Congress except by the process of impeachment. He and the members of his Cabinet are not members of Congress. They neither sit in it nor take part in its proceedings. The President is solely responsible for the executive functions of the government. Similarly, Congress is independent in its own field. The President cannot dissolve any of the Houses of Congress. Then there is an independent federal judiciary. The whole governmental system is basically different from the parliamentary type.

Judicial Review: It has been pointed out above that in America the constitution is supreme and the judiciary is its guardian. The federal judiciary interprets the constitution and decides on the validity of the acts of Congress and state legislatures. If a law passed by a state legislature or the federal legislature is against the terms of the constitution, it is null and void, and the federal judiciary, as the guardian of the constitution has power to declare such laws unconstitutional.

Bill of Rights: The constitution as adopted by the Philadelphia convention and subsequently ratified by the states did not contain a bill of rights. The matter had been discussed at the convention but the delegates, agreed that no bill of rights was required. But the people thought otherwise. Accordingly the omission was rectified at the first

session of congress; ten proposals containing a bill of rights were adopted and ratified by the states. The bill of rights constitutes a limitation on the actions of the federal government. It guarantees among other things freedom of speech, press, assembly and petition, the right to bear arms, indictment by jury etc. It also includes the provision that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

11.3   FEATURES OF THE ADMINISTRATIVE SYSTEM OF U.S.A

The U.S.A has presidential form of government. The president is elected by the people for a period of four years. He enjoys vast powers. He runs his administration with the help of secretaries who are his subordinates. There is system of judicial review as well as of checks and balances. The judiciary is independent. Political parties have great influence on administration and the civil services are well developed and organized. The administration is run through departments and independent commissions, which are strengthened from time to time and their work periodically reviewed. Some salient features of the administrative system of the U.S.A are discussed below:

11.3.1 IMPORTANT ROLE OF THE PRESIDENT

In the U.S.A. the President is very powerful. He cannot be removed by the Congress, which is the legislative organ of the country. Laws are passed by the Congress. The President can veto a law and nullify the work of the Congress. Constitution has vested vast administrative powers in him and he actually exercises them. There is no gap between theory and practice and the President is not only a de-jure but a de-facto head of administration. To carry out his administrative work smoothly, the President appoints his secretaries who head the departments and are assisted by other officers at different levels and their supporting staff. Each Secretary is individually responsible to the President for the smooth working of his department. There's no system of joint or collective responsibility of the Cabinet. The Secretary is not a colleague of the President but his servant. Only the President is responsible for the success or failure of his administration.

11.3.2 SPOILS SYSTEM

Under this system it is believed that the political party, which has won elections, should control administration. It was argued that the winning party should be rewarded for its labour in winning elections, and that the administration can run smoothly and policies can be implemented in true sense and spirit if the administration is controlled by the party in power.

Accordingly after each election, the President changed his staff en bloc and new staff of his choice controlled the administration. Whatever might have been the benefits of the spoils system, it created wide gas and dislocation in the smooth working of the administration. The state was deprived of several very capable and competent administrators. Administration became inefficient and corrupt. In fact the spoils system violated every good norm of administration. Now this system has been given up but its traces can still be seen in the appointment of foreign diplomats, personal staff of the President and his top advisors etc. Now merits of the person and his administrative capabilities are taken into consideration even in these areas.

This system was replaced by merit system in 1833 when Pendelton Act was passed. It provided that meritorious persons would be appointed and their status or political contacts will have no meaning. In 1940 Ramspeck Act was passed which was a step further in this direction. A public service commission was set up and 85% appointments are made through it.

11.3.3 INVOLVEMENT OF ADMINISTRATION IN POLITICS

There is not much mention about administrative setup in the constitution of the U.S.A. This gap is filled by the Congress of the country, which enacts laws for running the administration. The President also issues orders from time to time for running the administrative departments. These laws and orders are passed taking into consideration only immediate needs. There is considerable lack of uniformity in these. They don't have a long-term objectivity. The administrative departments are created by the Congress and lack uniformity. The members of the Congress are involved in party politics and the administrators criticize the action of the Congress and highlight the flaws of the administrative orders, which they are required to obey and implement.

11.3.4   SEPARATION OF POWER

Public administrative system is run by three organs of the state viz. the executive headed by the President, the legislature i.e. the Congress consisting of the House of Representatives and the Senate and the judiciary, which is an independent organ and has the power of judicial review. The administrative set up is run on the basis of separation of powers, i.e. one organ of the government is a check on the other. The President can veto a bill passed by the Congress, but on many matters he cannot proceed further unless the Congress approves his policies. The judiciary overlooks the working of the executive and legislature and

has been given the power of judicial review. The judges are appointed by the President, in which the Congress is also involved.

11.3.5 FORMS OF ADMINISTRATIVE ORGANISATION

The American administration is run by departments and independent commissions, bureaux, boards and corporations etc. There are only 13 departments: States, Justice, Post Office, Agriculture, War, Navy, Treasury, Interior, Labour, Trade, Federal Defence, Federal Work and Federal Energy. Each department is headed by a person.

Boards and Commissions: When the work of administration increased because of scientific inventions and discoveries as well as national and international trade, boards and commissions were setup. Strength of each commission varies from 3 to 11. Each member is a highly paid person and his terms of office vary from 5 to 7 years.

The commission / board has quasi-judicial and quasi-legislative functions to perform. The rules and laws given by these bodies have the same force as any other law. These boards have considerable influence in the actual working of administration and are called the fourth organ of the state. The bureaucracy is supreme in these boards / commissions. Some important boards and commissions are:

1. The Federal Trade Commission

2. The Federal Power Commission

3. The Federal Labour Relations Board

4. The United States Maritime Commission

5. Civil Aeronautics Board.

Government Corporations: In the U.S.A. several governmental corporations function actively. Such a corporation can be independent or a part of any government department. Each corporation is headed by a General Manager or a Board. Some of these corporations have been set up by the administrative control. They can contract loans and earn profits. Tennessee Valley Authority is one such corporation.

Bureau: The Organisations mentioned above have sub-departments called bureau. Each bureau is headed by a Director / Controller. Each bureau is subdivided into sections. The head of a section may or may not be a government employee but he should be a professional. For a smooth working several officers are appointed in a bureau. They are of different categories and at different levels. A Bureau head changes when the President who appointed him bows out of power.

11.3.6 SYSTEM OF JUDICIAL REVIEW

In the U.S.A the judiciary has been given the power of reviewing every law passed by the legislative or any executive order issued by the president. It can declare any law ultra vires or unconstitutional, if in its opinion it is against any provision of the constitution. It is then illegal for the executive to enforce such a law. Thus the administration has to ensure than no law passed by it goes against any provision of the constitution.

11.3.7 DIVISION OF POWERS

In U.S.A. the administrative powers have been divided between the center and the states, which are the federating units of the U.S. Federation. Division of subjects, which are to the administered by the center as well as by the states have been specified in the constitution itself. If a subject does not figure in either of the two lists it shall be administered by the states. The center has however, become administratively more powerful because of the doctrine of implied powers.

11.3.8 EVER INCREASING SIZE AND INFLUENCE OF BUREAUCRACY

Because of the following reasons the size and influence of bureaucracy in administration is rapidly increasing:

a. State is taking more and more welfare activities.

b. Growing industrialization and development of scientific and technical subjects

c. Socio-economic and political problems have become very complex and need more attention.

d. Judiciary under the doctrine of implied powers has given wide-ranging powers to the center.

e. U.S.A. has become the only super power of the world.

f. National and international activities in the country have considerably increased.

Norman J. Powell feels that the bureaucracy in America is large, powerful and costly. Its expansion breeds corruption and symbolizes determination of democracy J.O. Boyd is of the opinion that it leads to bankruptcy of free government and leads towards fascism.

11.3.9 INFLUENCE OF POLITICAL PARTIES

There are two political parties in the U.S.A: The Republican and the Democrat and both try to increase their influence on administration. For a long time the country followed the spoils system, which in itself indicates the role of political parties in bureaucracy. Top bureaucrats even now are selected keeping an eye on their political background. All appointments made by the President under his special powers are made with political considerations.

11.3.10 RIGHT OF COLLECTIVE BARGAINING

The public servants in the U.S.A. have been given the right of collective bargaining. They can form their trade unions. In 1912 congress passed an Act by which employees right to put forward collective representations was recognized. Trade union system has now become an integral part of administrative system of the country.

11.3.11 ROLE OF PRESSURE GROUPS

In U.S.A. pressure groups are well organized and very active. They protect the interests of their members and for this approach decision makers both at political and administrative level involved the pressure groups so that no administrative decision adversely affects the interests of their members. Some of the important pressure groups are National Civil League, American Society for Public Administration and Society for Personnel Administration etc.

11.3.12 SUPREMACY OF POLITICAL BOSSES

In the U.S.A. the President appoints his secretaries who politically agree with his viewpoint and have political career. The President in consultation with his secretaries decides policies and programmes. Administration is required to implement these. Thus in administration political bosses have undisputed supremacy.

11.3.13 THE IMPACT OF TECHNOLOGY

Ever increasing role of technology in society has its impact on U.S. administration as well because today the country is technologically most advanced in the world. The technologists have started considering themselves as a separate class and developed feelings of arrogance. They demand special privileges and lay more stress on their rights than on their duties. Another advantage of technological advance is the entry of fresh blood in services. This develops a new outlook in the bureaucracy and inspires the technologists to rise to the level of public servants.

11.3.14 RELATIONSHIP OF TOP BUREAUCRACY AND POWER

These is a close relationship between bureaucracy and power elite in the U.S.A. Top bureaucracy represents economically powerful section of the society and runs the economic system. Top bureaucrats are recruited from industrial and banking systems. The three power groups in American administration are: The industrialists, military officers and top level politicians and administrators. The military officers exercise their influence on the administration from outside. The American capitalism is leasing towards military authoritarianism. Top political decisions are taken by invisible authorities that have a hold on industrialists, military functionaries and administrators. The Senate only endorses these decisions.

11.3.15 LIMITATIONS DUE TO BILL OF RIGHTS

The people in the U.S.A. enjoy certain rights contained in the Bill of Rights. These are basic rights and cannot be curtailed even during emergency. The administration has to ensure that while framing and implementing any policy or taking legislative measure no right is violated. Thus these rights put a check in the powers of administration.

11.4 INDEPENDENT REGULATORY COMMISSION IN THE U.S.A.

Independent Regulatory Commissions are salient features of the U.S. Administrative system. They are known as the fourth branch of administration. The system was introduced in some very peculiar circumstances and is still continuing. The main aim of their setting up was to control the activities of powerful economic groups in the country and to protect public interests. With the industrial growth in the U.S.A., economically powerful sections of society began to exploit the poor and the weak by raising prices of all commodities. Need was felt to check this situation in order to maintain equality in public interests. Thus commissions were set up to check unhealthy economic activities and to have fair competition.

The first such commission known as Inter-State Commerce Commission was set up in 1887. It was not made part of any regular executive department but was created as a separate independent agency. Its leadership was kept in the hands of a Board. That is why these commissions were called 'independent'. They were called 'regulatory' because they were created to regulate certain activities of the state. They perform administrative, quasi-legislative and quasi-judicial functions. A commission can promulgate a law and like a

legislature regulate existing regulations. It performs judicial functions because a Commission is empowered to hear petitions. It is required to enforce the laws so its activities fall under the category of executive. These are headless so they are called 'Islands of Autonomy'.

Some Regulatory Independent Commissions:

1. Inter State Commerce Commission: It was setup in 1887 to regulate the working of common carrier of means of transport engaged in inter-state commerce and foreign trade of the U.S.A. Today this Commission is responsible for developing, coordinating and preserving transport system by rail, water, road and other means.

2. Federal Trade Commission: It was set-up in 1916 to check unfair practices in inter-state commerce. Its scope was enlarged in 1938 and it was empowered to control false advertisements of food and drugs etc. Today the Commission is required to maintain healthy conditions for free competitive enterprises.

3. Federal Power Commission: It was set-up in 1920 t0 issue licences relating to waterpower development on navigable streams and hydroelectric projects. It is now empowered to sell at wholesale rates electric energy and natural gas in inter-state commerce.

4. Securities and Exchange Commission: it was set-up in1930 to enforce rules of publicity with regard to securities offered for sale and to check malpractices in financial markets. It aimed at protecting the interests of the investors.

5. Federal Communication Commission: It was set up in 1930 to check ongoing unfair competition between telegraph and telephone companies.

6. National Labour Relations Board: It forbade certain unfair labour practices as well as the victimization of employees on account of their participation in the activities of labour Organisations. It could enquire about cases relating to unfair practices and investigate the charges.

7. The United States Maritime Commission: It was created in 1936 with the aim of fostering, developing and encouraging the maintenance of merchant marines of the U.S.A. for the purpose of national defence and commerce. It is empowered to fix shipping rates and also to make rules for operating the U.S. merchant fleet.

LET US SUM UP

The American constitution is a written and rigid constitution. It is a best example of federation. USA government is working on the principles of

separation of powers. It leads to deadlocks, which prevent unity, encourage friction and divided responsibility and frustrated leadership. The American President plays an important role as he enjoys vast powers. Independent Regulatory Commissions have become an inseparable part of the American Administrative System

CHECK YOUR PROGRESS

1. The constitution was drafted by the _____ convention on September 17, 1787.

2. The American constitution is federal originally there were ____ states that combined to form a federal system of government.

3. The first Independent regulatory commission known as Inter-State Commerce Commission was set up in_____.

GLOSSARY

Deadlock   : Complete failure to settle grievance.

Ultra Vires   : Beyond authority.

Judicial Review   : The power of courts to decide the validity of acts in legislature and executive branches of the government.

ANSWERS TO CHECK YOUR PROGRESS

1. Philadelphia.
2. Thirteen.
3. 1887.

MODEL QUESTIONS

1. Explain the salient features of the American Constitution.

2. Describe the important features of the Administrative System of USA.

3. Analyze the characteristics and functions of independent regulatory commissions. Mention some of the important ones.

SUGGESTED READINGS

1. R. Hague & M. Harrop (2000), *Comparative Government and Politics: An Introduction*, 5th edn., New York, Palgrave.
2. B.L. Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
3. Sharma. A & R. P. Gajanan, (2011), *Modern Public Administration*, Crescent Publishing House.

Unit – 12

FEDERALISM

STRUCTURE

OVERVIEW

The United States did not adopt a Constitution at the time of Independence from Great Britain, and the Constitution that was adopted in 1787 did not at that time or at any time thereafter establish the structure of a federal system or allocate power between the federal government and the states. Rather the structure of the American federal system has evolved over a period of time as a result of the Supreme Court's interpretation of the provisions of the Constitution dealing with federal and state power and the Court's development of constitutional policy with respect to the nature and operation of the American federal system.

LEARING OBJECTIVES

After studying this unit, you will be able to

➢ Learn the constitution and preamble of American constitution.

➢ Understand the features of federal system of America.

12.1   INTRODUCTION

The term "federalism" has generally been associated with the development of the American system of government. Federalism was the key design concept used in the formulation of the U.S. Constitution of 1789. The explanation of the draft of that constitution offered by Alexander Hamilton, John Jay, and James Madison was entitled The Federalist. While federalism was its key design concept, the U.S. Constitution established reference to only one of the constituent elements-a limited national government-in a more general system of governance. The critical conceptual difficulty in constituting a federal system of governance was directly addressed in essays 15 and 16 of The Federalist, but serious ambiguities in language still remain. Hamilton argued that an essential attribute of a government is its capacity to enforce law. A confederation, as traditionally conceived, could not meet this defining criterion for a government.

The Articles of Confederation had established an organization of states, not a government. The Congress of the United States under the Articles of Confederation could not enforce its own resolutions. Hamilton argued that the concept of a confederation had to be reformulated. In his view, individuals are the basic constitutive element in each unit of government. Each unit of government must be able to articulate the aspirations of people, respond to the demands of individuals, and enforce its resolutions with regard to individuals, not to collectivises as such. Each unit would be autonomous in itself and have both executive and judicial authorities to enforce its resolutions as laws. Hamilton's reformulation of the concept of confederation is, an essential attribute of what has come to be known as a federal system of government.

Serious ambiguities continue to exist because both Hamilton and Madison were not careful to distinguish between "federal" and "confederation" in their discourses. What was proposed by the Philadelphia Convention of 1787 was variously referred to as a confederation, a federal government, the Union, and the general government. This conceptual confusion persists today among scholars and among those who have special responsibility for construing the meaning of the U.S. Constitution. The first general application of the

concept of federalism to a system of autonomous units of governments occurred in the formulation of the U.S. Constitution. The primary referent, then, was the authority of a limited national government in its relationship to state governments. The basic conception is reflected in the name: the United States of America. One of the attributes used as a standard definition of federalism is a system of government where authority is exercised concurrently by a national government and state or provincial governments.

12.2   THE CONSTITUTION OF USA – AN OVERVIEW

The present Federal government of U.S.A came into being in the year of 1789. The United States comprised of thirteen colonies of Great Britain. In the year 1776, these colonies at the Atlantic Coast rebelled against the mother country and became independent in 1783. During this period the revolted colonies established the "Articles of Confederation" as the first constitution in 1777.

However, this system could not last very long. There was no separate common executive nor was there any independent judiciary. An effective central government was the fundamental need of the hour. A convention for the purpose of framing the constitution was convened at Philadelphia in 1787. Thus the constitution was framed based on this convention and was signed by the delegates on September 17, 1787. This constitution came into force in 1789. since then it has undergone many changes, one of them being the increase in the number of states from 13 in 1787 to 50 at present.

12.3   THE PREAMBLE TO THE UNITED STATES CONSTITUTION

The Preamble to the United States Constitution is a brief introductory statement of the Constitution's fundamental purposes and guiding principles. It states in general terms, and courts have referred to it as reliable evidence of, the Founding Fathers' intentions regarding the Constitution's meaning and what they hoped the Constitution would achieve as it pertains to all of the people of the United States.

As the phrase, "we the people" suggests that the new government originates from the people of the United States and it sets into motion a question as it pertains to that vast population concerning the individual rights and equality among all people; this can be seen most broadly in the divide between republicanism and social democracy.

12.4   AMERICAN FEDERAL SYSTEM

The American federal system consists of four components: (1)State sovereignty and constitutional limitations on state power (2) The powers of the federal government; (3) The relationship between the federal government and the states; and (4) The relationship between the states.   There are three basic propositions underlying the American federal system. First is the matter of state sovereignty. The American federal system, as it now exists, began with the states. In American constitutional theory, upon Independence, the newly-formed states succeeded to the sovereignty over domestic matters that were formerly exercised by the British Crown, and as each new state was admitted to the Union, it automatically became entitled to exercise this power. Thus, state sovereignty is a "given" in the American constitutional system, and the states do not depend on the federal Constitution for the source of their sovereignty. The states exercise full sovereignty over domestic matters except to the extent that a particular exercise of such sovereignty is prohibited or restricted by the Constitution. This means that each state has its own governmental structure, its own system of laws, and its own courts, and possesses the general regulatory and taxation power.

Upon Independence, that aspect of the sovereignty of the British Crown pertaining to foreign affairs devolved upon the "Union of States" that was waging the Revolutionary War and that eventually concluded the peace with Great Britain. In American constitutional theory, sovereignty over foreign affairs was deemed to be in the federal government that was subsequently established by the Constitution. Thus, the foreign affairs power is an inherent federal power. The Constitution expressly gives the power over war and national defense to the federal government, although some specific aspects of this power are given to Congress and other aspects of this power are given to the President.

12.5   STATE   SOVEREIGNTY   AND   CONSTITUTIONAL LIMITATIONS ON STATE POWER

As stated at the outset, state sovereignty is a "given" in the American constitutional system, and the states exercise full sovereignty over domestic matters except to the extent that a particular exercise of such sovereignty is prohibited or restricted by the Constitution. Moreover, as we will see, although Congress has the power to pre-empt state laws, both Congress, in specifically dealing with pre-emption in the legislation it enacts, and the Court, when deciding questions of federal

pre-emption, have tried carefully to strike a balance between the principle of federal supremacy and the principle of state sovereignty. The result has been that in practice federal pre-emption has been fairly limited and has not substantially impaired state sovereignty or altered concurrent power as the dominant feature of the American federal system.

From a federalism standpoint, the most important constitutional limitation on state sovereignty relates to state power to regulate and tax interstate and foreign commerce. The Supreme Court has long held that the affirmative grant of the commerce power to Congress has a negative or dormant implication, and imposes some important, but precisely-defined, limitations, on the power of the states to regulate and tax interstate commerce. The Court has never developed a comprehensive conceptual justification for a negative aspect to the commerce clause. It has merely stated that this constitutional restriction on state power is either predicated on the "implications of the Commerce Clause itself' or on the "presumed intention of Congress" that the states not impose certain kinds of regulations on interstate commerce."

12.6   THE POWERS OF THE FEDERAL GOVERNMENT

While in constitutional theory, the powers of the federal government are only those enumerated in the Constitution, it has long been the case that those powers, particularly the power of Congress over interstate and foreign commerce, have been construed very broadly by the Court. The result today is that, as a constitutional matter, virtually any activity is subject to federal regulation. We will now proceed to analyze the components of federal power.

At the outset, it should be noted that even within the concept of enumerated powers, there are principles favoring the expansion of federal power. First, it was long ago settled in the classic case of McCulloch v. Maryland, that under the necessary and proper clause, Congress can rely on a combination of powers to do something that is not specifically authorized by any single power. In that case, the Court held that although Congress was not specifically authorized in Art.I, sec. 8, to charter a Bank of the United States, Congress had the implied power to do so by putting together certain enumerated powers, such as the power to tax and spend, the power to wage war, and the power to regulate interstate and foreign commerce. Second, all of the enumerated powers of Congress are independent powers that, interacting with the necessary and proper clause, furnish the authority for whatever action Congress takes under that power.

So, when Congress enters into a treaty with a foreign country, the treaty power will support any law executed to carry out the provisions of the treaty, regardless of whether Congress would have the power to enact the law in the absence of the treaty.

Likewise, under its war powers, Congress can deal with domestic problems created by the war, such as the need for price controls, and this power continues so long as the problem remains, even though the war has ended. And pursuant to its power over foreign affairs, Congress may, either directly or by authorizing the President to do so, take action that affects domestic matters in the United States. Finally, the question of the existence of federal power relates to whether the power is granted to the federal government as a whole rather than to a particular branch of the federal government. Thus, since admiralty and jurisdiction is granted to the federal courts under Art. III, admiralty and maritime matters are within the power of the federal government, and Congress has the power to legislate with respect to such matters.

12.7 THE RELATIONSHIP BETWEEN THE FEDERAL GOVERNMENT AND THE STATES

The relationship between the federal government and the state is the most complex part of the American federal system. This is because the relationship between the federal government and the states implicates both the principle of state sovereignty and the principle of federal supremacy and impacts significantly on the principle of concurrent power. We will first discuss Intergovernmental immunities, and federal regulation of the "states as states," and we will then discuss federal pre-emption. Because both the federal government and the states are sovereign in the American constitutional system, it follows that the Constitution imposes certain limits on the ability of each sovereign to interfere with the operations of the other sovereign.

However, the concept of intergovernmental immunity operates in relation to the principle of federal supremacy. What this means in the final analysis is that the states cannot in any way interfere with the operations of the federal government, but that the federal government may, to a very considerable degree, apply its laws to the "states as states." But even with federal supremacy, there are still some constitutional limits on the federal government's power to apply its laws to the states.

LET US SUM UP

Once we begin to understand that the way people think and relate to one another is a most fundamental feature in the governance of human affairs, we can appreciate that "governments" can exercise only a limited role in the governance of a social Concepts of covenants, constitutions, and multiple units of government all fit together in relation to a "federal" system of government. The focus cannot be upon governments alone but needs to include how people think and relate to one another and how the whole complex system of relationships gets put together. We can then begin to understand how a concept like democracy might be a meaningful one, one that might make us think of people really governing. In short, descriptions of what "governments" do no longer suffice if we are to understand systems of governance in democratic societies.

CHECK YOUR PROGRESS

1.   Federalism was the key design concept used in the formulation of the U.S. Constitution of _____.

2.   The first general application of the concept of federalism to a system of autonomous units of governments occurred in the formulation of the_____.

3.   The United States comprised of _____ colonies of Great Britain.

GLOSSARY

Provincial   : concerning a province of a country or empire

Federal Power   : A system of government in which power is divided between a central authority and constituent political units.

Regulation   : a rule or directive made and maintained by an authority

ANSWERS TO CHECK YOUR PROGRESS

1.   1789

2.   U.S. Constitution

3.   Thirteen

MODEL QUESTIONS

1.   Explain the features of the American federal system.

2.   Describe the important of preamble in US Constitution.

SUGGESTED READINGS

1. R. Hague & M. Harrop (2000), *Comparative Government and Politics: An Introduction*, 5th edn., New York, Palgrave.
2. B.L. Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
3. Sharma. A & R. P. Gajanan, (2011), *Modern Public Administration*, Crescent Publishing House.

UNIT - 13

<div align="right">**PRESIDENT**</div>

STRUCTURE

OVERVIEW

USA has Presidential form of government in which real powers of administration of the nation are vested in the President of the country. He is both the chief of state and chief of government. He has a guaranteed tenure of four years. He is the chief of the executive branch and is directly elected by the people. USA has been the traditional home of the patronage system of civil service.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢   Know the importance of the President in USA.

➢   Understand the powers of the president cabinet.

➢   Explain the office of the resident in USA.

13.1   INTRODUCTION

The Constitution made the President the sole head of the federation. He represents power, unity, stability, responsibility and public

support. He appoints ambassadors, consuls, judges and other high officers of the executive branch and the armed services subject to the approval of the senate. The President is given initiative in foreign affairs and can make treaties but these are subject to confirmation by the Senate. He has to depend on Congress for legislation and for organizing and financing all the subordinate agencies of the government. The American Constitution did not aim at creating a chief executive who would be more than a King or Prime Minister. It was created as a post of honour and leadership rather than of commanding authority. The Constitution did not specify the exact nature and scope of presidential powers. These have been determined by Congressional statutes, judicial decisions and conventions laid down through the working of the Constitutional system. Now the office of the President is the greatest office in the world. Every President since the days of Washington has contributed to its greatness. No one in democracy wields such a power as the President of America.

13.2 QUALIFICATION FOR PRESIDENTSHIP

Any natural-born American citizen, at least thirty-five years of age and fourteen years a resident within the United States may stand for election. Since no mention is made of the sex of the candidate, women as well as men are eligible. A naturalized citizen cannot contest for President.

13.3 NOMINATION AND ELECTION

Nomination of Candidates:

The Constitution is silent on the method of nomination of the candidates. The founders of the Constitution apparently expected that the Electoral College would perform the tasks of both nomination and election. But the rise of political parties had upset the expectations, and now the candidates are chosen by the national domination conventions of the political parties. Each political party holds a national convention for choosing its Presidential nominee. Delegates to the national party conventions are chosen by state party conventions and in some states by primary elections known as Presidential primaries. The national party conventions are held in big cities. A majority of all the delegates is required to choose the Presidential nominee.

Composition and Election of the Electoral College:

As said above, constitutionally the President is elected by an electoral college formed for the purpose. The Constitution says that the number of electors chosen in each state shall be equal to the number of members of the House of Representatives and of the Senate for that state; in other

words, equal to the state's representation in Congress. At present there are 538 votes in the Electoral College (the total of 435 representatives and 100 senators plus 3 electoral votes for the District of Columbia) of which 270 are necessary for election.

Formal Election of the President by Electors:

The formal election of the President takes place long after the polling day through the machinery of the Electoral College. The Electoral College does not formally meet at one place. The electors of the various states assemble at their respective state capitals and vote for the President. The ballots of the state electoral groups are sent to the President of the Senate, opened and counted before a joint session of Congress and the result is formally announced. A candidate in order to win must secure "a majority of the whole number of electors appointed". If no candidate secures much majority, the House of Representatives chooses the President from among the three candidates securing the highest votes in the Electoral College. The House votes state wise, each state having one vote. A quorum for this purpose consists of members from two-thirds of the states and a majority of all the states is necessary for election.

13.4 POWERS OF THE U.S. PRESIDENT

The American Presidency has been described by Lord Bryce as 'the greatest office in the world to which a man can rise by his own efforts. He is the most powerful executive head in the world, despite constitutional limitations and restraints on his powers. He derives his powers directly from the Constitution, which gives him in express terms the right to veto Acts of Congress. He has acquired a good deal of authority by statutes, judicial decisions and usages. He enjoys many implied and discretionary powers. He is the chief executive of administration and all others help him in carrying out his work. Some of his important executive powers are briefly discussed here:

13.4.1 EXECUTIVE POWERS

(i)   The President as Chief Administrator: The President wields real authority and powers of administration. It is his duty to see that the constitution, laws and treaties of the United States, and the decisions of the federal court are enforced throughout the country. He has administrative control over many independent boards, commissions and agencies. He issues instructions for their smooth working and ensures that their work is being smoothly carried out.

(ii) Power of Appointment: He appoints all the officials serving under the federal government. All heads of departments, judges, diplomats, regulatory commissioners, marshals and collectors of customs are appointed by him. The appointments of major officers are confirmed by the Senate but those of minor officers do not require confirmation by the Senate.

(iii) Power of Removal: The President has the power of removal except in the case of following officials: (i) the Judges of the Federal Courts- they can be removed be impeachment only; (ii) members of various Boards and Commissions and (iii) all officers and other employees appointed under civil service rules. They can be removed on the establishment of the charges of corruption and inefficiency.

(iv) Foreign Relations: He exercises control over the conduct of foreign relations. His treaty making powers are subject to ratification by Senate by two-thirds votes, but he is authorized to enter into executive agreements for which no consent of Senate is required. He appoints and receives ambassadors. This involves a vital power of recognition. Through this he has complete discretion to recognize or not the new stages or governments.

(v) Military Powers: The President is the supreme commander-in-chief of the army, navy and air force of America. He has the responsibility of keeping the nation prepared to meet any enemy assault. He is a constitutional dictator in the event of war.

13.4.2 LEGISLATIVE POWERS

(i) Messages: Within constitutional limits he has the responsibility to guide law-making activity. From time to time he has to give the Congress information of the state of the Union and recommend for their Consideration such measures, as he shall judge necessary and expedient. He may convene both Houses and either of them and in case of disagreement between them; he may adjourn them for such time as he shall think proper. He sends the Congress an annual message containing a review of the activities of government during the preceding year, and recommendations for such legislations as he deems in the interest of the country.

(ii) Special Sessions: He has power to call extra-ordinary sessions of the Congress for consideration of special matters of an urgent character.

(iii) Executive Orders: The President has also been delegated the rule-making powers by the Congress. He has the power to issue certain

orders and regulations having the force of law. During wartime and emergencies, the President has the power of issuing executive orders and proclamations.

(iv)   President's Veto Power: The Constitution requires that all bills and resolutions, except proposed constitutional amendments, must be submitted to the President for his signature. If he signs the bill, it becomes law. If he disapproves, he can send the bill back to the Congress for reconsideration with his suggestions. If the Congress wants that the bill should become a law as it was passed, it should repass it by a two-third vote in each House. The bill can be returned within ten days, it becomes a law provided more than ten days are left in the termination of the session of the Congress, and otherwise the bill dies of the 'pocket veto' of the President.

(v)   The Budget: The budget is prepared by the Director of the Budget under the direction of the President. It is then submitted to the Congress for approval.

13.4.3 JUDICIAL POWERS

(i)   Power to grant Pardon and Reprieves: The President has the power to pardon an offender and make him innocent in the eyes of law. He can exercise this power independently of the Congress and the courts. But he cannot pardon one who has been punished by impeachment. He can pardon only in cases of offence against the law of the United States and not that of a State law. He can also grant amnesty, which is a modified form of pardon extending to a group of people who have violated a federal law. This is done by Presidential proclamation or by an Act of Congress.

(ii)   Immunity from Prosecution: The President is immune from arrest for any offence and is not subject to the control of courts. No prosecution can be issued against him or compel him to perform any act. But impeachment is an exception. He can appear as a witness in any court.

13.4.4 PRESIDENTS, EMERGENCY POWERS

Congress has delegated several powers to the President, which he can exercise during emergency such as wartimes, internal disturbances and financial crises. During Emergency period the President gets all powers from the Congress, but for this he has to establish that the emergency really exists and that there is no existing law to deal with the situation.

The above discussion clearly shows that powers of the President of the U.S.A. have immensely increased and today the whole administration revolves round him. Various constitutional amendments passes from time to time have increased his powers. The courts have also helped in it by interpreting various provisions of the Constitution. Even the Congress cannot reduce these powers once the court has given its interpretation. Judicial decisions, discretionary and traditional powers have also enhanced his powers.

13.5 PRESIDENT'S CABINET

The President's Cabinet came into existence out of custom and usage; it is not known to constitutional law. It has developed over the past two centuries. It is a body of advisors to the President and does not have any executive authority. The Cabinet of George Washington had only the heads of the four major departments. Now with the creation of more departments and with the extension of the functions of the State, the Cabinet's strength has increased to ten. In addition to the heads of various departments the President includes others also.

Some Presidents invite the Vice-President to the meetings of the Cabinet while others invite their friends who may not be holding any office under the government of the U.S.A. The American Cabinet is purely an advisory body and its members are not equal to the President; they are his subordinates. The President is the ruler of the heads of departments. He is independent and may or may not seek the advice of the members of his Cabinet. Votes are seldom taken and even when voting takes place, the President is not obliged to abide by the majority vote. The meetings are informal and no minutes are kept.

13.6 EXECUTIVES OFFICE OF THE PRESIDENT

The Executive Office of the President (EOP) consists of the top staff agencies, which aid and advise the President in carrying out his duties and responsibilities as the administrative head of the executive branch of the government. This office was established in 1939 by the then President Franklin D. Roosevelt by an executive order under the Reorganisation Act of 1939. The creation of this office to provide the President with a 'general staff' was recommended by the Brown low Committee (President's Committee on Administrative Management) Report of 1937. At present, the EOP of the USA consists of the following staff agencies.

➢ The White House Office

➢ The Office of Management and Budget

- ➢ The Council of Economic Advisers

- ➢ The National Security Council

- ➢ The Office of the United States Trade Representative

- ➢ The Council on Environmental Quality

- ➢ The Office of Science and Technology Policy

- ➢ The Office National Drug Control Policy

- ➢ The Office of Administration

It must be mentioned here that the Office of Personnel Management and the General Accounting Office are not placed within the EOP as the Congress of the USA refused the same.

The White House Office: It contains about 150 close confidential advisors and personal assistants on whom the President leans for day-to-day operations the executive branch. They are appointed by the President and assist him in such matters as he may direct. They facilitate and maintain communication with the Congress, the heads of executive agencies, the media and the general public.

The Office of Management and Budget: The Office of Management and Budget (OMB) was created in 1970 by an executive orders to replace the Bureau of Budget, which was created by the Budget and Accounting Act of 1921. In 1939 this Bureau of Budget was transferred from the Department of Treasury to the Executive Office of the President (EOP).

The National Security Council: It is composed of the President of the USA as its Chairman, and the Vice-President, the Secretary of State and the Secretary of Defense as its members. The Chairman of the Joint Chiefs of Staff and the Director of Central Intelligence act as military and intelligence advisors to the Council respectively. It advises and assists the President in integrating domestic, foreign, and military, intelligence and economic policies relating to national security. The Council was established by the National Security Act of 1947. It was placed in the EOP in 1949.

LET US SUM UP

The President of USA is the most powerful executive head of the state. He is head of the State, Government and Party Leader. He has been assigned multiple roles and the powers of the President are namely executive, legislative and judicial. The comparison of the position and powers of the President of the United States and those of the Prime

Minister of England is not only interesting it is also very fruitful. Though USA is the traditional home of the patronage system since the passage of Pendleton Act of 1833 it established the merit system in public service.

CHECK YOUR PROGRESS

1. The Executive Office of the President (EOP) was established in _____ by President Franklin D. Roosevelt.
2. The Office of Management and Budget (OMB) was created in ____ by executive orders to replace the Bureau of Budget.
3. In 1939, this Bureau of Budget was transferred from the Department of _____ to the Executive Office of the President (EOP).

GLOSSARY

Partisan : Belonging to a party.

Whistle blowing : Reporting on corruption, fraud and waste.

Personnel : people employed in an organization or engaged in an organized undertaking such as military service.

ANSWERS TO CHECK YOUR PROGRESS

1. 1939.
2. 1970.
3. Treasury

MODEL QUESTIONS

1. Examine the powers of the president in USA.
2. Describe the executive branch of the president.

SUGGESTED READINGS

1. R. Hague & M. Harrop (2000), *Comparative Government and Politics: An Introduction*, 5th edn., New York, Palgrave.
2. B.L. Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
3. Sharma. A & R. P. Gajanan, (2011), *Modern Public Administration*, Crescent Publishing House.

CONGRESS – HOUSE OF REPRESENTATIVES AND SENATE

STRUCTURE

OVERVIEW

The legislature in USA is the Congress. It consists of two houses, the Senate and the House of Representatives. Primary legislative power is vested in the Congress. In the United States there are two major political parties the Republican Party and the Democratic Party. The American President as the head of state occupies a ceremonial position and as the head of government he leads the executive organ of government.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢   Know the importance of the congress in the USA.

➢   Understand the powers of Senate.

➢   Explain the structure and functions of House of Representatives.

14.1 CONGRESS

Congress is a bicameral legislature consisting of the Senate and the House of Representatives. The Senate is the upper chamber and the House of Representatives is the popular chamber in the United States.

14.2 SENATE

The upper house in USA is known as Senate. It represents the federation units. i.e. the states. The Senate is more powerful than the House of Representatives and it is also the most powerful second chamber in the world.

14.2.1 COMPOSITION

Congress is a bicameral legislature, consisting of the Senate and the House of Representatives. The Senate is the upper chamber. It consists of 100 members, two from each state. It symbolizes the principle of equality of all states in the federal system. Today California has a population of 20 million and Alaska only 3,00,000, but each of them sends two representatives to the Senate. Today it is impossible to abolish equality of states as the Constitution ordains "no state, without its consent shall be deprived of equal suffrage in the Senate". The term of Senators is six years. They are elected from the state as a whole. It is a continuous body, one- third of its members retiring every two years.

A senator must be thirty years of age at the time of taking his seat, nine years a citizen of the Unites States, a resident of the state for which he is elected, and not a holder of any federal office. Suffrage requirements for the senators are the same as for the members of the House of Representatives. The right to vote is given by the states rather than by the federal government. However, the Fifteenth and Nineteenth Amendments ordain that the rights of the citizens of the United States shall not be denied on account of race, colour of sex.

The Vice-President of the United Stated is the presiding officer of the Senate. The Senate also elects from among its own members a president pro tempore who presides in the absence of the Vice President.

14.2.2 POWERS AND FUNCTIONS

Legislative Powers of the Senate: The Legislative powers of the American Senate are coequal with those of the House of Representatives. It is a coordinate body and not a subordinate branch of the federal legislature. The House of Representatives cannot veto the Senate. All bills except those relating to rising of revenue can originate in

any of the two chambers. The Constitution states that all bills for raising revenue shall originate in the House of Representatives but the Senate may propose or concur with amendments as on other bills. With regard to appropriation bills, the Constitutions are silent. Logically, therefore, it can be inferred that appropriation bills may also originate only in the Senate. But now it is custom that appropriation bills originate only in the House of Representatives.

Other Powers, the Senate shares with the House of Representatives: Besides legislation, the Senate shares many other powers with the House of Representatives. The most important of these is the power to propose amendments, either a two-thirds vote of both Houses or by a convention called by Congress on the application of the legislatures of two-thirds of the states. In both methods of proposing amendments the Senate enjoys equal powers with the House of Representatives. Secondly, the Senate shares with the House of Representatives the power to admit new states to the Union. Thirdly, the power to declare war belongs to Congress as a whole. Obviously, in this matter also the power of the Senate is the same as that of the House of Representatives.

Special Powers of the Senate:

(1) Share in Appointing Power: The Senate possesses many special powers, which are not enjoyed by the House of Representatives. The Constitution lays down that the President shall with the advice and consent of the Senate, appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not provided for in the Constitution. It is a very important power of the Senate. It is a serious check on the power of the President.

(2) Share in Treaty-making Power: The Senate also shares with the President the power of making treaties. The Constitution ordains that the President shall have power, with the advice and consent of the Senate, to make treaties, provided the two-thirds of the senators present concur. The extraordinary two-thirds majority required for approval of treaty means that a few senators (34 members) could torpedo a treaty negotiated and concluded by the President. On several occasions treaties have been rejected by the Senate. The Treaty of Versailles is a very notable example of this kind.

The Senate as a Court of Impeachment: The Constitution provided that the President, Vice-President, and all civil officers of the United

States, shall be removed from office on impeachment and conviction for treason, bribery or other high crimes and misdemeanours. The House of Representatives initiates impeachment proceedings by framing charges against the officer concerned. The Senate sits as a court of trial, the Chief Justice of the Supreme Court presiding. A two-thirds vote of the members present is required for a conviction. The penalty may be removal of the offender from office, and disqualification to hold and enjoy any office of honour, trust or profit under the United States.

Election of the Vice-President in Special Situation: If in a Vice-Presidential election no candidate secures an absolute majority, the Senate has to choose the Vice-President from among the two candidates who have obtained the highest number of votes.

14.3 HOUSE OF REPRESENTATIVES

The lower chamber of the American congress is the House of Representatives. The Organisation of the lower house states and not by the federal government. However, the 15th and 19th Amendment ordains that the right of the citizen of the United States to vote not be denied on account of race, colour and previous servitude of sex.

14.3.1 COMPOSITION

The House of Representatives is the popular chamber in the United States. At present the membership of the House is 435. According to the constitution state must have at least one representative. Seats are reapportioned among the states after each decennial census. One seat is assigned to each state and the remaining is distributed in proportion to populations.

Suffrage is determined by the states and not by the federal government. However, the Fifteenth and Nineteenth Amendment ordain that the right of the citizen of the United States to vote not be denied on account of race, colour, and previous servitude of sex. A candidate for the House must be at least twenty-five years old, must have been a citizen of the U.S.A. for at least seven years must be a resident of the state from which election is sought, and must not be a resident of the district that he seeks to represent.

Members of the House of Representatives are elected by secret ballot. They are elected for a term of two years. The House cannot be dissolved earlier. According to the Constitution the House is the judge of the elections, returns and the qualifications of its own members. The representatives choose their own Speaker at the inauguration of the new House. There are twenty-one standing committees in the House, each

devoted to one specific subject. The chairmen of the Committees are also elected by the House. The Senate and the House, both adjourn simultaneously. In case of disagreement between the two Houses on the question of adjournment, the President decides the date of adjournment.

14.3.2 POWERS AND FUNCTIONS

(1)   Ordinary Legislation: The Constitution empowers the House to enact laws on any subject included in the federal list, with the concurrence of the Senate. A legislative measure can be initiated in any of the two chambers. The legislative powers of the two Houses are absolutely equal. The House of Representatives, though the popular chamber in theory, is not superior to the Senate so far as law-making power is concerned. In case of disagreement between the two Houses the matter is referred to a Conference Committee of both Houses for resolving the difference.

(2)   Finance: The House of Representatives has sole initiative in taxation bills. The Constitution states, "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills. With regard to appropriation bill the Constitution is silent. Logically, therefore, it may be inferred that appropriation bills may also originate in the Senate. But now it is a custom that appropriation bills originate only in the House of Representatives. Thus, the financial powers of the House of Representatives are, in effect, not superior to those of the Senate.

(3)   Constitutional Amendments: Besides legislation the House of Representatives shares many other powers with the Senate, the most important being the power to propose amendments to the Constitution. There are two ways of proposing amendments, either a two-thirds vote of both House and Senate or by a convention called by Congress on the application of the legislatures of the two-thirds of the states. In both methods of proposing amendments the House of Representatives has coequal power with the Senate.

LET US SUM UP

The power of the Executive Branch is vested in the President of the United States, who also acts as head of state and Commander-in-Chief of the armed forces. The President is responsible for implementing and enforcing the laws written by Congress and, to that end, appoints the heads of the federal agencies, including the Cabinet. The Vice President is also part of the Executive Branch, ready to assume the Presidency should the need arise. The Cabinet and independent federal

agencies are responsible for the day-to-day enforcement and administration of federal laws.

CHECK YOUR PROGRESS

1. The National Security Council was established by the National Security Act of_____.
2. Pendleton Act of _____ established the merit system in public service.

GLOSSARY

Treason   : Betraying a person.

Impeachment   : Accuse a public official or politician of committing a crime.

ANSWERS TO CHECK YOUR PROGRESS

1. 1947
2. 1833

MODEL QUESTIONS

1. Discuss the powers and functions of the congress.

2. Elaborate the role of House of Representatives in Congress.

3. Analyze the importance of Senate in the US Congress.

SUGGESTED READINGS

1. R. Hague & M. Harrop (2000), *Comparative Government and Politics: An Introduction*, 5th edn., New York, Palgrave.
2. B.L. Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.
3. Sharma. A & R. P. Gajanan, (2011), *Modern Public Administration*, Crescent Publishing House.

UNIT - 15

FEDERAL JUDICIARY – JUDICIAL REVIEW

STRUCTURE

OVERVIEW

The study of judiciary in U.S.A is important for two reasons. First it is one of the major branches of the government. Secondly since U.S.A is a federal state, independence of judiciary is imperative. By discursing the judicial system in U.S.A we can come to know the Organisation of the Supreme Court and its independence to work as an impartial arbiter of disputes that often arise between national and state governments. The American Constitution provides for a federal state with division of powers between the federal and state governments. Local government is a state subject. This unit describes the judicial and local government in USA.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Understand the working of the Supreme Court.

➢ Know the importance of judicial review.

➢ Explain the judicial process in USA.

15.1 JUDICIARY IN THE USA

Federal Judiciary occupies a special position in the American Constitutional system. The constitution has vested the judicial power in the hands of the Supreme Court. In a federal state the strong and independent judiciary is absolutely necessary. In the U.S the Supreme Court occupies an important position. American judiciary has taken upon itself the role of the guardian of the constitution and has exercised of the Powers of Judicial review. Article III of the Constitution, which establishes the Judicial Branch, leaves Congress significant discretion to determine the shape and structure of the federal judiciary. Even the number of Supreme Court Justices is left to Congress at times there have been as few as six, while the current number (nine, with one Chief Justice and eight Associate Justices) has only been in place since 1869. The Constitution also grants Congress the power to establish courts inferior to the Supreme Court, and to that end Congress has established the United States district courts, which try most federal cases, and 13 United States courts of appeals, which review appealed district court cases.

15.2 STRUCTURE

The federal judiciary consists of 89 District courts, 11 Circuit Court of Appeal and the Supreme Court. District Courts had original jurisdiction in all cases arising under federal laws. Above the District Court the Circuit Court of Appeal stands. They have no original jurisdiction. They are purely appellate courts and hear appeals against the decision of District Courts in their respective circuits on question of law. Each circuit court consists of 3 to 9 circuit judges who are appointed by the President with consent of the senate. The judges hold office during their good behaviour. At the top of the federal judiciary there is the Supreme Court of the United States.

15.3 SUPREME COURT

At present there are 9 justices in the Supreme Court, including the Chief Justice. The Justices of the Supreme Court are appointed by the President with the advice and consent of the Senate. They hold

office during good behaviour. The Justices can be removed only by impeachment. The constitution lays down on qualifications for federal judges whether of age, citizenship, literacy period of residence in the United States, judicial experience.

The jurisdiction of the Supreme Court is both original and appellate. The jurisdiction of the federal judiciary as a whole includes all cases in law and equity arising under the national constitution, the laws of the United States, and treaties made under their authority and all cases of admiralty and maritime jurisdiction. The second type includes cases affecting ambassadors and other public ministers and consuls, controversies to which the United States is a party, controversies between two or more states, between citizens of the same state claiming lands under grants of different states and between a state or citizens thereof, and foreign states, citizens, or subjects.

15.4   JUDICIAL REVIEW

The Supreme Court of the United States possesses a unique power of judicial review. It is the power of the courts to declare any law null and void, if it violates the provision of the constitution. In performing this function of the court, "stands as the guardian of the boundaries which separate the legitimate powers of the three branches of the national government as a whole from those of the states and of the people". Thus the case for judicial review stands on three grounds. The court must apply the law to case that come before it.

Another reason for judicial review is the federal system of government. There is the necessity to keep both the federal and state governments within their proper constitutional spheres. Thirdly, judicial review is also necessary to keep the three branches of the national government, legislative, executive and judicial within their proper constitutional spheres and thus maintain the separation of governmental powers which is a basic feature of the United States governmental system.

In the Constitution of the United States there is no direct mention of the power of judicial review of the Supreme Court. Some writers argue that the Constitution does not confer this power on the Court. President Jefferson was one of them. He regarded the power of judicial review as a violation of the doctrine of separation of powers and limited government. On the other hand some other constitutional pundits hold that the power of judicial review is inherent in the very nature of the Constitution. In support of their argument they cite the authority of Article III and article VI of the Constitution.

Article III (section 2) says: "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made under this authority…." Similarly, Article VI of the Constitution lays down: "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." These two provisions are regarded as the basis of the power of judicial review of the Supreme Court.

The power of judicial review of the Supreme Court was first asserted by Chief Justice Marshall in the famous Marbary and Madison case in 1803. In that case the Court held that the Judiciary Act of 1789 had conferred upon the Supreme Court certain powers which conflicted with the provision of Article III of the Constitution. It was therefore ultra vires. This judgement became a historic decision of the Supreme Court which gave it the power of judicial review. The Court has frequently used this power to protect and defend the Constitution of the United States.

This power of judicial review of the Supreme Court has made a significant contribution to the growth of the American Constitution. Chief Justice Hughes once observed, "we are under the Constitutions but the Constitution is what the Judges say it is." Because the Judges have been constantly interpreting and reinterpreting the Constitution it has rightly been remarked that the Court is a continuing constitutional convention. In other words, it has been performing the function of a constitutional convention.

15.5   INTRODUCTION TO THE FEDERAL COURT SYSTEM

The federal court system has three main levels: district courts (the trial court), circuit courts which are the first level of appeal, and the Supreme Court of the United States, the final level of appeal in the federal system. There are 94 district courts, 13 circuit courts, and one Supreme Court throughout the country. Courts in the federal system work differently in many ways than state courts. The primary difference for civil cases is the types of cases that can be heard in the federal system. Federal courts are courts of limited jurisdiction, meaning they can only hear cases authorized by the United States Constitution or federal statutes. The federal district court is the starting point for any case arising under federal statutes, the Constitution, or treaties. This type of jurisdiction is called "original jurisdiction."

Sometimes, the jurisdiction of state courts will overlap with that of federal courts, meaning that some cases can be brought in both courts. The plaintiff has the initial choice of bringing the case in state or federal court. However, if the plaintiff chooses state court, the defendant may sometimes choose to "remove" to federal court. Cases that are entirely based on state law may be brought in federal court under the court's "diversity jurisdiction." Diversity jurisdiction allows a plaintiff of one state to file a lawsuit in federal court when the defendant is located in a different state. Federal judges are selected by the President and confirmed "with the advice and consent" of the Senate and "shall hold their Offices during good Behavior." Judges may hold their position for the rest of their lives, but many resign or retire earlier. They may also be removed by impeachment by the House of Representatives and conviction by the Senate. Throughout history, fifteen federal judges have been impeached due to alleged wrongdoing. One exception to the lifetime appointment is for magistrate judges, which are selected by district judges and serve a specified term.

15.5.1 DISTRICT COURTS

The district courts are the general trial courts of the federal court system. Each district court has at least one United States District Judge, appointed by the President and confirmed by the Senate for a life term. District courts handle trials within the federal court system both civil and criminal. The districts are the same as those for the U.S. Attorneys, and the U.S. Attorney is the primary prosecutor for the federal government in his or her respective area. District court judges are responsible for managing the court and supervising the court's employees. They are able to continue to serve so long as they maintain "good behavior," and they can be impeached and removed by Congress. There are over 670 district court judges nationwide.

15.5.2 CIRCUIT COURTS

Each circuit court has multiple judges, ranging from six on the First Circuit to twenty-nine on the Ninth Circuit. Circuit court judges are appointed for life by the president and confirmed by the Senate. Any case may be appealed to the circuit court once the district court has finalized a decision. Appeals to circuit courts are first heard by a panel, consisting of three circuit court judges. Parties file "briefs" to the court, arguing why the trial court's decision should be "affirmed" or "reversed." After the briefs are filed, the court will schedule "oral argument" in which the lawyers come before the court to make their arguments and answer the judges' questions.

15.5.3 SUPREME COURT OF THE UNITED STATES:

The Supreme Court of the United States is the highest court in the American judicial system, and has the power to decide appeals on all cases brought in federal court or those brought in state court but dealing with federal law. For example, if a First Amendment freedom of speech case was decided by the highest court of a state (usually the state supreme court), the case could be appealed to the federal Supreme Court. However, if that same case were decided entirely on a state law similar to the First Amendment, the Supreme Court of the United States would not be able to consider the case.

The members of the Court are referred to as "justices" and, like other federal judges, they are appointed by the President and confirmed by the Senate for a life term. There are nine justices on the court as eight associate justices and one chief justice. The Constitution sets no requirements for Supreme Court justices, though all current members of the court are lawyers and most have served as circuit court judges. Justices are also often former law professors. The chief justice acts as the administrator of the court and is chosen by the President and approved by the Congress when the position is vacant. The Supreme Court meets in Washington, D.C. The court conducts its annual term from the first Monday of October until each summer, usually late June.

15.6   THE JUDICIAL PROCESS IN USA

Article III of the Constitution of the United States guarantees that every person accused of wrongdoing has the right to a fair trial before a competent judge and a jury of one's peers. The Fourth, Fifth, Sixth, and Eighth Amendments to the Constitution provide additional protections for those accused of a crime. These include as a guarantee that no person shall be deprived of life, liberty, or property without the due process of law, Protection against being tried for the same crime twice, The right to a speedy trial by an impartial jury, The right to cross-examine witnesses, and to call witnesses to support their case, The right to legal representation, The right to avoid self-incrimination and Protection from excessive bail, excessive fines, and cruel and unusual punishments.

LET US SUM UP

At present the Supreme Court has nine judges including the Chief Justice and they are appointed by the President with the consent of the Senate. The Supreme Court has original jurisdiction in cases involving ambassadors, ministers, consuls and those in which the state is party. It has appellate jurisdiction. It possesses the power of judicial review.

CHECK YOUR PROGRESS

1. The federal judiciary consists of ____ District courts, __ Circuit Court of Appeal and the Supreme Court.

2. The Justices of the Supreme Court are appointed by the _____ with the advice and consent of the Senate.

3. _____ stands as the guardian of the boundaries which separate the legitimate powers of the three branches of the national government.

4. _____ Courts handle trials within the federal court system both civil and criminal.

GLOSSARY

Jurisdiction   : Official power to make legal decisions and

                              Judgments.

Appeal   : Apply to a higher court for a reversal of the

                              decision of lower court.

Legitimate   : Conforming the laws or rules.

ANSWERS TO CHECK YOUR PROGRESS

1. 89, 11.

2. President.

3. Judicial review.

4. District.

MODEL QUESTIONS

1. Describe the composition, powers and functions of the supreme court of USA.

2. What is the importance of judicial review in the American Political System?

3. Explain the judicial process in the USA.

4. Discuss the federal court system in USA.

SUGGESTED READINGS

1. R. Hague & M. Harrop (2000), *Comparative Government and Politics: An Introduction*, 5th edn., New York, Palgrave.
2. B.L. Fadia & Kuldeep Fadia (2009), *Public administration*, Sahitya Bhawan Publishers, New Delhi.

Block IV

CONSTITUTION OF SWITZERLAND

UNIT - 16

SALIENT FEATURES, FEDERALISM, FEDERAL COUNCIL AS PLURAL EXECUTIVE

STRUCTURE

OVERVIEW

Switzerland was not always a nation-state in the modern sense, but a loose alliance of autonomous cantons that came together under a federal constitution in 1848. The constitution made the country into a federal state. There was now a central authority to counterbalance the power of the cantons. Some areas, such as foreign policy, were the reserve of the central government. The Spirit of Republicanism is a prominent theme of the Swiss Constitution. Another important feature of the Constitution is its federal features. Switzerland is known for its direct democracy. It is hailed as a Dynamic Constitution. In this unit, we shall study the features of the Switzerland Constitution and the Swiss Administrative system.

LEARNING OBJECTIVES

After going through this unit, you should be able to

➢   Learn the salient features of the Switzerland constitution.

➢   Understand the features of the Swiss Administrative System.

➢   Know the Administrative System of India and Switzerland.

16.1   INTRODUCTION

First, democracy with its offshoots in the spheres of liberalism and federalism is the basic touchstone of the Swiss political system. Second, the history of Swiss political institutions is deceptively long owing to the fact that the people of this country did not live under a strong and unified government until late in the eighteenth century. Though the Swiss Confederation being the oldest of the existing federal states of the world and founded in the successful struggle of three districts called the Forest cantons against the over-lordship of Austria in the 13th century, it expanded to 13 States (cantons) when it was recognised as sovereign and independent by the Treaty of Westphalia of 1648. It was by all means a loose league of States with no strong central power at that time.

It was still too loose, as was shown in a short civil war begun in 1847 by 7 Roman Catholic Cantons which, like the Southern Confederacy in the United States in 1861, attempted to secede from the general body. Revision of the Constitution immediately followed the defeat of the seceding cantons, and the constitution of 1848 transformed the old confederation into a federal State. The Constitution of 1848 was radically revised in 1874, and the Constitution of that year, subsequently

amended in certain features, is the one under which Switzerland is governed today."

16.2 FEATURES OF THE SWISS CONSTITUTION

The Constitution of 1848 underwent a total revision in 1874 and it is in accordance with this revised Constitution, as amended from time to time, that Switzerland is governed today. It gave to the Federal Government centralised control over military affairs and initiative in unifying certain matters of commercial law. This was done to overcome the weaknesses observed in the army during its mobilisation in 1870-71. It also reinforced the anti-clerical provisions of the previous Constitution and added new powers to combat some of the abuses that had been observed in managing national economy. It introduced federal legislative referendum. It abolished separate judicial systems of the cantons and provided for the establishment of a uniform system.

The Federal Tribunal, which under the previous constitutional dispensation had been more than a committee of the Federal Assembly entrusted with certain very limited judicial duties, was strengthened so as to make it a real federal court approximating to the model of the United States Supreme Court. The most important features of the revised Constitution of 1874 should, however, be traced in strengthening the hold of the Federal Government. It not only increased the control of the Centre over armed forces, it also provided for the nationalisation of the railways under federal ownership and causing legislation to be referred to the entire Swiss people not as inhabitants of certain cantons but as a single, unified Court of Appeal. By all means, it marked the triumph of the Radicals who continued their movement for the centralisation of powers after the inauguration of the previous Constitution. The result was that the federalists who could have their lines incorporated into the constitution of 1848 in the form of important compromises had their defeat at the hands of their traditional opponents who would now not let them have the development of the Constitution in the direction of social and municipal privileges of the cantons.

The salient features of the Swiss Constitution framed in 1848 and revised in 1874 may be thus enumerated.

16.2.1 WRITTEN AND ENACTED DOCUMENT

Like the Constitution of the United States, it is a written document having 123 Articles. It was framed by a committee of 23 persons some of whom belonging to the liberal cantons were elected by the members of the Diet and some others were appointed by the Chairmen of the

recalcitrant cantons in 1848. It was revised in 1874. While the Constitution of 1848 converted the loose league of cantons into a federation of the units of the 'confederation', its revised form in 1874 gave to the federal government centralised control over military affairs and initiative in unifying certain matters of commercial law. As a matter of fact, it opened the way for the gradual infiltration of centripetal tendencies. It specifies the powers of the Centre and also enumerates some concurrent powers given to both the Centre and the cantons. It is the supreme law of the land.

16.2.2 A RIGID CONSTITUTION

Like the American Constitution, it is rigid as its process of amendment is very difficult. A bill of constitutional amendment passed by the Federal Assembly is to be ratified by the majority of the cantonal governments as well as by the majority of the voters in a referendum. At least, 1,00,000 voters or 8 cantons may initiate a proposal to be adopted by the Federal Assembly. If it is passed, then it is to be ratified by the majority of the cantons and a nation-wide referendum. If compared, it appears to be more rigid than that of the United States, for here the ratification is to be done the majority of the cantonal governments as well as by the majority of the votes taken in a referendum. But in a different respect, it is less rigid than that in view of the 'democratic' character of the people. The institutions of direct democracy (initiative and referendum) have made the matters easy. Moreover, at every stage the bill or proposal of amendment is to be passed by the simple majority of votes, while in America a bill of constitutional amendment must be passed by 2/3 majority in each house of the Congress and then by the same majority in the Congresses of at least 3 4 States. This is the reason that while the American Constitution has so far been amended 27 times, the amendments of the Swiss Constitution have touched the figure of 80.

16.2.3 PLURAL EXECUTIVE

In all countries of the world, the executive is singular as it is headed by one person whether he is a President or a Prime Minister and the like. But the Federal Council of Switzerland is a unique model of collegial or plural presidency. It has seven members (ministers) and all of them are designated as the 'Presidents'. The salaries, allowances and powers of all the Presidents are equal. It is just for the sake of performing certain ceremonial functions that on the basis of seniority, one of them is designated as the President of the Confederation for one year and another as the Vice-President. Healthy conventions prevail

whereby the Federal Assembly elects the same persons again and again for a term of four years. Not more than one President can belong to the same canton, while the cantons of Zurich, Berne and Vaud are invariably represented. Not only this, not more than two presidents should belong to the same political party. Hence, it is always like a coalition government. The whole arrangement is unique and, as Lord Bryce says, it "deserves best study".

16.2.4 FEDERAL SYSTEM

As in the United States, so here a federal system has been set up in spite of the fact that the Constitution declares this country a 'confederation'. The Constitution is the supreme law of the land. The powers have been divided between the Centre and the units (cantons). The subjects of national importance (as foreign affairs, military affairs, declaration of war and peace, post and telegraph, currency and coinage, railways, banking and commerce, higher education, settlement of cantonal disputes etc.) have been given to the Centre.

There are some concurrent powers (as regulation of industries, control of the press, construction and upkeep of highways etc.) Which have been given to both the Centre and the cantons. The residuary powers have been given to the cantons., Federal Tribunal has been set up to interpret the words and provisions of the Constitution and to settle legal disputes between the Central and cantonal governments. Like the States of the USA, the cantons of Switzerland enjoy autonomy and so it, like its American counterpart, is appreciated for having a true federal system.

16.2.5 DIRECT DEMOCRACY

Modern democracy is known as 'representative government'. Power resides in the people, but it is exercised by the deputies chosen by the voters in periodic elections who are said to be accountable to their electors. This system prevails in Switzerland. But it has three peculiar institutions of direct democracy as initiative, referendum and landsgemeinde. Initiative signifies the right of at least one lakh voters to send a proposal to the Federal Assembly and to ask it to either adopt it in the form of a bill or refer it back to the final verdict of the people in a referendum.

Referendum means that a bill of constitutional amendment or any 'urgent' bill, after it is passed by the national legislature, must be placed for the final verdict of the people, before it is put into operation. At least 50,000 voters or 8 cantonal governments may demand a referendum on any other bill. Thus, referendum places final veto power in the hands of the majority of the voters of the country. In five small cantons of this

country, the system of town parliament prevails which is called 'landsgemeinde'. Each adult voter is the member of his town assembly and so elections for the cantonal legislature are not held here. Thus, Bryce lauds Switzerland as 'the ancestral home of democracy'.

16.2.6 RULE OF LAW

The Swiss Constitution accepts the principle of Rule of Law. Its Article 5 specifies its meaning:

(i) Law is the basis of all activities.

(ii) Law alone can place limitations on all activities.

(iii) State activity must be in public interest and in proportion.

(iv) State institutions and private persons must act in good faith.

(v) The Federation and Cantons always respect International law.

Further Article 8 of the Constitution grants to all citizens the right to equality- before law. It also provides for social equality of men and women and special legal protection for disabled and disadvantaged people.

16.2.7 PERMANENTLY NEUTRALIZED STATUS

Switzerland is a permanently neutralized state. This status has been conferred upon Switzerland by an international treaty. Switzerland has taken upon itself the decision that it shall join neither any war nor any military alliance. It refuses to be drawn into any military/controversial security related conference/treaty/organisation and alliance. Till 2002, it was not even a member of the United Nations. It joined this world body only in 2003, but without giving up its permanently neutralized status.

16.2.8 NO JUDICIAL REVIEW OVER FEDERAL LAWS

The Swiss Federal Court has been given the power of judicial review only in respect of the laws made by the Cantonal legislatures. The laws passed by the Federal Parliament are not subject to its power of judicial review. The provision for referendum as the means of popular review over the laws made by the Federal Parliament has been the main reason behind the denial of this power to the Federal Court.

However, for protecting the sanctity of the Federal Constitution, it has been given the power to review the constitutions and laws of the Cantons and declare all such measures as Ultra vires, which it finds to be in conflict with the Swiss Constitution. In other words, the Swiss Federal Court has no power to determine the constitutional validity of

federal laws. The right to interpret the Swiss constitution belongs to the Federal Parliament.

16.2.9 PLURAL / COLLEGIAL EXECUTIVE

A unique feature of the Swiss constitution is that is provides for a collegial/plural executive. All executive powers of the federation are exercised by a seven-member Federal Government. All the seven members collectively exercise power. Article 177(1) declares "The Federal Government shall take it decisions as a collective body." Every year one of its seven members is elected at the President and another as the Vice-president. Next year the Vice-president becomes the President and a new member is elected as the Vice-president. This process continues and each member gets a chance to be the President and Vice-president. The President performs all the functions of the head of the state for one year. The members of the Federal Government do not resign whenever the Federal Parliament rejects any measure or policy sponsored by it. There is no such thing as collective responsibility before the Federal Parliament. Thus, the Federal Government of Switzerland is a unique plural executive.

16.2.10 DEMOCRATIC REPUBLICAN CONSTITUTION

Ever since 1291, Switzerland has been a Republic. It is now headed by a seven-member plural executive whose members are elected by the two houses of Swiss Federal Parliament. All political institutions in Switzerland are elected institutions. The people elect their representatives and they directly participate in the law-making through the devices of referendum and initiative. The Constitution also provides for Republicanism in the Cantons. Each Swiss Canton has the right to have a constitution provided it assures the exercise of political rights according to the Republican form. Article 51 declares, "Every Canton shall adopt a democratic constitution."

16.2.11 BILL OF RIGHTS

A major change affected by the new Swiss Constitution (2000) has been the incorporation of a detailed bill of rights. Under Title 2 Chapters 1 and 2 and Article 7 to 40, the Constitution now describes the basic, civil, social and political rights of the Swiss people. The Constitution recognizes grants and guarantees 34 rights of the people- The Rights of Human Dignity, Equality, Religion and Customs, Freedom of Expression, Freedom of Media, Association, Domicile, Property, Economic Freedom, Judicial Protection, Citizenship and Political Rights. The Swiss bill of rights is a very detailed bill and incorporates almost all

the rights and freedoms which stand recognized as essential conditions of civilized living and necessary for the enjoyment of the right to life.

16.2.12 SOCIAL GOALS

The Swiss Constitution, under Title 2 Chapter 3 and Article 41 enumerates the social goals before the Swiss Federation. It has been laid down in Article 41 that the Federation and Cantons will ensure that every citizen should have the benefit of social security, health care, protection of family, fair and adequate employment and conditions of work, housing and education including continuing education. The children and young people are to be encouraged in their development to become independent and socially responsible persons and they are to be supported in their social, cultural and political integration.

Further, both the Federation and the Cantons are to try to secure for every person social security, social insurance covering old age, disability, illness, accidents, unemployment, maternity, orphan hood and widowhood. The Constitution also lays down that the Federation and Cantons will always try to secure these social goals within the limits of their constitutional powers as well as within the means available to them. However, the social goals do not constitute the rights of the people. The people do not enjoy the right to get these enforced by the state.

In other words, in their nature, the social goals enumerated in the Swiss Constitution are similar to the Directive Principles of State Policy contained in Part IV of the Constitution of India. Article 41 of the Swiss Constitution which provides for these social goals, describes these are General Principles.

16.2.13 PURPOSE OF THE STATE

In its Article 2, the Swiss Constitution lays down the purpose of Swiss Federation. It describes the following purposes:

(i) To protect liberty and rights of the people,

(ii) To safeguard the independence and security of the country,

(iii) To promote common welfare, sustainable development, inner cohesion and cultural diversity of the country,

(iv) To secure to all citizens, as far as possible, equal opportunities,

(v) To work for safeguarding the long term preservation of natural resources,

(vi) To promote a just and peaceful international order.

16.3   THE FEDERAL COUNCIL

As mentioned earlier, the federal executive of Switzerland is a plural body known as the Federal Council or Bundersrat. The Federal Council was instituted by the 1848 federal Constitution. The authority of the federal executive is vested in the council of seven members. Theses seven members of the council thus exercise the supreme directing authority of the confederation. The members of the federal council are elected for a period of four years from among the Swiss citizens who are eligible to be elected to the National Council of the Federal Assembly. Amongst the seven members of the Federal Council, one is elected by the Assembly as the President while another member is elected as the vice-President of the Swiss federation. The Swiss constitution also prescribes that, 'no more than one person from each canton may be chosen for the Federal Council'. Though the members of the federal council are elected for a period of 4 years, they are re-elected as many times as they desire to be elected.

UNIQUE CHARACTERISTICS OF THE FEDERAL COUNCIL

The federal executive of Switzerland possesses certain unique characteristics. We have already learnt that this executive is a plural one. Besides, it has certain other uniqueness. Therefore, this section of the unit deals with these unique characteristics of the Swiss executive.

Plural in character: The executive power of the Swiss confederation is vested in a plural executive consisting of seven members known as Federal Council. According to Article 177 of Swiss constitution, the Federal Council is a collegial body, in which every member enjoys equal power and status. This system has proved to be very advantageous with the merits of the Cabinet system. The Swiss executive is representative of all opinions and areas of the country, which makes democracy more meaningful in Switzerland.

Non-partisan executive: The Federal Council is a heterogeneous group of politicians belonging to four different parties. They are chosen for their capacity as administrators. Therefore, Lord Bryce has remarked that the Federal Council, 'stands outside party, is not chosen to do party work, does not determine party policy, yet is not wholly without some party colour'. The Swiss citizens elect those persons as the executive who possess administrative skill, mental grasp, good sense, tact and temper but not the good speakers. Therefore, it is often said that in Switzerland, the office must seek the candidate, not the candidate the office. All differences among the members of the Federal Council arising out of their different party background or ideologies are sorted out through

compromise as public opinion in Switzerland expects everyone to subordinate his own feelings to the public good. Therefore, Lowell has remarked that the Federal Council 'depends to a great extent on the confidence in its impartiality, and hence its position is fortified by anything that tends to strengthen and perpetuate its non-partisan character'.

Long tenure of the Councillors: we have already read in the previous section that in Switzerland though the councilors are elected for a term of 4 years, they tend to remain in office for a longer period or until they desire to leave the office. It is possible for several reasons. First of all, the role of political party in the formation of the government is minimum. Secondly, Swiss people prefer those persons in the affairs of the government with good temper, dedication and administrative skills. As a result of it, the Federal Council is unique in its stability and becomes a permanent body though virtually chosen after every four years. The average period of service is more than 10 years, while some has served as the councilor up to 32 years. Therefore, the Federal Council is regarded as the most stable government in the world.

Neither Parliamentary nor Presidential: is the Swiss Federal Council neither Parliamentary nor Presidential. It is not parliamentary because, in a parliamentary system the cabinet implies a degree of party solidarity that the Swiss body does not possess. Party solidarity also implies political homogeneity and in the parliamentary government all the members of the cabinet belong to the same party. The members of the cabinet are responsible to the legislature, individually and collectively and can remain in office so long as it retains its confidence. On the other hand, though the Swiss Council is elected by the federal assembly, yet the Councillors are not required by the Constitution to be members of the Assembly. They become Councillors not because they belong to the Parliamentary majority party or are the leaders of the political parties, but in their capacity as administrators. Again, Federal Council is not a homogeneous whole and differences of opinion among Councillors are permitted and allowed to become known. Such differences cannot exist in a cabinet government. Unlike the cabinet government, the resignation of one councilor does not bring a crisis in the government. The Federal Councillors do not resign collectively or individually when their measures or policies are rejected.

Swiss Executive is neither presidential type: In a Presidential government, the executive is separated from the legislature. The administrative heads of different departments constitute the President's

Cabinet and are appointed by the President; they remain in office so long as he wishes them to continue. The office of the President does not depend upon Congress. He is popularly elected for a term of four years. In Switzerland, there is a plural executive. Though the Swiss constitution provides for a President, he is not like the head of the state of a presidential form of government. The Swiss Federal Council is not a separate branch of government with an independent policy of its own. Thus, Switzerland provides to the world a unique type of executive which is neither parliamentary nor presidential.

LET US SUM UP

Switzerland, despite being a small European state surrounded by four big neighbours as Germany, France, Italy and Austria, has been successful in becoming a strong and united nation, a developed and well-functioning political system and a country acting as an important and active international actor. The Swiss Constitution has successfully led the Swiss in their march towards the achievement of these objectives. After its birth in 1848 the Swiss constitution underwent two total revisions, one in 1874 and the second in 1999. The latest total revision retains the traditional democratic character of Switzerland and consolidates the constitution as a truly federal constitution.

CHECK YOUR PROGRESS

1. Switzerland is a federal state consisting of ____ cantons.

2. The _____ is Switzerland's "house of representatives".

3. The revised Constitution of 1874 gave centralised control over _____ and matters of _____.

4. _____ means that a bill of constitutional amendment or any 'urgent' bill.

GLOSSARY

Referendum : It means referring bills for ratification to the people. It is not similar to plebiscite. Plebiscite means taking the opinion of the people on any issue.

Initiative : It is a bill initiated by the people and people conveying it to the assembly.

Recall : It means calling the representative back at any point of time, if voters are not satisfied by his work.

ANSWERS TO CHECK YOUR PROGRESS

1. 26

2. National Council

3. Military affairs and commercial law

4. Referendum

MODEL QUESTIONS

1. Bring out the salient features of the Swiss constitution.

2. Analyse the important features of the Swiss Administrative System.

3. Compare the Indian and Swiss Constitutional features.

SUGGESTED READINGS

1. Berman, Evan et al. (2010) *Public Administration in East Asia*, Francis & Taylor (China Chapter), Routledge.

2. Dahiya, Sewa Singh and Ravindra Singh, (2014), *Comparative Public Administration*, Sterling, New Delhi.

3. Ewoh, Andrew. *Public Administration Education and Training in Nigeria: Problems, Challenges & Prospects*, JPAE 20 (4), 455-468.

FEDERAL ASSEMBLY- NATIONAL

ASSEMBLY – NATIONAL COUNCIL

STRUCTURE

OVERVIEW

Under the federal constitution of the Swiss confederation the people are sovereign, and hence the supreme political authority. All Swiss citizens who have reached the age of 18 and are of sound mind have the right to vote and may be elected. In the canton of Glarus people have the right to vote and to be elected at cantonal and communal level at the age of 16. Foreign nationals do not have the right to vote or to be elected at federal level. In some cantons foreign nationals may vote and be elected at cantonal and/or communal level. In this unit, you will study about the administrative councils of Switzerland.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢   Learn about the federal features of the administrative system.

➢   Study the concepts of federal assembly.

➢   Explain the various features of the national council.

17.1 INTRODUCTION

Switzerland is a federal state consisting of 26 cantons (member states). The Government, parliament and courts are organized on three levels: federal, cantonal and communal. The federal constitution defines the areas where federal legislation defines standardised solutions, sets guidelines only or leaves things to cantonal autonomy. Switzerland has liked most other democratic nations, a two-chamber parliament on national level: The National Council, consisting of 200 members elected under the Proportional Representation System whiles the Council of States represents the cantons. Both chambers of parliament form several commissions some to control the work of the administration, some to debate new laws in depth. Specialists in fields like health, military and many more are elected to represent their party in these commissions. All parties of minimal size are represented at least in a few commissions and smaller parties may join to form a fraction giving them the right to work in commissions.

17.2 FEATURES OF SWITZERLAND ADMINISTRATIVE SYSTEM

National Council: The National Council is Switzerland's "house of representatives". The 200 members are elected every four years according to a refined proportional representation system in principle, but since every canton forms a constituency and cantons have extremely different numbers of inhabitants, five smaller cantons may only send one deputy to the national council, which results in majority elections for these deputies.

Council of States: The Council of States represents the cantons (like the U.S. senate). Most cantons may send two members. For historical reasons, six cantons are considered half-cantons and may send only, giving a total of 46 members. The rules how to elect the members are made under cantonal legislation, so they may differ from canton to canton. A majority of cantons does elect their members of the Council of States every four years on the same day as the members of the National Council, however.

The National Assembly: While new or modified laws are to be discussed in both chambers of parliament separately, they unite in common sessions on special occasions, namely for the purpose of elections (government members, judges of the federal court).

17.3 FEDERAL ASSEMBLY

The Federal Assembly is bicameral, being composed of the 200-seat National Council and the 46-seat Council of States. The houses have

identical powers. Members of both houses represent the cantons, but, whereas seats in the National Council are distributed in proportion to population, each canton has two seats in the Council of States, except the six 'half-cantons', which have one seat each. Both are elected in full once every four years, with the last election being held in 2019.

The Federal Assembly possesses the federal government's legislative power, along with the separate constitutional right of citizen's initiative. For a law to pass, it must be passed by both houses. The two houses may come together as a United Federal Assembly in certain circumstances, such as to elect the Federal Council (the head of government and state), the Federal Chancellor, the federal judges or (only in times of great national danger) a general. The Federal Assembly was created in 1848, with the rise of Switzerland as a federal state. The previous central institution was the Federal Diet of Switzerland. The Federal Assembly is made up of two chambers: the National Council, with 200 seats; and the Council of States, with 46 councillors. Seats in the National Council are allocated to the cantons proportionally, based on population. In the Council of States, every canton has two seats (except for the former "half-cantons", which have one seat each).

17.3.1 UNITED FEDERAL ASSEMBLY

On occasions the two houses sit jointly as the "United Federal Assembly" This is done to elect members of the Federal Council, the Federal Chancellor, the federal judges or (only in times of great national danger) a general arbitrate in the event of conflicts between federal authorities; issue pardons; or listen to special announcements. The United Federal Assembly is presided by the National Council's presidency. The Federal Assembly also confirms the appointment of the Federal Data Protection and Information Commissioner (appointed by the Federal Council).

Parties can cooperate in parliamentary groups, allowing smaller parties access to rights as part of a caucus. At least five members from the same Council are needed to form a group. Only informal groups exist in the Council of States. Members of the National Council are required to be in a formal group in order to be able to sit on a committee. Since March 2009, there have been six groups in the Federal Assembly. The latest group to form was the Conservative Democratic Party which split off the Swiss People's Party in 2008.

17.4   NATIONAL COUNCIL

With 200 members, the National Council is the larger house of the Swiss legislature. When the Swiss federation was founded in 1848, the number of seats was not yet fixed, and was thus determined by the population of the individual cantons. According to the provisions of the federal constitution at that time, a canton was to receive one National Council member for every 20,000 citizens. Thus, the first National Council, which met in 1848, had 111 members. In 1963, the number of members was fixed at 200. The division of the seats between the individual cantons is determined by each canton's percentage of the national population, as revealed in the national census (including foreign residents), using the largest remainder method. A change in the division of the seats occurred in 2003, as a result of the 2000 census. Every canton is entitled to at least one seat in the National Council.

Under the Swiss Federal Constitution, elections for the National Council are held every four years by the Swiss people. The most recent election took place on Sunday, 20 October 2019. Since a popular initiative in 1918, elections have been by proportional representation, in which each canton forms an electoral district (Wahlkreis). There is no election threshold. Since 1971 women have been entitled to vote and stand in National Council elections. Since the reform of the census system and the adoption of the use of government administrative data for determining the population in 2007, the distribution of the seats in the National Council between the cantons has been based on the permanent resident population (including residents who are not entitled to vote) in the year following the most recent federal election. There is a provision that each canton is entitled to at least one seat.

The number of seats given to the cantons which are entitled to more than one seat is determined using the largest remainder method. Cantons which are only entitled to send one councillor to the National Council elect the candidate who wins a majority of votes.

The cantons use a unique system of proportional representation, sometimes called a "free list". Each citizen may cast as many votes as there are seats available to their constituency, and may even cast up to two votes for the same candidate. For every vote received by a candidate, that candidate's party also receives a vote. Voters also list a party vote, in which all blank candidate votes contribute towards the party's total. In elections, political parties publish lists in the cantons with their candidates. Each list contains at most the number of candidates which the canton is entitled to send to the National Council. Each voter

is entitled to vote for as many candidates as their canton is entitled to send to the National Council; so an inhabitant of the Canton of Zurich can vote for 35 candidates, while an inhabitant of the Canton of Uri can only vote for one.

It is possible for one or more candidates to be listed twice. In addition, each party can produce multiple lists to the canton (e.g. men's, women's, youth, or seniors' lists; in larger cantons they might offer lists for individual cities or districts). It is also possible for several parties to enter a single shared list.

Voters are entitled to choose a pre-prepared party list without making changes or they can alter it by cumulative voting or panachage. Thus, the voter can give his vote to a specific candidate and ignore the rest of that candidate's party. Alternatively, it is possible for the voter to split his or her vote among several candidates from different parties. The seats are then apportioned using the Hagenbach-Bischoff System. This system is unique in that it allows voters to split their vote across different parties, depending on which candidate the voter prefers.

17.5   SWITZERLAND'S LEGISLATION PROCESS

In Switzerland, laws are created in four steps:

1.   Draft by the administration

2.   Consultation of federal states, political parties, entrepreneurs, unions and other interested groups

3.   Parliamentary debate and final version passed

4.   Possibility of a referendum.

Normally they are made public so that the electorate is informed what is going on and what the pros and cons of the new law are. If a strong party or lobby threatens to call for a referendum in a later stage if their demands are not met, a new law may be completely reworked by the administration after the consultation. Commissions of both chambers of parliament study and discuss the proposal as well as the arguments put forward during consultation in detail behind closed doors and prepare a recommendation to their chamber. Sometimes the commissions find a compromise, sometimes they don't.

A speaker for the commission (or one each for the majority and the minority of the commission) presents the new law to the parliament chamber to start the public debate. Both chambers discuss new laws separately. Sometimes they have to repeat a discussion if the other chamber has passed a different version of a law. Which chamber is

discussing a new proposal first is not determined by the constitution but results from the time the chambers spend discussing each law.

If the National Council and Council of States pass the same version of a change to the constitution or decide to join an international union (like the EU or NATO) a date will be fixed for the mandatory referendum. In case of all other laws and international treaties citizens have three months' time to collect 50,000 signatures among the electorate to demand for a referendum. The result of a referendum is binding. The constitution may only be changed if both a majority of the votes and a majority of the results in the cantons favour it. Thus, smaller cantons may block changes to the constitution with relatively few votes.

LET US SUM UP

In this unit, we have read about the Swiss executive, namely, the Federal Council. We have learnt about its composition while discussing the organization of the Federal Council. We have also learnt about the unique characteristics of the federal executive and have specially referred to the Swiss President and his position in the Swiss political system. We have learnt about the Swiss Confederation and the Federal Assembly, the role and powers of the national council.

CHECK YOUR PROGRESS

1. According to Article 177 of Swiss constitution, the _____ Council is a collegial body, in which every member enjoys equal power and status.

2. _____ also implies political homogeneity and in the parliamentary government all the members of the cabinet belong to the same party.

3. The Swiss President is elected from the seven members of the Federal Council for a period of _____ year.

GLOSSARY

Confederation : A more or less permanent union of states with some or most political power vested in a central authority.

Federal Council :The Federal Council is the seven-member executive council that constitutes the federal government of the Swiss Confederation.

| Federal Assembly | : The Federal Assembly is the legislative power of Switzerland |

ANSWERS TO CHECK YOUR PROGRESS

1. Federal

2. Party solidarity

3. One

MODEL QUESTIONS

1. Describe the organization of the Swiss Executive, namely the Federal Council.

2. Write a note on the National Council in swiss.

3. Discuss the role of the Federal Assembly of Switzerland.

SUGGESTED READINGS

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UNIT - 18

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DIRECT DEMOCRACY, REFERENDUM -

INITIATIVE AND RECALL

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STRUCTURE

OVERVIEW

Direct democracy has a long standing tradition in some of the Swiss cantons, going back as far as the fourteenth century. When Switzerland became a federal state in 1848, direct democracy instruments were introduced at the national level as well. The federal constitution introduced the principle of holding a mandatory referendum in order to change the constitution, as well as the popular initiative for a total revision of the constitution. Further rights of referendums were introduced in 1874, and the popular initiative for a partial revision of the constitution in 1891. Between 1848 and February 2004, 517 referendums were held, whilst between 1892 and May 2004, 244 initiatives were proposed.

LEARNING OBJECTIVES

After reading this unit, you will be able to

➢ Understand the forms of direct democracy.

➢ Explain the referendums and initiative mechanisms in Swiss.

18.1 INTRODUCTION

Direct democracy was introduced at federal level in Switzerland in 1848, although in some Swiss cantons forms of direct democracy have been used since the fourteenth century. A variety of direct democracy mechanisms are provided for at both federal and cantonal level, with Swiss voters given the chance to cast their votes in federal ballots on average four times a year.

When it comes to direct democracy, Switzerland is usually cited as the country that is the closest to having a directly democratic system of government. Although Switzerland retains features of a representative democracy (e.g. it has an elected Parliament), various forms of direct democracy are used frequently at national, cantonal and local (commune) level. This case study focuses on the mechanisms and use of Switzerland's direct democracy.

18.2 FORMS OF DIRECT DEMOCRACY - FEDERAL LEVEL

Numerous different direct democracy mechanisms can be used at federal level in Switzerland. The mechanisms fall into two broad categories: referendums and initiatives - there is no provision for use of the recall in Switzerland. Each mechanism can be used to achieve different results, and has different design features.

18.3 REFERENDUMS

Unlike in other countries, in Switzerland it is not the government that decides if a referendum is held on an issue; the circumstances under which referendums are used are clearly prescribed within the country's constitution. The first type of direct democracy mechanism is the mandatory referendum, i.e., a referendum that the government must call in relation to certain important political issues. These are:

1. A partial or total revision of the federal constitution;

2. Joining an organisation for collective security or a supranational organisation;

3. Introducing urgent federal legislation whose validity exceeds one year, without the required constitutional basis (such legislation

has to be submitted to the vote within one year after its adoption by Parliament);

4.   Popular initiatives for a total revision of the constitution;

5.   Popular initiatives for a partial revision of the constitution in the form of a general proposition which were rejected by the Parliament;

6.   The question of whether a total revision of the constitution should be carried out if both chambers of Parliament disagree.

7.   The first three kinds of mandatory referendums require a double majority to pass; that is, they must achieve a popular majority (a majority of the votes cast at the referendum) whilst at the same time achieving a majority vote in a majority of the cantons. The latter three, which take place as part of the initiative process, only need a popular majority.

Optional referendums can be held in relation to new or amended federal acts and/or international treaties. The optional legislative referendum is held in relation to all federal laws and urgent federal laws which are due to be valid for more than a year. The optional referendum on international treaties is held in relation to international treaties that are of unlimited duration and may not be terminated, and international treaties that provide for membership of international organisations or contain legislative provisions that have to be implemented by enacting federal laws Optional referendums are called if 50,000 signatures are collected in support of a referendum within 100 days, or if eight cantons request a referendum, and pass with a popular majority. Until 2004, an optional referendum has never been successfully requested by a group of cantons; the first referendum initiated by the cantons was held on 16 May 2004.

18.4   INITIATIVES

Initiatives can be used to propose changes to the federal constitution. In addition, in 2003 Switzerland adopted a new form of initiative, to be used in relation to more general statutory provisions. Once an initiative is filed, a specified number of valid signatures (i.e. signatures of registered voters) are required in order to force the Federal Council and Parliament to consider the initiative and to hold a referendum on the initiative proposal.

Amendments to the constitution can be proposed using two different initiative mechanisms. The popular initiative for a partial revision of the

constitution provides voters with the opportunity to propose a draft revision to part of the federal constitution. 100,000 voters must sign an initiative in order for a referendum to be held on the proposal. The popular initiative for a total revision of the constitution also requires the support of 100,000 voters in an initiative. In both cases, the signatures must be collected within 18 months of the initiative being filed.

From late 2006, the general popular initiative will be available to Swiss voters. This mechanism can be used to force a referendum on the adoption of a general proposal that will be incorporated on a constitutional and/or legislative level, providing that 100,000 signatures are collected in support of the initiative.

Until 2006, initiatives in Switzerland can be submitted as a general proposition or in the text that would be adopted if the initiative measure is successful. However, after the implementation of the general popular initiative, the popular initiative for a partial revision of the constitution will only be accepted in the form of a written text proposition (general propositions in relation to the constitution should be made using the general popular initiative). In response to initiatives which meet the required signature threshold, the Swiss Parliament advises the people on whether to adopt or reject the proposal. In addition, the government is also able to formulate a counter-proposal that is included on the ballot. The "double-yes" vote allows voters to approve both the original initiative and the government's response to it, and indicate which of the two measures they prefer. The measure which receives the most support is passed.

18.5   FORMS OF DIRECT DEMOCRACY - CANTONAL LEVEL

Use of direct democracy is even more extensive in Switzerland's 26 cantons (i.e., state authorities). However, use of direct democracy varies between the cantons; between 1970-2003 Zurich held 457, whilst Ticino held just 53 (the canton of Jura held just 45 referendums, but was only formally established (by referendum) in 1979).

In addition to the referendum and initiative mechanisms used at federal level, the following mechanisms are also used in some or all of the Swiss cantons. Unlike at federal level, the legislative initiative has for some time provided voters in all cantons with the opportunity to propose additions to laws. In some cantons, the administrative initiative can be used to demand that certain work is undertaken in public administration (e.g., building a new school or a new road). In addition, some cantons provide for the initiative to launch a canton initiative, an initiative to force the canton to table a motion to the Federal Assembly.

All the Swiss cantons provide for legislative referendums on legislation passed by the cantonal parliament; however, in different cantons, these may be mandatory or optional. Administrative referendums may be held on major public projects that will incur high levels of public expenditure (and may lead to increases in taxes); these are sometime called fiscal referendums. Lastly, administrative referendums may be held on the non-fiscal issues of public administration listed above.

18.6 CHARACTERISTICS OF THE USE OF DIRECT DEMOCRACY IN SWITZERLAND

Swiss voters are given the opportunity to vote in federal referendums on average four times a year. Typically, voters will also vote on a number of cantonal and local issues on the day of a federal ballot. Over the second part of the twentieth century, turnout at federal referendums fell from around 50-70% to an average of around 40%; this mirrored a similar decline in turnout at federal elections from 80% to around 45%. One suggestion is that this comparatively low turnout is due to the sheer number of votes that the Swiss are able to vote in; however, it is argued by many that a far higher proportion of the population is politically active than appears so from the figure of 40%, since it is not always the same 40-45% of voters who vote at each opportunity.

Undoubtedly, direct democracy has played a key role in shaping the modern Swiss political system. Yet it is important to question the actual impact of direct democracy on the legislative issues that, in other countries, are the responsibility of elected representatives.

On one reading, it could be argued that the impact has been limited: in the first century of using the initiative (1891-2004), just 14 initiatives were passed in Switzerland. Yet to consider this statistic alone ignores the considerable, indirect impact of direct democracy. Although the majority of initiatives fail, the fact that there has been an initiative, and therefore a campaign, increases publicity surrounding the issue in question and public knowledge of it. This may well increase pressure on the government to introduce measures dealing with the issue, even if it is not required to by virtue of a successful referendum. An initiative might therefore be successful in achieving some of its proponents' aims, even if it is not successful in the sense of having passed. This trend explains why many initiatives are filed but subsequently withdrawn; because sometimes a government chooses to act before an initiative reaches the referendum stage.

A further impact of the direct democracy mechanisms within Switzerland is that the government is forced to seek a wider consensus about the statutory (and constitutional) measures that it seeks to introduce than is the case in a purely representative system. In a representative system, the party of government may, in the absence of a large majority, have to develop cross-party consensus on an issue in order to ensure that the measure is approved. In the Swiss system, the possibility of an optional referendum forces the government to ensure consensus with groups outside of Parliament so as to prevent the possibility of such groups seeking to overturn the new legislation.

LET US SUM UP

Conversely, the significance of direct democracy in the Swiss system is often cited as the reason for the weakness of Swiss political parties and the relatively low significance attached to normal elections. This is because, given the prominence of direct democracy, political parties are not solely responsible for controlling the federal agenda. In addition, direct democracy often raises cross-cutting issues on which members of political parties might not be in agreement.

CHECK YOUR PROGRESS

1.   Switzerland is usually cited as the country that is the closest to having a _____ system of government.

2.   _____ referendums are called if 50,000 signatures are collected in support of a referendum within 100 days.

3.   Amendments to the constitution can be proposed using _____ different initiative mechanisms.

GLOSSARY

Cantons   : A subdivision of a country established for political or administrative purposes.

Communes   : Each municipality is part of one of the Swiss cantons, which form the Swiss Confederation.

ANSWERS TO CHECK YOUR PROGRESS

1.   Direct democratic

2.   Optional

3.   Two

MODEL QUESTIONS

1. Explain the referendums of the federal system of democratic government.

2. Discuss the initiatives of the Swiss Government.

SUGGESTED READINGS

1. Arora, Ramesh K. (2008), *Comparative Public Administration*, Associated Publishing House, New Delhi.

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Block V

CONSTITUTION OF FRANCE

UNIT - 19

MAIN FEATURES OF CONSTITUTION

STRUCTURE

Overview

Learning Objectives

19.1 **Features of the French Constitution**

19.2 **Features of the French Administrative System**

    19.2.1 **Supremacy of the State**

    19.2.2 **Highly Centralized Administration**

    19.2.3 **Wide Scope for Activity**

    19.2.4 **Administrative Structure**

    19.2.5 **The Position of Civil Services**

    19.2.6 **The Control system**

    19.2.7 **Issue of Decrees and their Limitations**

    19.2.8 **The System of Administrative Law**

19.3 **Comparison of Administrative System**

19.4 **Salient Features of French Government under Fifth Republic**

Let us sum up

Check Your Progress

Glossary

Answers to check your progress

Model questions

Suggested Readings

OVERVIEW

Before the French Revolution that began in 1789, France was an absolute monarchy. The Revolution put an end to absolute monarchy and swept away the feudal privileges of the nobles. The constitution of the fifth republic provides for a strong president. It combines the elements of both parliamentary and presidential system. The President is the head of the government as well as the head of the state. In 1958, France witnessed a grave and very critical situation. On June 1st 1958,

the Fourth Republic came to an end. The National Assembly handed over its law-making power to Gen. De Gaulle and adjourned. Constitution making was one of the functions that had been assigned to De Gaulle's Government by the French Parliament. In this unit we shall study the features of the French Constitution and the French Administrative system.

LEARNING OBJECTIVES

After going through this unit, you should be able to

➢ Understand the salient features of the French constitution.

➢ Learn the features of the French Administrative System.

➢ Analyze the Administrative System of England and France.

19.1 FEATURES OF THE FRENCH CONSTITUTION

A Written Constitution:

The Constitution of the Fifth Republic is a written document; consisting of 92 Article's divided into 15 titles and extended to some 15 printed pages. As a document, it is not a well written. It is as one French writer Rene Capital says, "The worst drafted text in our constitutional history". It is so partly because it was drafted in a hurry under conditions of national emergency and also because it was drafted under Gen. de Gaulle's inspiration, which had no clear notion of good government except that it must be strong and authoritarian.

A Rigid Document:

The French Constitution is rigid in nature as it follows extraordinary methods for amendment. Under Article-89 two methods are adopted. One, the President can put the amendment proposal to both the Houses of the Parliament. If the 'Parliament passes it by 2/5th or 315th majority it becomes law. Second, the President of the Republic on the proposal of Prime Minister can put amendment before the Parliament or deputies themselves can introduce any bill of amendment. It the proposed amendment is approved by simple majority, the President can put it before people at referendum, if the people by majority approve the amendment; it becomes the part of the constitution.

Mixture of Parliamentary and Presidential System:

The French constitution combines the elements of both the Parliamentary and Presidential systems. The Council of Ministers is responsible to the National Assembly. The Assembly may question the responsibility of government by a motion of censure. When the National

Assembly adopts a motion of censure or when it disapproves the programme or a declaration of general policy of the government, the premier must submit the resignation of the government to the President. On the other hand, it is the President who is both the head of State and head of Government. He possesses important legislative financial and judicial powers. He presides over the meetings of the Council of Ministers and meetings of Defence Committee. He is the commander of the armed forces. He can dissolve the National Assembly. Under Article-16 he has been given emergency powers that make him a virtual dictator.

Basic Democratic Principles:

The basic democratic principles have been incorporated in the constitution. Article-2 states that France is a Republic, Indivisible, secular, democratic and social. It shall secure the equality of all citizens before law without any distinction of origin, race and religion. It shall respect all beliefs. The motto of the Republic is "Liberty, Equality and Fraternity". National Sovereignty belongs to the people. Suffrage is universal, equal and secret. Political Parties and groups are guaranteed freedom to carry on their activities.

Strong Presidency:

The constitution provides for a strong President. The position of the President under the previous Republics was weak. He neither reigned nor ruled. But the present position of the President is quite strong. He presides over the meetings of the Council of Ministers and signs decrees and ordinances decided upon by the council. He is the Supreme Commander of the armed forces and presides over the higher councils and committees of national defence. He can dissolve the National Assembly. He can assume special powers in an emergency.

Limited Powers of Parliament:

New constitution provides for a Parliament with limited powers. Parliament can legislate on matters enumerated in the constitution. The government can make laws on all: other matters by simple decree. Article-37 states, "Matters, other than those that fall within the domain of law shall be of regulating character". It means that Parliament is not a supreme law-making authority. Its legislative competence is restricted. The constitution itself has endowed the executive with legislative powers.

Bicameral Legislature:

The constitution has established a. bicameral legislature. There are two chambers of Parliament, the National Assembly which is the lower House consisting of 577 deputies who are directly elected for 5 years term and the Senate which is the upper House, the total strength of which is 283 elected indirectly by "grand electors" for a period of 9 years retiring 1/3rd every after. 3 years. The Parliament is no longer a supreme body and is placed under superior authority of President of the Republic by depriving of many of its powers. However, the Parliament has regained much of its powers, after the departure of Gen. de Gaulle, the father of the constitution from the political scene.

Constitutional Council:

The constitution provides for Constitutional Council. It consists of 9 members, who are appointed for the non-renewable term of 9 Nears. Three of them are appointed by President of the Republic, 3 by the President of the National Assembly and 3 by the President of the Senate. Its main functions are to ensure the regularity of election of President of the Republic and to examine the validity of organic laws before their promulgation. It also settles the disputes between the legislature and the executive.

The High Court of Justice:

Article-67 of the constitution provides for a High Court of Justice. It is composed of members of Parliament elected in equal number by the National Assembly and the Senate after each general or partial election to those bodies. It elects its chairman from among its members. Its main function is to try the President of the Republic for high treason and the members of the government for their crimes and misdemeanors committed in the discharge of their duties.

The High Council of the Judiciary:

The constitution lies down that the President of the Republic shall be the guarantor of the independence of Judiciary. It provides for High Council of Judiciary to assist It consists of 9 members appointed by the President of the Republic who himself is its President. The Minister of Justice is its Vice-President. The function of the Council is to present nomination for judges of the Supreme Court of Appeal and to give its opinion on proposals of the Ministers of Justice in respect of the nomination of other judges. It is also consulted on questions of pardon.

The Economic and Social Council:

The constitution provides for the establishment of an economic and social council whose function is to give its opinion on the government bills, ordinances and decrees as well as on Parliamentary bills submitted to it.

Referendum:

Another important feature is that the President of the Republic can submit certain issues to the people at a referendum. Article-II of the constitution provides that the President of the Republic on the proposals of the government or on joint motion of the assemblies may submit any bill dealing with the organization of the governmental authorities, entailing approval of the community agreement or providing for authorization to ratify a treaty that without being contrary to the Constitution might affect the functioning of existing institution.

Multi-Party System:

In France, there is multi-party system. People have been give the constitutional right to form political association or to join any such association of his own choice. Article-4 of the constitution declares, "Parties and political groups play a part in exercising the rights- to vote". The right to form parties and their freedom of action are unrestricted. They must respect the principles of national sovereignty and of democracy.

19.2 FEATURES OF THE FRENCH ADMINISTRATIVE SYSTEM

The political culture of France has two important characteristics: (i) there has been political instability for the last two centuries, but (ii) the administrative system has remained comparatively stable. 'The Republic passes but the administration remains', remarks Alfred Diamant. Since 1789, France has been constitutional monarchy three times; an empire twice, a semi-dictator ship once and five times a republic but the administration has remained unaffected except for the change of loyalty. It has functioned even in the absence of political direction. Ferrel Heady has called this administrative system as classical. Some peculiar features of this system are briefly discussed below:

19.2.1 SUPREMACY OF THE STATE

In France supremacy of the state is established beyond any doubt. The administration of the country is run on the basis of the supremacy of law. The state decides administrative set up and administration remains

under state control. The state decides service conditions of public servants and all other related matters. The various aspects of their employment are determined not as in the case of a contract for ordinary work but unilaterally by the state in its role of political sovereign.

19.2.2 HIGHLY CENTRALISED ADMINISTRATION

The French administrative system is highly centralised, conservative and much influenced by is past traditions. It has never been prepared to transfer powers to local units. It is afraid of federalism and this has affected the civil services for which such rules were framed which apply throughout the country. Even the public servants in colonies were governed by these rules, though they had to work in different environments.

19.2.3 WIDE SCOPE FOR ACTIVITY

There is no aspect of human life in which the French government does not interfere. This has considerably increased the scope of administrative activities in the country. France believes in interventionist policy in individual affairs. The state has undertaken social service as well as social security activities. This has made the administration multi-dimensional.

19.2.4 ADMINISTRATIVE STRUCTURE

The French administrative structure has three organs namely, the Minister, the Prefect and the Government Enterprises.

(i) The Ministry: Ministries are the chief units of administration. They perform both social welfare and economic activities. Although the French administrative system believes in concentration of powers, only about 5% of the civil servants of the country work in Ministries located at Paris while the remaining perform field duties. Each Ministry has three important organs viz. Cabinet, Direction, and Consultation and Control.

(a) Cabinet: Each Minister has a Cabinet which assists him in the performance of his duties. The members of the cabinet are appointed by the Minister and are accountable to him. These members are either his political colleagues or otherwise closely related to him. The cabinet performs three types of functions viz. political, legislative and administrative. They also coordinate work with other Ministries. They can advise the Minister but cannot force him to accept that.

(b) Direction: It is the most important unit of Ministry. It is headed by a Director who is a senior civil servant. He represents the Minister before Parliamentary Committees and has direct access to him.

He controls and supervises the work of his field agencies. He is authorized to sign decrees issued by the Ministry. The Direction is free from external interference in its functions.

(c) Consultative Councils: There are certain Consultative Councils which advise Ministries. The councils help in formulating administrative policies of the department. The number of such councils and their organization depends on the nature of work of the Department. Their members include experts and representatives of various interest groups. The councils associated with Economic and Social Ministries have members from trade and agriculture organizations and representatives of the chamber of Commerce. They are consulted when necessary.

(d) Court of Accounts: There are certain organizations which watch economic activities and exercise financial control. Each Ministry has such agencies. Overall financial control is exercised by Court of Accounts which is an independent body. Its members hold office lifelong. The court audits the accounts of all government departments and those bodies which are engaged in social security work. It publishes its annual report for the information of the public.

(ii) The Prefect: France is not a federal country and there is no clear division of subjects between central government and local units. Each department has a prefect who represents central government at local level and performs his duties on its behalf. Prefects are controlled by Interior Ministry. Each one is required to supervise the working of central government projects in his area and to coordinate their activities. It also functions as the Chief Administrative officer of the Department and supervises the work of local government. In fact he is the representative of the central government at the local level and reports to the central government about political tendencies and expectations of the people of his area. He also clarifies doubts raised by the local people about orders issued by the central government.

(iii) The Government Enterprises: The government has taken over many enterprises after the World War II. Each enterprise has its own system of management and as such there is no uniformity in the management of government enterprises. The reason is that all enterprises were not nationalized by the same Ministry or during the government of the same party. Therefore, managements have the impact of the ideology of the political party which nationalized the enterprises. But they form an important part of the administrative structure of the country.

19.2.5 THE POSITION OF CIVIL SERVICES

Unstable governments in France have increased the importance and influence of civil services. There is permanency in civil services. Every public servant considers himself a servant of the state and not that of any political party. Public servants are guaranteed security of service. Their tenure is lifelong. They enjoy great prestige and have become public officers in place of public servants. There is considerable uniformity in service conditions and the influence of policies on public services has considerably come down.

Recruitment and Training: A public servant is recruited for a long duration. Educational system is linked with recruitment. Only those can join superior civil services who are highly educated. Since higher education is limited to a small section of society, civil services are controlled by that small section. French educational system is bureaucratic, impersonal and centralized. After recruitment each civil servant is given extensive training in National School of Administration which lasts for three years. The training is both theoretical and practical. There are four areas of specialized training: general administration, economic and financial administration; social administration and external affairs. The trainees are also sent to public enterprises to have knowledge about their practical working.

The Selection Procedure: The selection procedure aims at selecting the best available candidates. The strength of public servants in France is very large and all classes of people have got representation in them at least in lower and middle level cadres. Competitive examinations are held for finding out the general ability of the candidates. Selection is made by independent bodies. There are separate corps.

Conditions of Services: Government cannot interfere in the work of civil servants beyond a certain limit. They have a right to appeal and no action can be taken against anyone of them without consulting the trade union of his affiliation. A long and difficult procedure is required to the followed for removing a civil servant from his service. The tribunal which is constituted to take disciplinary action against a civil servant includes representatives of civil servants as well. Each civil servant is given high wages, promotion opportunities, and other benefits.

Participation in Political Activities: Civil servants in France are permitted to participate in political activities. Several times a popular civil servant becomes even a Minister and quite often several servants participate in active politics and if they do not adjust themselves there they may rejoin services. Because the governments frequently change,

public servants get good opportunities to join politics and if needs be to rejoin service.

Right to Form Trade Unions: After a long struggle the civil servants in France have now been given the right to form trade unions. These have by and large tried to protect interests of their members without showing much interest in political upheavals. The civil servants have also been granted the right to go on strike for pressing their demands. As compared to other countries of Europe there are more strikes in France.

Missionary Zeal: From the very beginning the French administrative has been functioning with a missionary zeal. They have paid attention to the growth of agriculture, trade, commerce, industry and their modernization.

Provision for Settlement of Difference: In every system difference between employees and government are bound to arise and in France, like every other country, provision has been made for their settlement. Here in Public services as a whole women are in majority and they very much dominate social services and education. This has added to the solemnity and dignity of the services. In order to settle differences of public servants with government joint councils have been created. Their decisions can be challenged in Council D'Etat. There are also councils of discipline which ensure that employees remain disciplined.

19.2.6 THE CONTROL SYSTEM

The French administrative system has two types of controls as External and internal. External control is exercised by legislature and judiciary whereas internal controls are exercised by specified units. The legislative control that is the control of political bosses however has not been very effective because of political instability in the country. Internal controls are more effective than external controls. In France, a small group of public servants holding high position control administration. It exercises both legislative and judicial powers. For finding out the success or failure of control system, narrow financial and legal standards are adopted. Staff agencies try to control line agencies.

19.2.7 ISSUE OF DECREES AND THEIR LIMITATIONS

The system of decrees has considerably increased administrative authority and discretion of civil servants. Here each Minister has been empowered to enact laws concerning his department. They also issue orders which have the force of law and are an integral part of administrative activities. Many orders and acts have several technical aspects which need clarification and elucidation. This task is performed

by the executive and circulars clarifying these orders are issued. They have the force of law and are technically called decrees. But these can be issued within certain limitations. (i) No decree can be issued which violates an Act, (ii) Issue of particular decree can be forbidden by law, and (iii) No decree should restrict freedom of citizens. If any limit is crossed the citizens have a right to approach the court of law. The Parliamentary committees also keep a watchful eye on the nature of decrees being issued by various departments.

19.2.8 THE SYSTEM OF ADMINISTRATIVE LAW

The system of administrative law has an important place in the political system of France. It is a body of rules which have been devised by French executive for regulating the relations of the state to its citizens. In the country, there are two sets of courts and two different systems of laws. A case of conflict between private citizens is taken to advisory court and dealt with under ordinary law of the land but when there is a conflict between an ordinary citizen and a governmental official in his official capacity, it is dealt by special courts known as administrative courts and special set of rules known as administrative law.

19.3 COMPARISON OF ADMINISTRATIVE SYSTEM

Both England and France have their own administrative systems which have been modified from time to time. These systems have been in practice for a long time and have their own peculiar features which we have already discussed earlier. They have some points of similarity and dissimilarity as well.

(i) In both the countries administration plays an important role in the formulation and expectation of policies. They take an active part in law making process as well as in the implementation of laws.

(ii)　In both the country's civil servants are depositories of knowledge on the basis of which they provide information and advice to political bosses.

(iii)　In both the countries the continuity of administration is not disrupted even during political upheavals.

(iv)　Both the countries have a set recruitment procedure and candidates are recruited mainly on the basis of merit.

(v)　In both the country's civil servants enjoy security of job and besides salaries get chances of promotion and growth.

(vi)   The civil servants in both the countries consider themselves a separate class and maintain distance from the common man whom they are required to serve.

(vii)   There is a hierarchical system in both the countries. There are higher, middle and lower level civil servants.

(viii)   In both the countries the administration is required to work under unitary system.

19.4   SALIENT FEATURES OF FRENCH GOVERNMENT UNDER FIFTH REPUBLIC

1. Provisions for securing the Stability of Government:

A serious attempt has been made to eliminate or at least to minimize the evil of political instability. While no attempt has been made to reduce or fix the number of political parties that can be organised, several steps have been taken to limit their functions to the sphere of Law-making and deliberations by the legislature and thereby to ensure the political stability of the Government.

2. Mixture of Presidential and Parliamentary features:

In the organisation of the Government a middle way has been adopted. The Parliamentary system of government and the Presidential system of government have been mixed. Like the Presidential system, the President has been given real powers, a fixed tenure and an independence from parliamentary control. Like the parliamentary system of government, the office of the Prime Minister and the Council of Ministers has also been established and the two have been made responsible to the Parliament. The Parliament can remove the Government by passing a vote of no-confidence. But the membership of the Government has been made incompatible with the membership of the Parliament. At the same time, the ministers have been allowed to take part in the debates of the Parliament.

Article 31 declares, "Members of Government have access to both assemblies. They are heard when they so request." This is opposed to the practice of Parliamentary form of Government in which, the Prime Minister and other ministers are essentially the members of the Parliament. Again, like the Parliamentary system and unlike the Presidential system, the Government can request the President to dissolve the National Assembly. This is implied in the text of Article 12.

3. Difference between the Council of Ministers and the Cabinet:

The Constitution makes a difference between the Council of Ministers and the Cabinet. Cabinet is a bigger body & Council of Ministers is its part.

(i) The Constitution states that "the President shall preside over the meetings of the Council of Ministers and the Prime Minister can do so only on the behest of the President." However, the Prime Minister presides over the meetings of the Cabinet as a matter of right. These two provisions clearly reflect the subtle difference between the Council of Ministers and the Cabinet.

(ii) Unlike the practice in Britain and India, where the Cabinet is a smaller body within the full Council of Ministers, in France, the Council of Ministers is smaller and the Cabinet is the bigger body. The former includes the President, the Prime Minister and all the cabinet ministers. The latter includes the Prime Minister and all other ministers whether of cabinet rank or state ministers or deputy ministers.

(iii) In the actual practice of the Government, the Cabinet is less powerful than the Council of Ministers. It is the Council of Ministers and not the Cabinet which discusses matters of national policy and decides about the issue of seeking a vote of confidence or of dissolving the National Assembly.

(iv) The President and not the Prime Minister is the real leader of the Government.

4. Process of Organizing the Government:

Article 8 of the Constitution declares: "The President of the Republic appoints the Prime Minister. The other members of the Government are appointed by the President on the proposal of the Prime Minister." In other words, the making of the Government in France is not much different from the system which prevails in India. One thing, however, must be noted that it is not obligatory for the French President to appoint the leader of the majority party in the Parliament as the Prime Minister. He can appoint any person as Prime Minister who, he believes, can enjoy the confidence of the Parliament.

5. Removal of the Government:

The President can remove the Government only when the Prime Minister submits his resignation or the resignation of his Government to the President. The Parliament too can bring about the fall of the Government by passing a vote of no-confidence or a censure motion or

by rejecting that measure of the Government on the passing of which the Prime Minister has pledged the responsibility of the Government. Article 50 declares, "When the National Assembly passes a motion of censure or rejects the Government's programme or a general statement of Government policy, the Prime Minister must tender to the President of the Republic, the resignation of the Government."

6. Tenure of the Government:

Like every other parliamentary system, the tenure of the Government of France is not fixed. The Government remains in power so long as it enjoys the confidence of the National Assembly. However, the maximum period for which a Government once constituted, can remain in power is five years because this is the tenure of the National Assembly and the Constitution states that after each general election, the Government is constituted afresh. Every new National Assembly leads to the creation of a new Government.

LET US SUM UP

French constitution is written and rigid. The declaration of the rights of man and the citizens adopted by the National Assembly in 1789 has been reaffirmed. Basic democratic principles have been adopted. The constitution provides for a strong presidency. The constitution provides for a strong presidency. It is a mixture of parliamentary and presidential systems. Unstable governments in France have increased the importance and influence of civil services. There is permanency in civil services.

CHECK YOUR PROGRESS

1. The Constitution of the Fifth Republic is a written document; consisting of _____ Article's.

2. The French constitution combines the elements of both the _____ and _____ systems.

3. The Republic passes but the administration remains', remarks made by _____.

4. The President can remove the Government only when the _____ submits his resignation.

GLOSSARY

Administrative Law   : Administrative law is the law that governs the administrative actions

Fifth Republic   : French republic established in 1958 as the Successor to the Fourth Republic. Its constitution is characterized by the strong position of the president

National Assembly   : The National Assembly is the lower house of the bicameral French Parliament under the Fifth Republic, the upper house being the Senate

Referendum   : Referring a political issue to a general vote by all the people of the country for a decision.

Decree   : Formal order.

ANSWERS TO CHECK YOUR PROGRESS

1. 92

2. Parliamentary and Presidential

3. Alfred Diamant

4. Prime Minister

MODEL QUESTIONS

1. Bring out the salient features of the French constitution.

2. Analyse the important features of the French Administrative System.

3. Compare the Administrative system of England and France.

SUGGESTED READINGS

1. Arora, Ramesh K. (2008), *Comparative Public Administration*, Associated Publishing House, New Delhi.

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UNIT - 20

PRESIDENT OF THE REPUBLIC OF FRANCE

STRUCTURE

Overview

Learning Objectives

20.1 President

20.2 Qualification and Election of the President

20.3 Powers of the President

20.4 Estimate of the Powers of the President

20.5 Comparative Perspective of Executives in USA, UK and France

Let us sum up

Check Your Progress

Glossary

Answers to check your progress

Model questions

Suggested Readings

OVERVIEW

The President is both the head of the Government as well as the head of the state. He occupies the most important position in the governmental system of France. As the constitution combines the elements of both Parliamentary and Presidential system there is a Prime Minister in France. The Parliament of the Fifth Republic is a Bicameral legislative consisting of the National Assembly and the Senate. The upper House is the Senate and the Lower House is the National Assembly. The aim of this unit is to explain the features, powers and functions of the president of the administrative system of France.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Understand the powers and position of the President.

➢ Compare the French and American President and the British Prime Minister.

➢ Explain the powers and functions of both the Houses.

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20.1 PRESIDENT

The French executive is possibly the strongest executive. The French President makes all major policy decisions. Today France has Fifth Republic. During the Third and Fourth Republics, the President was only a constitutional head of the State and the real executive powers were wielded by the Cabinet. He did not enjoy as much power as the British Monarch. Drastic changes have been made in his role during the Fifth Republic. More powers are now vested in him. Mendes France has said that the Constitution makes the President a non-hereditary monarch with powers to make himself a legal dictator. He is symbol of the unity of the country and also head of administration.

20.2 QUALIFICATION AND ELECTION OF THE PRESIDENT

The Constitution of Fifth Republic does not prescribe any qualifications for the office of the President except that he should be above 18 years of age. The President is indirectly elected by an electoral college consisting of:

(a) All members of French Parliament;

(b) Members of General Councils of Assemblies of Overseas territories;

(c) Representatives of Municipal Councils.

The President holds office for a period of seven years and is entitled to re-election. He can be removed only by an impeachment which is not an easy affair. But he is free to resign his position whenever he likes. So far no President has been removed through impeachment.

20.3 POWERS OF THE PRESIDENT

The Powers of the President have been discussed in Articles 5 to 19 of the French Constitution. He gets his powers from three sources namely, provisions of the Constitution, national and international situations and personality of the President. He has been given vast powers in executive, legislative and judicial spheres some of which he exercises independently while some others in consultation with the Prime Minister. He also has certain emergency powers.

Executive Powers:

(i)   He appoints the Prime Minister and other Ministers.

(ii) He presides over the meetings of the Council of Ministers and thus plays an important role in taking all decisions by it.

(iii) He appoints civil and military officers like the Grand Chancellor of the Legion of Honour, Master Councillors of Audit Office, Prefects,

representatives of the government in the Overseas territories, Rectors of Academies and the Directors of Central administration. He presides over the meetings of Security Councils.

(iv) He appoints one-third members of the Constitutional Council.

(v) He also appoints ambassadors and envoys extra-ordinary to foreign countries. Foreign ambassadors and envoys are accredited to him.

(vi) He is the Commander of the armed forces and presides over the higher councils and committees of national defence. He negotiates and ratifies international treaties.

Legislative Powers:

(i) Every Bill must be assented by him before it becomes an act.

(ii) He promulgates the laws within fifteen days following the transmission to the government of the finally adopted law.

(iii) He can also submit to a referendum of the people a Bill concerning the organization of public power.

(iv) After consultation with the Prime Minister and the Presidents of the National Assembly and Senate, he can dissolve the National Assembly.

(v) The President signs all ordinances and decrees decided upon in the Council of Ministers.

(vi) He can send messages to both the Houses of the French Parliament, which are only to be read and not to be debated.

Judicial Powers:

(i) He protects the independence of the Judiciary.

(ii) He has the right to pardon.

(iii) He presides over the meetings of the Judicial Council and appoints nine members of the council.

Emergency Powers:

(i) He can declare emergency under the following conditions :

(a) If there is grave danger to the Republican form of government; or

(b) If he is assured that the integrity of the territory is in danger; or

(c) If the fulfillment of international commitments is threatened; or

(d) If there is grave and immediate danger to the regular functioning of the constitutional machinery of the state.

(ii) Emergency can be declared by the President only after consultations with the Prime Minister and the Presidents of the National Assembly and the Senate as well as the Constitutional Council.

(iii) He must inform the nation about these measures, immediately through a message.

(iv) Session of the National Assembly can be called during the Emergency but it cannot be dissolved.

20.4   ESTIMATE OF THE POWERS OF THE PRESIDENT

The President under Fifth Republic enjoys vast powers. He is not a nominal head of the state. His powers make his position in the administrative field very significant. His position is further increased because he can be removed only by a difficult impeachment procedure. The emergency powers enjoyed by him make him a real dictator. The Constitution has not placed any check on the powers of the President. If he wants he can override the Constitution by misusing his emergency powers. Maurice Thorez says that the President enjoys all the powers and greater authority than early nineteenth century monarchs.

The Constitution gives vast powers to the President but puts many restrictions on the powers of the legislature. An ambitious President, in such circumstances, can be tempted to become a dictator and no legal method has been provided to check his ambition. But in France there is a general feeling that no President will try to become a dictator. He can be declared incompetent to hold this high office by Constitutional Council. He can be declared a traitor and punished accordingly.

20.5   COMPARATIVE PERSPECTIVE OF EXECUTIVES IN USA, UK & FRANCE

The President occupies the most important position in the governmental system of France. In some respects he resembles the President of the U.S. A. and in some the Prime Minister of England.

Comparison, with the American President:

The President of France is elected by direct suffrage. The U.S. President is formally elected by an electoral college, but in actual practice his election also has become direct. Both Presidents have a fixed tenure, and cannot be removed except by the process of impeachment. Both make civil and military appointments, nominate ambassadors to foreign countries and receive foreign ambassadors. Both preside over the Council of Ministers and issue ordinances. Both are commanders of

armed forces of their countries. Both are entitled to send messages to Parliament and both have the right of pardon. Both have the right to return a bill to Parliament for reconsideration.

But the President of France has some special powers which the U.S. President does not possess. The French President can dissolve the National Assembly. The U. S. President has no such right. Secondly, % the French President enjoys emergency powers. The U.S. President has no such powers. The French President makes appointments to civil and military posts. Such appointments are not subject to ratification of any of the chambers of the legislature. On the contrary the appointments made by American President require the approval of the Senate. The French President negotiates and ratifies treaties with foreign countries. But the treaties negotiated and concluded by the American President require the approval of the Senate. The French President has the discretionary power to submit a bill to a referendum. The American President has no such power.

Comparison with the British Prime Minister:

In several respects the position of the British Prime Minister is superior to that of the French President. The British Prime Minister is a member of Parliament and the leader of the House of Commons. He directly controls and guides the proceedings of Parliament. Secondly, the British Prime Minister has initiative in legislation and finance. The French President has no such initiative. In France, the initiative in legislation rests with the Prime Minister and other members of Parliament. Thirdly, the French President does not control his Council of Ministers inthe same manner and to the same extent as the British Prime Minister controls his Council of Ministers. The British Prime Minister can dismiss his ministers, but the French President cannot do it. In France, the Council of Ministers is responsible to the National Assembly. In Britain the right to declare war and conclude peace vests with 1he Crown which in practice means the Prime Minister. In France it is Parliament that authorizes the declaration of war.

LET US SUM UP

The French political scene is informed and shaped by the French Constitution of the French Fifth Republic, which states that France is to be an "indivisible, secular, democratic, and social Republic", and provides for the "attachment to the Rights of Man and the principles of national sovereignty as defined by the Declaration of 1789." The French Republic is a unitary semi-presidential representative democratic republic. The executive branch of the French Government has two

leaders: the President of the Republic (currently Emmanuel Macron) who is head of state and is elected for a 5-year term, and the Prime Minister, leads the Government.

CHECK YOUR PROGRESS

1. In 1959, _____ was inaugurated as the first president of the Fifth Republic.

2. The head of state and head of the executive is the President, elected by _____**.**

3. The Powers of the President have been discussed in Articles ____ to ____ of the French Constitution.

4. Who is the Commander of the armed forces and committees of national defense?

GLOSSARY

Constitutional Council   : The Constitutional Council is the highest constitutional authority in France

Cession   : Action of giving up one's right especially land.

ANSWERS TO CHECK YOUR PROGRESS

1. De Gaulle

2. Universal suffrage

3. 5 to 19

4. The president

MODEL QUESTIONS

1. Discuss the powers and position of the President of France.

2. Compare and contrast the French and American President and the British Prime Minister.

SUGGESTED READINGS

1. Arora, Ramesh K. (2008), *Comparative Public Administration*, Associated Publishing House, New Delhi.

2. Arora, R.K. and Sangeeta Sharma, (1992) *Comparative and Development Administration, Ideas and Actions* (ed.), Arihand Centre for Administrative Change, Jaipur.

3. Berman, Evan et al. (2010) *Public Administration in East Asia*, Francis & Taylor (China Chapter), Routledge.

UNIT - 21

PRIME MINISTER – PARLIAMENT – LAW MAKING

STRUCTURE

OVERVIEW

The President of France wields extensive powers and is elected by direct universal suffrage for a term of seven years. The council of Ministers is responsible to the Parliament. Although the Prime Minister and the other ministers are not members of Parliament they play an important role in legislation. The Legislature in France is called the Parliament. It consists of two houses. The upper house is the senate and the lower house is the National Assembly. There is unity of Civil and Criminal justice in France. This unit deals with the functions of prime minister and law making procedure in French government.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Understand the powers and position of the Prime Minister.

➢ Learn about the legislative system of French government.

➢ Explain the law making procedure of the French system.

21.1 PRIME MINISTER

Under the Fourth Republic the Prime Minister was very powerful, but now the President is in focus because he nominates the Council of Ministers. The President exercises all his important powers through the Prime Minister, who is the main advisor of the President. The President declares emergency in consultation with him and seeks his advice for the dissolution of National Assembly. Again it is in consultation with him that the President constitutes the Council of Ministers and removes a Minister from it.

21.2   POSITION OF THE PRIME MINISTER

The Prime Minister has very close relationship with the Council of Ministers. He distributes the work of administration among Ministers and also supervises their work. He presides over their meetings and gives them much needed guidance. The resignation of Prime Minister is treated as the resignation of the whole Council of Ministers. He also has close relations with the Parliament and to have less opposition in the Parliament consults some of its members on policy issues. It is after having their views that he introduces a measure in the Parliament.

He is chief spokesman of the country. His pronouncements are considered policies of the government. He is also responsible for implementing all laws of the Parliament. A separate office namely Service of the Prime Minister has been created to help him in the discharge of his duties. One of its divisions called the Central Secretariat performs policy and coordinating activities. It helps inter-departmental committees and prepares drafts of legislative Bills and ordinances and presents them before the National Assembly.

21.3 POWERS OF THE PRIME MINISTER

(i)   He is the chief executive next to the President of the Republic. Most of the powers of the President are enforced through him.

(ii)   He presides over the meetings of the National Defence Council.

(iii) He advises the President at the time of the declaration of emergency.

(iv) He also advises the President at the time of the dissolution of the National Assembly.

(v)   Under special circumstance he functions as the presiding officer of Council of Ministers.

(vi) The President appoints or removes Ministers on his recommendation.

(vii) He is responsible for National Defence and can issue orders to the Armed Forces of the state for this purpose.

(viii) He executes all the laws passed by the Parliament.

(ix) He appoints all the civil and military officers except those in Article 13 of the Constitution.

(x) He is not a member of the either House of the Parliament, but he can address both the Houses and as chief spokesman of the government has intimate connection with the Parliament.

Thus we see that the French executive is possibly the strongest executive. The French President makes all major policy decisions. He is subject to weak external control of the electorate, and he controls a government with extensive support of French society. In some respects the French executive resembles the American executive and in some other respects it follows the practices of the parliamentary system. The French system has been rightly called "semi-Presidential".

21.4 THE FRENCH COUNCIL OF MINISTERS

The Council of Ministers is another organ of political executive. Under the Fifth Republic a Minister is of the choice of Prime Minister but is appointed by the President. A person should not become politically ambitious, therefore, about 50% of total Ministers of the Council are taken from civil services. This makes administration very efficient because Ministers have practical experience of administration. Parliamentary and political party leaders are usually not appointed as Ministers. While appointing Ministers the President and the Prime Minister try to ensure that the Ministers will smoothly pull on with each other and that there will be political stability in the country.

Other criteria for the selection of members is that they should be technical experts and persons who have administrative expertise and can have close watch over administrative departments. They should also have the capacity to resist undue pressures of political parties. In the French Council of Ministers there are two types of Ministers: (i) Ministers without portfolio and (ii) Ministers who head some department. The former normally do not attend the meetings of the Council of Ministers but are invited only when their presence is required. Since no Member of Parliament can become a Minister, this position has lost charm for them. This has brought political stability in the country.

Meetings of the whole Council are rare and the Ministers are most of the time involved in departmental work.

Functions:

(i) It makes appointments to higher posts in the country like ambassadors, auditors of the audit office, and heads of councils, prefect, and government representatives in overseas colonies.

(ii) It has power not only to issue ordinances but also to forbid the introduction of such a Bill which can put any limits on its power of issuing ordinances.

(iii) If the Parliament does not pass any money bill within 70 days of its introduction, the Council can implement it by promulgating ordinances.

(iv) It is the duty of the Council to determine and conduct the policy of the nation.

(v) It is responsible for the execution of the laws of the state and for this purpose the Administrative machinery and armed forces have been kept under it.

(vi) The Ministers have the right to enter both the Houses of the Parliament and to take part in the debates.

(vii) If need be, it can implement Martial law, subject to ratification by the Parliament within 12 days.

(viii) It can issue ordinances. These come into force upon their publication but should be ratified by the Parliament before the date set by the enabling Act.

Thus the Council of Ministers holds a high position in the running of administration.

Council of Minister and the National Assembly:

The Council of Ministers is responsible to the National Assembly for its acts of commission and omission. If at least one tenth of the members of the National Assembly sign a motion of censure against the Ministry, the motion will be taken up for voting 48 hours after such a move. At the time of voting, only the votes which are in favour of the motion shall be counted. The votes of the abstainers are counted in favour of the government. In case the motion of censure is rejected, its signatories cannot introduce another motion of censure during the same session. When the National Assembly adopts a motion of censure, or when it disapproves the programme or a declaration of general policy of

the Government, the Prime Minister must hand over the resignation of the Government to the President of the Republic.

Parliamentary Control over the Council of Ministers:

In France Parliament exercises control over the Council of Ministers in more than one way. (i) The Members of Parliament control government policies when legislative measures come up for discussion, (ii) In France the Parliamentary work is carried out through parliamentary committees which consist of Members of Parliament. Any committee can call a Minister to come before it and to provide information needed by it or to clarify a point under discussion, (iii) The Parliament has a right to set up a committee to inquire into any administrative matter. (iv) The Parliament also has a right to seek information about the working of any department by asking questions, the replies of which can be written or oral. (v) National Assembly has a right to disapprove the policies of the government and thus force it to resign. Thus the position of the Council of Ministers is very weak, It is fully under the authority and control of the President.

21.5 LEGISLATIVE BRANCH – POWERS AND FUNCTIONS

21.5.1 PARLIAMENT OF FRANCE

Parliament of the Fifth Republic is bicameral consisting of the National Assembly and the Senate. The Senate is directly elected for a term of nine years. The National Assembly is a representative chamber elected for a term of five years by universal suffrage.

Organisation:

Parliament of the Fifth Republic is bicameral. It comprises the National Assembly and the Senate. The Senate is elected directly for a term of nine years, one-third of its members retiring after every three years. It represents the territorial units of the Republic. French citizens living outside France are represented in it. The National Assembly is a representative chamber elected for a term of five years by universal direct suffrage. But it can be dissolved earlier by the President of the Republic. The President of the National Assembly is elected for the duration of the legislature. The President of the Senate is elected after each partial re-election of the Senate. Parliament convenes by right in two ordinary sessions a year. It convenes an extraordinary session at the request of the Prime Minister, or of the majority of the members comprising the National Assembly, to consider a specific agenda. The President has the right to send messages to Parliament.

21.5.2 FUNCTIONS OF PARLIAMENT

Legislative Functions: Unlike the British Parliament, the French Parliament is not a sovereign law-making body. Its powers are limited. The subjects on which Parliament can make laws have been enumerated in Article 34 of the constitution. After defining the legislative scope of Parliament, Article 34 provides, "The provisions of the present Article may be elaborated in detail and amplified by organic law. A separate procedure for enacting organic law is laid down. Organic laws can be promulgated only after a declaration by the Constitutional Council on their constitutionality." Apart from this rule-making power of the executive, the Government may also with the permission of Parliament, take over, for a limited period, responsibility for dealing with matters that fall within the domain of law. Article 38 states, "The Government may, in order to carry out its programme, asks Parliament to authorize it, for a limited period, to take through ordinances measures that are normally within the domain of law."

Financial Powers: In financial matters also the French Parliament does not enjoy supreme power. The procedure for enacting financial measures is designed to prevent Parliament from using delaying tactics. The finance bill is submitted by Government to Parliament. Bills and amendments introduced by members of Parliament cannot be considered when their adoption has a consequence either a diminution of public financial resources or the creation or increase of public expenditure. Article 47 prescribes the procedure for enacting the finance bill. If the National Assembly does not complete the first reading of the bill within a time limit of forty days the Government refers the bill to the Senate which must rule within a time limit of fifteen days. If Parliament fails to reach a decision within a time limit of seventy days the provisions of the bill may be enforced by ordinance. If the finance bill is not filed in time for it to be promulgated before the beginning of that fiscal year, the Government requests Parliament for the authorization to collect taxes, and makes available by decree the funds needed to meet the Government commitments already voted.

Control of the Executive: Although the members of the Government are not members of Parliament, they are responsible to it. There are three methods of enforcing ministerial responsibility. First, the Premier after deliberation by the Council of Ministers, may pledge the responsibility of Government to the National Assembly with regard to the programme of the Government or with regard to a declaration of general policy. Thus, the National Assembly can defeat the Government either

on its programme or general policy. Second, the National Assembly may question the responsibility of the Government by the vote of a motion of censure. Such a motion can be admissible only if it is signed by at least one-tenth of the members of the National Assembly and is passed by a majority of the members comprising the Assembly. Third, the Premier, after deliberation by the Council of Ministers, may pledge the Government's responsibility to the National Assembly on the Vote of a text. In this case the National Assembly can defeat the Government by adopting a motion of censure filed in the succeeding 24 hours.

It is evident from the above that the Constitution of the Fifth Republic had considerably restricted the Power of Parliament. The executive has acquired a potentially effective, sanction over parliamentary obstructionism through its authority to dissolve the National Assembly. The role of the executive in parliamentary proceedings is also substantially strengthened. The President's messages to Parliament cannot be debated. The Government has priority in setting the legislative agenda. There are severe limits on the right of legislators to propose amendments to government bills. The Government's budgetary and fiscal proposals must be voted on virtually intact. Parliament can neither propose bills nor offer amendments that would lower taxes or increase government expenditures. Finally, Parliament cannot remove the Government from office unless a motion of censure receives the support of an absolute majority of the Assembly's total membership.

21.6 LAW-MAKING PROCEDURE

The Premier and the members of Parliament alike have the right to initiate legislation. An ordinary bill may be introduced in either House of Parliament. Government bills are discussed in the Councilor Ministers after consultation with the Council of State and filed with the Secretariat of one of the two assemblies. Bills introduced by members of Parliament are not considered when their adoption involves a decrease in public financial resources or the creation or increase of public expenditure.

If it appears in the course of the legislative procedure that a Parliamentary bill or an amendment is not within the domain of law, the government may declare it inadmissible. In case of disagreement between the Government and the President of the Assembly concerned, the matter is referred to the Constitutional Council upon the request of either party or the Council rules within a time limit of eight-days. Government and Parliamentary bills are at the request of the Government or of the Assembly concerned sent for study to committees especially designated for this purpose.

Government and Parliamentary bills for which such a request has not been made are sent to one or the permanent committees, the number of which is limited to six in each assembly. Members of Parliament and of the Government have the right of amendment. The committee discusses the bill; it may adopt it, reject or amend it. The committee, then, reports the bill to the assembly concerned. After the opening of the debate in the House, the Government may oppose the examination of any amendment which has not been previously submitted to the committee.

If the Government so requests, the assembly concerned has to decide by a single vote, on all or part of the text under discussion retaining only the amendments proposed or accepted by the Government. When the bill has been passed by the assembly concerned, it is transmitted to the other assembly which follows the same procedure. If the two assemblies agree on the same text, the bill is sent to the President of the Republic for promulgation. The President has no veto power. However, he can ask within fifteen days, for a reconsideration of the bill or certain of its articles. The reconsideration may not be refused.

In case of disagreement between the two assemblies the bill is read for the second time in each assembly. When as a result of disagreement between the two assemblies, it has become impossible to adopt a bill after two readings by each assembly, or if the Government has declared the matter urgent, after a single reading by each of them, joint committee, consisting of an equal number from both assemblies is constituted. This joint committee is instructed to prepare a text on the matter under consideration.

The President of the Republic, on the proposal of the Government during (Parliamentary} sessions, or on joint motion of the two assemblies, may submit to a referendum any bill dealing with the organization of the governmental authorities, entailing approval of a Community agreement, or providing for authorization to ratify a treaty that, without being contrary to the constitution, might affect the functioning of the existing institutions.

Financial Procedure: A finance bill is first introduced in the National assembly. The constitution prescribes that the National Assembly should reach a decision on first reading within a time limit of 40 days. If it does not vote within the specified period, the Government refers it to the Senate, which must rule within a time limit of 15 days. In case of disagreement between the two assemblies, the same procedure is followed as in respect of an ordinary bill. If Parliament fails to reach a

decision within a time limit of seventy days, the provisions of the bill may be enforced by ordinance.

If the Government has not submitted the finance bill in time for it to be promulgated before the beginning of the fiscal year, the Government requests Parliament for authorization to collect the taxes and makes available by decree the funds needed to meet the Government commitments already voted. It is to be noted that the finance bill is voted by both assemblies of Parliament. It is thus clear that the Senate possesses coequal powers with the National Assembly in ordinary legislation as well as in financial matters.

LET US SUM UP

The French Parliament is composed of a National Assembly and a Senate. The elected National Assembly deputies represent local constituencies over 5-year terms, which collectively retain the power to dismiss the government. The French Government has significant influence on the agenda of Parliament. Parliament comes together for a nine-month session each year, though an additional session can be called if required. The National Assembly has the power to collapse a government if an absolute majority votes to censure. Members of Parliament have full parliamentary immunity.

CHECK YOUR PROGRESS

1. The _____ has very close relationship with the Council of Ministers.
2. Prime Minister presides over the meetings of the _____.
3. Parliament of the Fifth Republic is _____ consisting of the National Assembly and the Senate.

GLOSSARY

| National Assembly | : The National Assembly is the lower house of the bicameral French Parliament under the Fifth Republic. |
| Ratification | : Make an agreement officially valid by signing it. |

ANSWERS TO CHECK YOUR PROGRESS

1. Prime Minister
2. National Defence Council
3. bicameral

MODEL QUESTIONS

1.   Describe the composition and powers of the council of Ministers.

2.   Describe critically the organizational procedure and powers of the Parliament of France.

3.   Discuss the law-making procedure in the French Parliament.

SUGGESTED READINGS

1.   Arora, Ramesh K. (2008), *Comparative Public Administration*, Associated Publishing House, New Delhi.

2.   Arora, R.K. and Sangeeta Sharma, (1992) *Comparative and Development Administration, Ideas and Actions* (ed.), Arihand Centre for Administrative Change, Jaipur.

3.   Berman, Evan et al. (2010) *Public Administration in East Asia*, Francis & Taylor (China Chapter), Routledge.

UNIT - 22

JUDICIARY - ADMINISTRATIVE LAW

STRUCTURE

OVERVIEW

Administrative law has become extremely crucial in the developed society since the relationship of the administrative authorities and the people has become complex. In order to regulate these complexities some law is necessary, which can help maintain regularity certainty and check misuse of powers vested in the administration. This increase in the spectrum of responsibilities ushered in an administrative age and an era of Administrative law. In the French Judicial system there is unity of Civil and Criminal Justice. A peculiar feature of the French Judicial system is that there are separate Administrative Courts. This development saw a similar trend in several parts of the world. The aim of this unit is to explain the features, powers and functions of the French Judicial system of Administrative Law.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Know the importance of French Judiciary system.

➢ Understand the meaning of Administrative Law.

➢ Explain the French System of Administrative Law.

22.1 INTRODUCTION

In common and universally accepted usage, the concept of Administrative Law has come to mean the whole body of laws relating to public administration. According to Barhthelemy "Administrative Law is the sum-total of the principles according to which the activity of the services, other than judicial, concerned with the execution of law is exercised. It is one of the two branches of Public Law, the other being the Constitutional Law." Constitutional Law lays down the organisation and powers of the governmental machinery.

In a broad sense, Administrative Law relates to the organisation, powers, procedures, personnel, finance and responsibility of all public authorities. In a narrower sense, as the Encyclopedia of Social Sciences records, it means the law of official powers and responsibility or the law which determines the amount of discretion permitted to administrative offices and agencies. In the context of the French system, the Administrative Law is taken to mean the law according to which actions by the citizens against officials for wrongful acts committed in their official capacity are tried not by ordinary courts of law but by special administrative courts manned by civil servants. Such a view of French Droit Administratiff was formulated and explained by the English jurist A.V. Dicey.

22.2 JUDICIAL BRANCH – POWERS AND FUNCTIONS

22.2.1 MAIN FEATURES OF JUDICIARY

Unlike England and America where there are separate Civil and Criminal Courts, the Civil and Criminal cases in France are decided by the same Courts. In France distinction is made between the ordinary law and administrative law. Consequently there are two separate sets of Courts ordinary tribunals and administrative tribunals.

(1) Unity of Civil and Criminal Justice: The first important feature of the French judicial system is the unity of civil and criminal justice. Unlike England and America where there are separate civil and criminal courts, the civil and criminal cases in France are decided by the same courts.

The same judges sit in both courts. Similarly, public prosecutors handle both civil and criminal cases. However, in the higher courts there is a separation between the two branches. The higher courts are divided into criminal and civil branches.

(2) No Circuit System: in France the courts except the Assize courts are stationary. There is no circuit system. This is unlike England and America where the system of circuit courts is an integral part of the judicial system.

(3) Collegian Courts: unlike England where one judge constitutes a court, in France the courts are collegial. No judgment is considered valid unless concurred in by at least three of the judges constituting the bench.

(4) Jury System not Universal: In France trial by jury is not universal. Most French jurists regard the jury system as an Anglo-Saxon superstition. However, in some courts the jury system exists.

(5) Administrative Courts: A peculiar feature of the French judicial system is that there are separate Administrative Courts. The ordinary courts deal with the cases in which private citizens are involved. The Administrative Courts handle cases in which the administrative authority and private citizens are parties.

(6) Absence of Habeas Corpus: There is no such thing as habeas corpus in France. Article 66 of the constitution lies down briefly that no person may be arbitrarily detained. It further provides that the judicial authority, guardian of individual liberty, shall ensure respect for this principle under the conditions stipulated by law.

(7) No Judicial Review: There is no judicial review in France. The Court of Cassation (Supreme Court of Appeal) is the highest court. It has no power to declare a law enacted by Parliament as unconstitutional. The power to rule on the constitutionality of laws has been vested in the Constitutional Council, which is not a court.

(8) Independence of Judiciary: "By and large", observe Ogg and Zink, "French Court and judges compare favourably in capacity, integrity, independence and impartiality with those of any other country." The President of the Republic is the guarantor of the independence of the judiciary. Article 64 of the constitution enjoins that Magistrates may not be removed from office. The High Council of the Judiciary acts as a disciplinary council for judges. Judges can be removed from office on charges of misconduct only on the recommendation of the High Council.

22.2.2 ORGANISATION OF JUDICIARY

The Constitution of the Fifth Republic established three principal judicial organs in addition to the regular courts which will be described later. In the first place there is the Constitutional Council. It consists of nine members whose term of office lasts nine years. One-third of the membership is renewed every three years. Three of the members are appointed by the President of the Republic, three by the President of the National Assembly and three by the President of the Senate.

In addition to the nine members mentioned above, former Presidents of the Republic are members ex officio for life of the Constitutional Council. The President of the council is appointed by the President of the Republic. He has the deciding vote in case of a tie. The judicial functions of the Constitutional Council are as follows: Organic laws, before their promulgation, and regulations of Parliamentary assemblies, before they come into application, must be submitted to the Constitutional Council which shall rule on their constitutionality.

Laws may be submitted to the Constitutional Council, before their promulgation, by the President of the Republic, the Premier, and the President of the National Assembly, the President of the Senate or by 60 Deputies or 60 Senators. A provision declared unconstitutional may not be promulgated or implemented. The decisions of the Constitutional Council may not be appealed to any jurisdiction whatsoever. They must be recognized by the governmental authorities and by all administrative and judicial authorities.

The High Council of Judiciary: Article 64 of the constitution provides that the President of the Republic shall be the guarantor of the independence of the judicial authority. He is assisted by the High Council of the Judiciary. He presides over the Council. The Minister of Justice is the Vice-President ex officio of the Council. The High Council includes, in addition, nine members appointed by the President of the Republic. The High Council presents nominations for judges of the Supreme Court and for First Presidents of Courts of Appeal. It gives its opinion on proposals of the Minister of Justice relative to the nomination of the other judges. It consulted on questions of pardon. It also acts as a disciplinary council for judges.

The High Court of Justice: Article 67 of the constitution provides for a High Court of Justice. It is composed of members of Parliament elected, in equal number, by the National Assembly and the Senate after general or partial election to these assemblies. It elects its President from among its members.

Under Article 68 the President of the Republic is not accountable for actions performed in the exercise of his office except in the case of high treason. He may be indicted only by the two assemblies ruling by identical vote in open balloting and by an absolute majority of the numbers of the said assemblies. If indicted in the above manner the President of the Republic is tried by the High Court of Justice. The members of the Government are criminally responsible for actions performed in the exercise of their office.

The procedure defined above applies to them, as well as to their accomplices in case of conspiracy against the security of the State. In the case provided for by this paragraph, the High Court is bound by the definition of crimes and misdemeanours as well as by determination of penalties as they are established by criminal laws in force when the acts were committed.

The Ordinary Court System The lowest court in France is the tribunal d' instance (the tribunal of first instance). There are 454 such tribunals. This tribunal consists of only one judge. He decides minor civil and criminal cases. For important cases litigants go to the tribunal d' grande instance. There are 172 such tribunals. They also hear appeals from the judgments of some of the specialized courts. A tribunal d' grande instance has three or more judges.

Minor criminal cases are decided in the Police Courts. More serious cases are handled by the tribunal known as the tribunal's correction where three judges decide cases without a jury. The judges in this tribunal are the same as that in the tribunal ? grande instance. Finally there is an Assize Court in every department (a territorial unit of the country). It consists of three judges and nine jurors. Above these courts they are twenty three courts of Appeal. They hear appeals against the judgments of the lowers courts. The highest court in France is the Court of Cassation (Supreme Court of Appeals). Its judges are appointed by the President on the recommendation of the High Council of the Judiciary. It only hears appeals and has no original Jurisdiction.

22.2.3 ADMINISTRATIVE COURTS

Administrative Courts: As pointed out above, a peculiar feature of the French judicial system is that there are separate administrative courts. These courts administer what is known as administrative law. Dicey defines administrative law as that "body of rules which regulate the relations of administration or administrative authority towards private citizens."

Administrative law deals with the liability of the state and the municipal bodies for the wrong done to private individuals or their property. It also deals with rules relating to the validity of administrative decrees, the modes of granting redress when public officials exceed their power vested in them by law, the awarding of damages to private citizens for injuries which are caused by the public servants and the distinction between official and personal acts of the public servants. There are separate courts in France to decide suits brought by private individuals against officials.

There are twenty-three administrative tribunals (Tribunaux administratifs). These are the Courts of first instance for deciding cases involving administrative law. Each administrative tribunal consists of a President and four members appointed by the Minister of Interior. The Council of State is the highest administrative court. It is composed of 15 members who are appointed by the President of the Republic. It is divided into several sections.

The judicial section is further divided into chambers in which five councillors decide cases. They hear appeals from the administrative tribunals. The Council has also original jurisdiction in certain matters. Access to the Council of State is easy and inexpensive. The Council of State has got other powers as well. Government bills are discussed in the Council of State. Ordinances are enacted by the Government after consultation with the Council of State.

Evaluation of Administrative Courts: The French system of administrative Courts has been argued that justice cannot be obtained in the administrative courts as they consist of officials appointed by the ministries. The judges of these courts are likely to be partial to the offending officials, as they themselves are officials. This system, therefore, constitutes encroachment on the rights and liberties of the citizens. But the actual working of this system has proved that the criticism is unfounded.

The Frenchmen consider it as the best guarantor of their liberty. In the words of Duguit the system provides almost perfect protection against administrative action. Professor Garner commenting on the French administrative law asserted that "without fear of contradiction in no other country of the world are the rights or individuals so well protected against administrative abuses and the people so sure of receiving reparation for injuries sustained from such abuses." The Council of State has firmly established its reputation for impartiality.

French Administrative Courts: A unique institutional device created for the redressal of citizens' grievances against administrative authorities in France is the system of administrative courts. These courts deal with administrative law for the trial of cases of disputes between the citizens and administration. These courts are separate from the ordinary courts which deal with common law for the trial of civil and criminal offences. Thus, there is a dual hierarchy of courts in France, that is, the ordinary courts headed by the court of cassation and the administrative courts headed by the council of state.

The disputes of jurisdiction between the ordinary courts and the administrative courts are settled by the Court of Conflicts which consists of the Minister of Justice as the ex-officio president, three judges of the court of cassation and three members of the council of state.

The French system of administrative law is known by the name of Droit Administratif. It provides for special rules governing the relationship between the citizen and the state to the rules governing the relationship among the citizens. It is characterised by the following features.

(i) It distinguishes the personal acts of public officials from their official (i.e. administrative) acts.

(ii) It relieves public officials from the jurisdiction of ordinary courts for acts performed in their official capacity.

(iii) It provides for a special tribunal to try officials when they are sued by private citizens for their official wrongful acts, that is, administrative faults.

(iv) It deals with citizens' rights and liabilities vis a vis administration and also lays down the procedure for enforcement of these rights and liabilities.

(v) It awards compensation to citizens for injuries sustained by them at the hands of administrative authorities.

At the top of the system of administrative courts stands the Council of State. The following points can be noted regarding this institution.

(ii) It is the apex administrative court and hears appeals from the lower administrative courts called Administrative Tribunals or Regional Councils. Its decision is final in all administrative matters.

(iii) It also gives attention to certain specified types of administrative case in the first instance.

(iv)   It exercises general supervision over administration to check its arbitrariness and to see that the process of administration is carried on properly and in accordance with the laws.

(v)   It has the final power in civil service disciplinary matters.

(vi)   It also advises the government on all legislative matters.

(vii)   The President of France appoints members of the Council on recommendation of the council of ministers.

(viii) It is located at Paris and consists of administrative and judicial sections.

22.3   MEANING OF ADMINISTRATIVE LAW

French administrative law is known as Droit Administratif which means a body of rules which determine the organization, powers and duties of public administration and regulate the relation of the administration with the citizen of the country. Droit Administrative does not represent the rules and principles enacted by Parliament. It contains the rules developed by administrative courts. Napoleon Bonaparte was the founder of the Droit administrative. It was he who established the Conseil d'Etat. He passed an ordinance depriving the law courts of their jurisdiction on administrative matters and another ordinance that such matters could be determined only by the Conseil d'Etat.

Waline, the French jurist, propounds three basic principles of Droit administrative:

1. the power of administration to act suo motu and impose directly on the subject the duty to obey its decision;

2. the power of the administration to take decisions and to execute them suo motu may be exercised only within the ambit of law which protects individual liberties against administrative arbitrariness;

3. the existence of a specialized administrative jurisdiction.

One good result of this is that an independent body reviews every administrative action The Conseil d'Etat is composed of eminent civil servants, deals with a variety of matters like claim of damages for wrongful acts of Government servants, income-tax, pensions, disputed elections, personal claims of civil servants against the State for wrongful dismissal or suspension and so on. It has interfered with administrative orders on the ground of error of law, lack of jurisdiction, irregularity of procedure and detournement depouvior (misapplication of power). It has exercised its jurisdiction liberally.

Dicey's formulation

1. Firstly the Administrative Law relates to that portion of a national legal system which determines the legal status and liabilities of all state officials.

2. Secondly, the rights and liabilities of private individuals in their dealing with the public officials.

3. Thirdly, specifies the procedure by which those rights and liabilities are enforced.

The American approach is significantly different from the early English approach as it recognized Administrative Law as an independent branch of Legal discipline. According to Davis the Administrative Law is a law which concerns the power and procedures of administrative agencies including especially the law governing judicial review of administrative action.In contrast to the system of rule of law in England, France has adopted the system of administrative law. Public Law is divided into two types as administrative law and general law. Dicey defines administrative law as a body of rules for the protection of officials who have committed abuse of power against the citizens.

   i. Determines the position of the State officials.

   ii. The rights and liabilities of private citizens in their dealings with those officials as representatives of the State.

   iii. The procedure by which these rights and liabilities are enforced. This has resulted in two parallel systems of Courts-the administrative courts and ordinary courts.

22.4 FEATURES OF ADMINISTRATIVE LAW:

   i. It relieves the public officials of the jurisdiction of ordinary courts of their officials.

   ii. Special tribunals are set up to try officials for their wrongful acts.

   iii. It distinguishes official acts from personal acts.

   iv. It regulates the relations of officials towards private citizens.

   v. It lays down the method for granting redress to sufferers.

Merits of Administrative Law:

   i. It provides real and quick redress to the private citizens.

   ii. Under it, the expenditure incurred by the individual is less.

iii. Judges will be able to give better judgments in general cases as they concentrate on them.

Defects of Administrative Law:

1. It adopts rigid procedures.

2. It ensures justice only in legal terms but not in moral terms;

3. It fails to inspire public confidence.

The administrative law has support of the argument that the officials are regarded as the representatives of the State and hence must be given preferential treatment. And, it is supported on the concept of separation of powers as the executive ought to be independent of the judiciary. The four basic bricks of the foundation of any Administrative Law may be identified as:

1. The check, abuse or detourment of administrative power.

2. To ensure citizens an impartial determination of their disputes by officials.

3. To protect them from unauthorized encroachment on their rights and interests.

4. To make them those who exercise public power accountable to the people.

Administrative Law is a law but not in the sense of lawyer like property law, contract law. It is a law in the realists sense which includes statute law, administrative rule making precedents, customs, administrative directions etc. Administrative Law is a branch of public law in contradiction with a private law which deals with the relationship of individuals interests. Administrative Law deals with the organization and powers of administrative and quasi administrative agencies. The stress on the study of organization is only to the extent that it is necessary to understand the powers, characteristics of actions, procedure for the exercise of those powers and the control mechanism. The study includes not only administrative agencies but also the quasi-judicial agencies such as corporation, boards, universities, independent domestic agencies and the like.

Administrative Law primarily concerns itself with the official action which may be:

1. Rule making action.

2. Rule decision action or adjudicatory action.

3. Rule application action.

An administrative action may be controlled by:

1. Courts exercising writ jurisdiction through the writs of habeas corpus, mandamus, certiorari, prohibition and quo-warranto.

2. Courts exercising ordinary judicial powers through suits, injunctions and declaratory actions.

3. Higher administrative authorities.

4. Public opinion and mass media in the 20th century is also an important control on any administration which a student of Administrative Law cannot lose sight of.

Consumer organizations and interests representations also play an important role in controlling the arbitrary exercise, public power both the pre-natal and postnatal stages. Though in India this form of control is still at the take off stage yet organizations such as consumer protection and research society for protection of civil liberties and other consultative and advisory bodies have played a significant role in this direction.

22.5 FEATURES OF ADMINISTRATIVE LAW IN FRANCE

French Droit Administratiff was formulated and explained by the English jurist A.V. Dicey. He identified three distinguishing features of Droit Administrat:

(i) By this law, the rights of the state are determined by a special body of law and rules which are not applicable to the ordinary citizens.

(ii) The ordinary courts have no jurisdiction in cases in which the state or state officials in their official capacity are a party. Such cases are tried by administrative courts consisting of state officials instead of judges.

(iii) As an inference, Dicey thought that a special protection is given to officials in France for acts performed in their official capacities.

These features of the Administrative Law of France were, according to Dicey, sharply different from the Br. System of the Rule of Law, which stood for:

(i) Predominance of regular law on all.

(ii) Equality of all the citizens, whether officials or non-officials before the ordinary law of the land as administered by ordinary courts. It repudiates the system of special administrative courts; and

(iii) Primacy of the rights of the individuals as defined and enforced by ordinary courts of the land.

22.6 DEVELOPMENT OF ADMINISTRATIVE LAW IN FRANCE

The existence of an administrative authority (le droit administratif) in France, separate and distinct from the civil law, dealing, in the main, with the competence of the administrative authorities and watching over the relations amongst themselves and with private individuals, distinguishes fundamentally the administrative and legal system of France from that of Anglo-Saxon countries.

A study of the history of French administrative law during the last hundred years will show that its development has consisted principally in the working out of remedies for the protection of private individuals against the arbitrary and illegal conduct of the administrative authorities and in the extension of the control of the administrative courts (particularly the council of state) over the acts of these latter authorities. It is somewhat analogous to the power of American courts to refuse to enforce unconstitutional acts of the legislature. This control has gone through a very interesting process of development.

During the early years of the First Empire when the judicial courts were, in large measure, the servile instruments of Napoleon, they refused to entertain the plea of illegality as a bar to prosecution for the violation of all acts of the administrative authorities, from the lowest to the highest. In 1800, however, the court of cassation which three years before had held that the inferior judges had no right to refuse to enforce prefectural or municipal police ordinances on the ground of their illegality, changed its opinion and ruled that they were not bound to impose fines for the violation of such ordinances.

During the period of the Restoration when the judges became more independent in consequence of the adoption of the rule of non removability, they went further and held that they were not even bound to impose fines for the violation of ordinances issued by the King. Legality of nearly every administrative act for the violation of which a fine is prescribed, and illegality includes not merely nonconformity to the laws but also incompetence, vice of form, violation of the principle of equality of citizens, of personal liberty, liberty of conscience, inviolability of domicile, violation of property rights, etc.

Even so-called ordinances of public administration issued by the President of the Republic upon the advice of the council of state, which until 1907 could not be questioned either before the administrative or judicial courts, are now attackable before both classes of courts on the ground of illegality and during the world war, when the French Parliament delegated extraordinary ordinance power to the President,

the judicial courts regularly entertained the exception of illegality against such ordinances. This power of the judicial courts to declare illegal the ordinances of the administrative authorities is, as Hauriou remarks, one of the "correctives" of the French administrative system which cannot be ignored. It offered a means of control over administrative conduct which was more frequently invoked than now, its importance having decreased in consequence of the remarkable extension of the control of the administrative courts, the effect of which has been to reduce correspondingly the control of the judicial courts."

22.7 FRENCH SYSTEM OF ADMINISTRATIVE LAW

The French System of Administrative Law relates to the following:

(i) Position and responsibility of the Government officials.

(ii) Relations between the citizens and the officials of the state, their rights and duties.

(iii) The method through which the Government officials can exercise their rights and perform their duties and the people may know as to what and to which extent these rights and duties are going to influence their behaviour.

(iv) The officials of the state are governed by administrative law as applied by administrative courts. The ordinary people are beyond the scope of Administrative Law.

(v) In case of any dispute regarding the jurisdiction of Ordinary and Administrative courts, the Court of Conflicts has the power to resolve the dispute. The Council of State from the side of the administrative courts and the Court of Cassation from the side of the ordinary courts, send three representations each to the Court of Conflicts. The Court of Conflicts takes the help of three other members for resolving the disputes. The Minister of Justice is the President of this court.

(vi) Administrative courts decide cases involving indiscipline or misconduct on the part of officials.

Thus in France, a distinction is made between the officials and ordinary citizens in respect of the securing of their rights and duties. However, this does not involve any discrimination between ordinary citizens and officials in the sphere of administration of justice.

22.8 CONCLUSION

On analysing and comparing we understand that the countries displayed a similar trend with respect to development of administrative law.

Whether it's a common law country like India or a civil law country like France, the governments started out as police states which couldn't care less for the citizens to social welfare nations. Administrative law grew leaps and bounds as functions of the state expanded and no law contrary to rule of law or principles of natural justice were tolerated.

LET US SUM UP

Administrative law now develops in an ever expanding spectrum which includes protecting civil rights and liberties, in the most noble and traditional sense, implementing market regulations, social and economic regulations and even more experimental fields such as environmental law, biotechnologies and the information society. On all of these grounds, the administrative judge is facing very sensitive debates in terms of politics, economics and society. The judge must constantly draw a balance between conflicting, though legitimate, rights and preoccupations. The judge must also keep in mind that he or she acts in a society which, unlike what happened 50 or 100 years ago, is more and more open to the rest of the world.

CHECK YOUR PROGRESS

1. French Droit Administratiff was formulated and explained by the English jurist_____.
2. The Court of Conflicts takes the help of _____ other members for resolving the disputes.
3. In France distinction is made between the _____ law and _____ law.
4. A peculiar feature of the French judicial system is that there are separate _____ courts.

GLOSSARY

Administrative Law : Administrative law is the law that governs the administrative actions.

Droit Administratiff : A body of public law as commonly referred to in many sources, Droit Administratif lays down the obligations of public administrative organs.

Court of Conflict : In the event of a dispute as to whether a case falls within the jurisdiction of the ordinary or administrative courts, the Tribunal des Conflicts is the specialised court charged with resolving the issue.

ANSWER TO CHECK YOUR PROGRESS

1. A.V. Dicey

2. Three

3. Ordinary and Administrative

4. Administrative

MODEL QUESTIONS

1. Discuss the development of French System of Administrative Law.

2. Explain the meaning and features of Administrative Law.

3. Analyse the features of Administrative Law in France.

4. Describe the main features and organization of the judicial system of France.

5. Droit Administratif – Discuss.

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UNIT - 23

STRUCTURE

OVERVIEW

A detailed study of party politics in the political system of France has a significance of its own. France in well known for having a multiplicity of political parties. Like political parties it has got numerous pressure groups. The civil servants in France enjoy a powerful position. France is referred to as a 'civil service state' or 'administrative state'. There is no party of France that may be treated like the Conservative or Labour party of the U.K. in respect of its political commitment. Likewise, there is no party which may be identified with the Republican or Democratic Party of the U.S.A. that all like vote mobilizations machines. The aim of this unit is to explain the organization and functions of both the houses of Parliament, political parties and the pressure groups.

LEARNING OBJECTIVES

After going through this unit, you should be able to

➢ Understand the multiparty system in France.

➢ Know the functioning of pressure groups.

➢ Analyze the importance of French Civil Service.

23.1 POLITICAL PARTIES IN FRANCE

A detailed study of party politics in the political system of France has a significance of its own. The French party system is unique in the western world, and probably in the world as well. France is well known for having a multiplicity of political parties. The political parties of France are loosely organised and undisciplined. So, the reunion and re-arrangements had become a normal feature of the statisological politics in France. There is a lot of diversity in the organisation and attitudes of France's political parties. Party organisation varies from the disciplined parties on the left, to the constantly changing right wing parties. Most of the parties have no ideological base. There is no party of France that may be treated like the Conservative or Labour party of the U.K. in respect of its political commitment.

Likewise, there is no party which may be identified with the Republican or Democratic Party of the U.S.A. that all like vote mobilizations machines. The geographical composition of the country is an important factor for the growth of too many parties in France. The northern half is more right-wing than the southern half; the west and the east are particularly Christian, traditional and conservative; the center and south west are both progressive and dechristianished. Owing to these reasons, the political climate in France always remains at fever pitch. So, the political parties in France are weak in the organisation and structure lacking in definite commitments and followed by heterogeneous and rather freckle clientele. The multiplicity of parties in France may be explained by (1) the lack of political continuity; (2) the French temperament (3) proportional representation, and (4) lack of party discipline. Let us discuss the major political parties in France.

23.1.1 THE COMMUNIST PARTY

France has a multi-party system. It was this system that was responsible for the chronic instability of the Governments under the Third and Fourth Republics. Between the close of World War II and September 1957, France had twenty-two Governments, with an average life of about 6½ months. Even today France has about a dozen parties represented in

the National Assembly. The important parties are the Communist Party, the Unified Socialists (P.S.U.), the French Socialists (S.F.I.O.), the Radical Socialists, the Democratic Centre, the Union of Democrats for the Fifth Republic, the Independent Radicals and the Independents. An account of the important parties is given below.

The Communist Party is the best organized party in France. It came into existence in 1920. Like the communist Parties all over the world it followed, in all matters, the policies laid down by the Communist International and the Communist Party of the Soviet Union. It played an important role during the Second World War in the Resistance Movement against the Germans. When the war was over, the party rapidly gained strength and grew in numbers. Today, it is one of the leading parties in the Country.

The primary unit of the party is the cell. It consists of three to thirty members. It elects a secretary or a bureau or an executive committee. Above several cells there is a section composed of delegates from the cells. Above the sections are departmental federations consisting of delegates from the sections. The highest body of the party is the National Congress. It consists of delegates from departmental conferences. The Congress elects a Central Committee which in turn chooses the Political Bureau and the Secretariat. It is essentially a working-class party. It advocates the abolition of capitalism and establishment of socialism by democratic methods. It has renounced violence as a means of social transformation. It no more believes in the dictatorship of the proletariat.

23.1.2 THE SOCIALIST PARTY

The official name of the party is section francaise de l' international leouvriere(the French Section of the Second International). Although it stands for socialism, it is not a working-class party. It has failed to win the loyalty and support of the class-conscious working masses of France. The socialists are defenders of democratic republican institutions. In foreign policy they support the line of the West European democratic countries. They are opposed to the foreign policy of the Soviet Union. They are not hostile, to the NATO.

23.1.3 THE SOCIALIST UNIFIED PARTY

The Unified Socialist party is a splinter group that separated from the Socialists in 1958. It stands for socialism and democracy. It also favours a regrouping of all the leftist parties. Its influence is limited. It is almost disintegr

23.1.4 THE GAULLISTS

Charles de Gaulle's group was originally known as the Rally of the French People. Its object was to replace the constitution of the Fourth Republic by a new one. The long-drawn war in Algeria created a critical situation. Civilian extremists and the French Army in AlgerIa began to challenge the authority of the Fourth Republic. The crisis came to a head in 1958. At this juncture general be Gaulle appeared on the scene. He became first the Prime Minister under the Fourth Republic and then the first President of the Fifth Republic. In the elections of 1958 under the new constitution the Gaullists emerged as the largest parliamentary group. Since then they have been playing an important role in French Politics.

23.2 MAIN FEATURES OF THE FRENCH PARTY SYSTEM

1. As pointed above, multiplicity of parties is an important feature of the French party system. There have always existed more than a dozen parties and groups in Parliament. It was this multiplicity of parties that was responsible for the chronic instability of the governments under the Third and Fourth Republics.

2. French party politics is often both unrealistic and passionately ideological. As Lowell remarks, a Frenchman "is inclined to pursue an ideal striving to realize his conception of a perfect society, and is reluctant to give up any part of it for the sake of attaining so much as lies within his reach." For the Frenchman, as Ogg puts its, politics is a battle rather than a game.

3. Lack of discipline is another important feature of the French party system. With the exception of the Communists, the French parties lack sound organizational structure. Revolutionary habits and anarchical tendencies govern the behaviour of an average French politician. He is reluctant to work as one of a team and sink his personality in a larger agglomeration. He hates party discipline. He is emotionally enthusiastic, with strong likes and dislikes. The result is that the system is in a constant state of flux, parties are born, flourish and frequently either merge with others or simply cease to exist.

4. The French party system is marked by deep class, religious and regional antagonisms. Prolonged and bitter antagonism between the church and the State has exercised tremendous influence on the party system. The confrontation between a highly class-conscious

proletariat and a very conservative bourgeoisie occasionally erupts in major political upheavals.

5. The French parties are elitist-cadre groups, top heavy in leaders. For the most part, they do not possess a mass-membership base.

6. Occasionally individual parties band together into federations, such as, the former Federation of the Left, combining the Socialist and Radical parties or the recent union of Democrats for the Fifth Republic which included Gaullists of various persuasions. These groups cooperate in numerous ways, such as, signing of electoral agreements to support certain candidates or cooperating on the parliamentary level in the National Assembly.

23.3 PRESSURE GROUPS

The role of pressure groups in the politics of France has an importance of its own. France is known for its plural culture and free and open society. It is the standing example for weak multiparty system. Like political parties, the French have numerous pressure groups which have their own characteristics. The absence of stable political parties paved the way for the rise of numerous pressure groups. It may be due to their plural culture and their intense ideological character. The division may be seen on regional, social, cultural and political lines, most of them relate to the conflict between Left and Right.

Moreover, political groups or 'families', as they may be termed, have fragmented into sub groups with differences among them. It is divided into sub-groups even though they have a common objective and interests. The veterans, farmers, workers, etc are all spread out among a great number of organizations, where the multiplicity of professional and occupational groups is compounded to such an extent by the ideological element. The interest groups are politicised "that is impregnated with political attitudes". Stasiological politics in France try and draw a line of demarcation between political parties and pressure groups, and it is vain. This is the outstanding feature of the French System, where there are no differences between political parties and pressure groups. It is due to the absence of political consensus. The French people lack the tendency of rigid political commitments.

In France Pressure Groups exist in all walks of life. Like their political parties they have a number of organised groups. In France for each single interest there are many different associations-from organised groups like the National Council of French Employers to quite small ones giving sectional representation like National Council of small and

medium -sized business and there are some organisations having purely academic character like the Confederation of the Intellectual-Workers of France. The General Confederation of Labour is the most important trade union in France. We may categorise the interest groups in France into five types as business and employers, labour and agrarian, intellectuals and students, and army and veterans. The role of interest groups in France is quite different from that of the United States and Britain. The pressure groups not only play a very dominant role, but also a very irresponsible role because the sectional interest "tends to take precedence over the national interest".

Though the pressure groups are organized solidly, they" are also so divided that they often fail to generate a common strategy and action."Lobbying is the main tactic of the pressure groups. The 'lobbies', give financial support to the candidates at the time of election, induct their own men into the high ranks of the administration; they will carry away public opinion in their own favour and do a lot of things that bring them close to their American counterparts. Their agents are everywhere in the administration to realise their interest. But the technique of lobbying is mainly used by the business organisations whereas the unions are always talking in terms of 'violence'. Agitation and violence are the only means for the labour unions to meet their objectives.

However, the political behaviour of interest groups of France is much different from that of their Anglo-American counterparts. In France, there is no demarcated line between the parties and pressure groups and both interpenetrate each other. The pressure groups easily get their things done because of two reasons; one the governments have been too unstable to be able to say 'no' to any one, and secondly, the governmental powers have been diffused among many agencies like Prime Minister Parliamentary committees, civil service and so on; since all pressure groups managed to defend themselves and extract concessions from the state, it was impossible for any of them to produce radical changes of policy.

The various groups could thus check each other. Because of their political pluralism, the pressure groups have not been able to act in union. In France, the bourgeois interests have been in a position of advantage due to the practical application of their secret lobbying tactics. There is much of anonimism in the political behaviour of various interest groups that place the stasiological politics of France in a category different from its Anglo-American counterpart.

23.4 FRENCH CIVIL SERVICE

History: Historically, France has been a land of a high degree of centralization with concentration of powers in the hands of emperor. This gave rise to a centralized administrative system in which the civil service enjoyed a powerful position. Another feature of the French Society has been its political instability for long periods. This also added to the powerful position of the French Civil Service. Because of the powerful position enjoyed by the civil servants, France has been referred to as a 'civil service state' or 'administrative'.

Historically, France had the system of 'Sale of Offices' for entry into the civil services. Thus, the vacant posts in government were sold to the highest bidder in a public auction. In other words, the government posts were treated as a form of private property which could be purchased or sold. The advantages of this method of recruitment were:

(i)   It enabled the rich people to become civil servants.

(ii) It freed the government from political interference and patronage.

(iii) It brought heavy revenue to the government.

The disadvantage of this method of recruitment was:

(i)   It made the civil service a royal service rather than a public service.

(ii) It was undemocratic as poor people were denied the opportunity of entering into the civil service.

(iii) It did not recognize the factors of merit and ability of the candidate.

Apart from this system of sale of offices, there were two more methods of entry into the civil service viz. gift (present) and inheritance.

The French Revolution of 1789 put an end to the above systems and brought a fundamental change in the status of the civil servant who was no longer the servant of the Crown (emperor) but rather of the state. This depersonalization of the stat facilitated the growth of administrative law. The successive regimes introduced democratic and legal-rational elements into the civil service system. However, till 1946 the French Civil Service did not emerge as a national institution and remained a departmental institution. There was no central (or national) agency to look after the various aspects of personnel administration.

The Reforms of 1946: The Civil Service Act of 1946 provided the following measures to reform the existing civil service in France.

(i) Establishment of a central civil service directorate (Direction generale de la fouction publique). It was to be placed under direct control of the Prime Minister.

(ii) Unification of the structure of civil service.

(iii) The counter signature of the Prime Minister to be required on rules pertaining to the civil service. Also, the counter signature of the Finance Minister to be required if they have a financial implication.

(iv) The service conditions of civil servants to be set by the state which can also change them unilaterally.

(v) The civil services to be divided into four categories-specialised functions, non-specialised functions, functions of planning and direction, and functions of application.

Due to the implementation of above measures, the French Civil Service emerged as a national institution and lost its departmental character.

Recruitment: The merit system of recruitment occupies a strong position in France. It lays a great emphasis on the formal written examinations supplemented by interviews. The members of the highest civil service class are selected through the Ecole Nationale d' Administration (ENA). In addition to it, there are other specialised schools that prepare graduates for the technical services like the Ecole Poly technique for science and the Ecole Nationale des Impots for finance.

The civil servants in France are drawn from an elitist social group. In the words of Ferrel Heady, "A unique feature of the French bureaucracy is the existence of administrative super elite, made up of members of groupings known as the Grand Corps, tracing their origins in most cases to the Napoleonic appointments are made on the basis of the merit list prepared by it. In the USA and UK, this function is performed by the Office of Personnel Management and Civil Service Commission respectively.

i. It arranges pre entry coaching for the aspiring candidates. This function is performed in India by the government sponsored study circles for the OBCs, SCs and STs.

ii. It provides a long-term training to the civil servants, that is, post-entry training. This function is performed in India by the Lal Bahadur Shastri National Academy of Administration located at Mussoorie.

To sum up, the ENA in France is concerned with the recruitment, pre-entry training and post-entry -training. Hence, there is no such institution either in the UK, USA or India which can be compared with the ENA of France.

Training: The French system of training is popular all over the world. In fact, it serves as a model for training in many countries. The distinctive features of the French system of training are:

(i) It is practical rather than theoretical. It emphasises on making use of practical problems as a means of imparting training to the civil servants.

(ii) It is handled by the civil servants themselves. The new entrants to civil service are trained by the senior civil servants, and not by the academicians as in the case of other countries.

(iii) The civil servants receive training experience from the private sector also.

(iv) The system of training instills both specialist and generalist skills.

(v) The training programme is of long duration. The total training period is about three years and starts before recruitment.

In France, the higher administrative civil servants are trained at the Ecole Nationale d' Administration (ENA) which is a postgraduate college for training. It provides 28-months' training to the new entrants into the civil service after which they are parcelled to the Grands Corps and to the ministries. This 28-months' training period consists of two stages.

(i) In the first stage, they are attached to the Prefecture for 11 months. Here, they are given practical training under the supervision of the Prefect. This is similar to the system of training of fresh ICS officers during the British rule in India. After completing this training at the Prefecture the trainees return to ENA.

(ii) In the second stage, the trainees are imparted practical training at the ENA for 17 months by senior civil servants. During this training programme at the ENA, they are attached to an industrial establishment (generally in the private sector) for two-months' period.

Promotion: A combination of both, the principle of merit and the principle of seniority is adopted for promotion in the civil service. The corps in France is divided into grades, classes and echelons. The scope for promotion is limited as it is generally affected within the same corps. The ENA prepares the list of candidates eligible for promotion and

submits it to an advisory committee. This committee consists of equal number of representatives from both the sides-official and staff. It approves the list prepared by ENA for promotion. It is also authorised to settle the promotional disputes.

A civil servant in France can also be promoted to private organisations. He can come back to his post after serving sometime in the private agency. He retains his seniority but may lose his pension rights.

Pay and Service Conditions:

(i) A rigid formula is used for the fixation of salary. It is governed by the 'General Grid System," introduced in 1948. Under this system, each post is given a fixed index number and the basic salary is determined according to an index. However, this index is not applicable to top civil servants, that is, 'Horse Class' officials. The pay is controlled by the Ministry of Finance, and Personnel Department.

(ii) Apart from the basic pay, the civil servants are also given various allowances like cost of living allowance, family allowance, additional work allowance, overtime allowance, travelling allowance, technical premium, efficiency premium, and so on.

(iii) Under the provisions of the Act of 1959, the civil servants are given the right to association. They also enjoy the right to associate with trade unions to uphold their political ideologies.

(iv) Unlike the USA, France permits the right to strike to its civil servants. This right is given by the Act of 1959 and should be used only as a last resort of collective bargaining with the government.

(v) Unlike the USA and India, civil servants in France are free to participate in political activities. They can join any political party including the communist party. They can contest elections to any representative office including the national legislature. After the expiry of their term or in the event of resignation from parliamentary seat, they can revert back to their position as civil servants with promotion and pensionary rights intact. There is no law to regulate their political activities but they are mentioned by the Conseil d' Etat, the highest administrative court in France.

(vi) The retirement age for civil service servants is fixed at 60 years. They enjoy the usual pensionary benefits.

Machinery for Consultation: France has three kinds of agencies for the purpose of consultation and negotiation with the employees in service matters. They are set up on the lines of Whitley Councils of UK and consist of equal number of representatives of the government and staff. They are:

(i)   Joint Administrative Commission for each segment of civil service.

(ii) Joint Technical Committee in each department.

(iii) Higher Council for public service presided over by the Premier (the Prime Minister of France) or the Minister for Civil Service Affairs and concerned with all matters of personnel policy, conditions of service, coordinating of the activities of above mentioned two agencies, and appeals against disciplinary decisions.

LET US SUM UP

France has a multi-party system. The important among them are the communist party, unified socialist party, socialist party and Gaullists. There are numerous pressure groups in France. Historically France has been a land of a high degree of centralization of powers. This gave rise to a centralized administrative system in which civil service enjoyed a powerful position. Its political instability for long periods also added to the powerful position of the French Civil Service.

CHECK YOUR PROGRESS

1.   The members of the highest civil service class are selected through the _____.

2.   The Communist Party is the best organized party in France that came into existence in _____.

3.   The _____ party is a splinter group that separated from the Socialists in 1958.

4.   The General Confederation of Labour is the most important _____ in France.

GLOSSARY

Communist Party   :   The French Communist   Party is a communist party in France. The PCF is a member of the Party of the European Left.

Socialist Party   : The Socialist Party is a centre-left, social-democratic political party in France.

| Socialist Unified Party | : The Unified Socialist Party was a socialist political party in France, founded on April 3, 1960. |
| Gaullists | : French political stance based on the thought and action of World War II French Resistance leader Charles de Gaulle, who would become the founding President of the Fifth French Republic. |

ANSWER TO CHECK YOUR PROGRESS

1. Ecole Nationale d' Administration (ENA)

2. 1920

3. Unified Socialist

4. Trade union

MODEL QUESTIONS

1. Describe the Political Party System in France.

2. Describe the organization and programmes of the important political parties in France.

3. Analyse the role of the civil service in France.

SUGGESTED READINGS

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TAMILNADU OPEN UNIVERSITY
M.A Political Science (MPSS – 23)
Modern Political System
Model Question Paper

Time: 3 Hrs   Max Marks: 70

PART – A (5 x 5 = 25)
Answer any FIVE questions in 300 words each. Each
question carries 5 marks

1.   Discuss the meaning, nature and scope of State.

2.   Describe the features and functions of the party system

3.   Discuss the powers and position of the French President.

4.   Analyse montesquieu theory of Separation of Powers.

5.   Discuss the powers of the monarch in britain.

6.   Explain the Independent regulatory commissions in U.S.A.

7.   Elucidate the salient features of French government under fifth

       republic?

8.   Describe the features of Swiss Party system?

PART- B (3 x 15 = 45)

Answer any THREE questions in 1000 words each. Each

question carries 15 marks

9.   Examine the salient features of the administrative system of U.K.

10.   Analyse the powers of the Prime minister and factors affecting the

       powerful role of the Prime minister.

11.   Examine the role of Central Personnel Agency in British Civil

       Service.

12.   Assess the Pressure Group in France.

13.   Compare the Indian and Swiss Constitutional features.

Curiginal

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W	URL: https://www.bdu.ac.in/cde/SLM/SLM_FULL/M.A%20Political%20Science%20-%20Books/Modern%20Govts%20(MODERN%20GOVERNMENTS.docx Fetched: 2021-11-02T03:20:39.2570000	25

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MPSS - 24

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எல்லோருக்கும் எப்போதும் கல்வி

M.A., POLITICAL SCIENCE
FIRST YEAR – 2ND SEMESTER

INDIA'S FOREIGN POLICY

SCHOOL OF POLITICS AND PUBLIC ADMINISTRATION

TAMIL NADU OPEN UNIVERSITY
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MPSS – 24

INDIA'S FOREIGN POLICY

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MPSS – 24 INDIA'S FOREIGN POLICY
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Unit -15   Security Challenges

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MPSS – 24 INDIA'S FOREIGN POLICY
` Scheme of Lesson

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)

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Professor K.Parthasarathy
Vice Chancellor

21.04.2022

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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   Foundations, Determinants, Objectives and Principles of Indian Policy

Unit - 2   Non – Alignment Concept, Policy and Movement

Unit - 1

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FOUNDATIONS, DETERMINANTS, OBJECTIVES

AND PRINCIPLES OF INDIAN POLICY

</div>

STRUCTURE

OVERVIEW

The unit discusses the fundamental agendas of India's Foreign Policy and its significance. The foundation of Indian Foreign Policy elaborates on the various philosophies that contributed to the making of the foreign policy. The Determinants explain the foreign policy stands of the country in different eras. The Objectives and Principles of the foreign policy project India's National Power and political commitments. Indian foreign policy was time and again shaped by various leaders from Jawaharlal Nehru, Indira Gandhi, Rajiv Gandhi, NarasimhaRao, Manmohan Singh and Narendra Modi. These leaders and their individual personalities are also the primary reason for maintaining Non-Alignment, Diplomacy, cooperation and contestation in the international arena.

LEARNING OBJECTIVE

After learning this unit, the students will be able to

➢ Understand the different eras of India's foreign policy.
➢ Know the basic and fundamental agendas along with their objectives and principles.
➢ Learn the overview of India's foreign policy objectives, and principles.

1.1 INTRODUCTION

Development of Nation-States and increasing interactions among them has resulted into formation of foreign policy in the modern times. Establishment of United Nations and process of decolonization that has liberated many states into sovereign entities have further provided impetus to interrelationships among states. There is certain unanimity among scholars and statesmen on necessity of a foreign policy for each state, since no state will like to function in complete isolation from rest of the world. Feliks Gross said that even a decision to have no relations with a particular state is also a foreign policy or, in other words, not to have a definite foreign policy is also a foreign policy. For example, India's decision to have no diplomatic relations with Israel up to 1992 was integral part of its foreign policy.

India wanted to continue good diplomatic and trade relations with Israel's adversaries, i.e. the Arab states, whose support on Kashmir was crucial for India, along with access to crude oil. A state without foreign policy will look like a team playing football without any strategy to post the goals, hence all eleven players being clueless about their role and functions on the playground. Thus, in a modern state that lacks foreign policy; the External Affairs Ministry will have no priorities in developing bilateral relations or participating in multilateral forums.

The Defence Ministry will have no clear cut ideas about armed preparations of country's military, since no criteria have been set up before it to define friends and to recognize enemies in the international sphere. The Finance as well as Commerce Ministry will struggle to take stand on issues of import-export during bilateral or multilateral trade negotiations. A state without a foreign policy can be compared to a ship in the deep sea without knowledge of directions. As the radar on the ship navigates it towards land destination, foreign policy leads the state in fulfilling its national interest and acquiring rightful place among comity of nation-states. Therefore, it can be said that foreign policy will exist as long as sovereign states operate in international sphere.

1.2 MEANING OF INDIAN FOREIGN POLICY

The meaning of foreign policy has caused many debates among scholars. In easy and general terms, it is the relation among countries concerning all issues of international relevance like disarmament, peace, climate change, decolonization, justice, etc. In specific terms, foreign policy is the policy of a country in pursuing its national interests in global affairs, for example, the country's refusal or acceptance of international agreements like the Non-Proliferation Treaty (NPT) and Comprehensive Test Ban Treaty (CTBT) or seeking a permanent seat in the United Nations Security Council (UNSC). Through its foreign policy, a state tries to control the behaviour of other states. In this process, a state and its statesmen are generally guided by national interest. Originally, it was believed that the foreign policy of a country grew out of national interest only and no other matters of interest were involved in dealing with other countries.

There are a variety of views on what constitutes national interest. On one hand, extreme realists compare national interest with national power and on the other; the extreme idealists specify national interest with some universal moral aspiration, such as eternal peace or human brotherhood. However, a statesman always tries to find out a concept that considers security, national development and world order as components of national interest. In the context of individual countries, particularly the national interest of one country may vary from another country, depending upon the social and economic environment of that country. National interest of a rich or developed country would be preserved in the present state and seek further improvement. In case of a poor or developing country, the national interest would be preserved on its political sovereignty and it's want to increase the pace of economic development for improving the standard of living of its people in the globalized era.

It must be remembered that in the era of globalization, it has become very difficult to isolate national interest of one country from its geo-political or geo- strategic location and international environment. Therefore, the foreign policy of a country is more than the sum total of its foreign policies, it also includes its commitment, its interests and objectives in the current form and the principles of right conduct that it professes. Therefore, the foreign policy of India is determined not only by domestic factors but also by international factors. Some of these factors are dynamic, which go on changing in the course of time, while some other basic factors make a long-term impact or influence on

foreign policy. Thus, continuity and change among these factors is a common phenomenon in determining the foreign policy of a country. It is really interesting to know how the foreign policy of a country emerges over time to undertake its present complex form. It is an ongoing process where various factors interact with one another in different ways and in different situations.

1.3   DEFINITION OF FOREIGN POLICY

One comes across variety of definitions of foreign policy offered by different scholars. Scholars differ on definition of foreign policy; however, they are certain that it is concerned with behavior of a state towards other states. According to George Modelski, "Foreign policy is the system of activities evolved by communities for changing the behavior of other states and for adjusting their own activities to the international environment….. Foreign Policy must throw light on the ways in which states attempt to change, and succeed in changing, the behavior of other states." (George Modelski, A Theory of Foreign Policy, (London, 1962) pp.6-7) Behaviour of each state affects behavior of every other state in one form or the other, directly or indirectly, with greater or lesser intensity, favaourably or adversely.

Function of foreign policy is to try to minimize the adverse effects and maximize the favorable effects of actions of other states. The objective of foreign policy is not only to change but also to regulate behavior of other states by ensuring continuity of their favourable actions. For example, Great Britain's stand on Kashmir was vague during cold war period. Here, Indian foreign policy attempted to change Great Britain's position in India's favour. On the other hand, the erstwhile USSR supported India on the Kashmir question for many years. In this case, Indian foreign policy's objective was to ensure continuity of USSR's favourable position.

Foreign policy is a complex and dynamic political interaction that a state gets involved in pursuing relations with other states and entities outside the purview of its own jurisdiction. As Joseph Frankel puts it, "Foreign Policy consists of decisions and actions, which involves to some appreciable extent relations between one state and others." (Joseph Frankel, The Making of Foreign Policy, p.1) It implies that foreign policy involves set of actions by the forces working within state's borders and intended towards forces existing outside the country's borders. It is a set of tools employed by the state to influence exercise of law making power by other states as well as actions of non-state actors outside the purview of its jurisdiction. It comprises of formulation and

implementation of a set of ideas that govern the behavior of state actors while interacting with other states to defend and enhance its interests.

Huge Gibson says, "Foreign policy is a well-rounded comprehensive plan based on knowledge and experience for conducting the business of government with rest of the world. It is aimed at promoting and protecting the interests of the nations. This calls for a clear understanding of what those interests are and how far we hope to go with the means at our disposal. Anything less than this falls short of being a foreign policy." (Huge Gibson, The Road to Foreign Policy, p.9) A doctrine of foreign policy can be simple and succinct; or it may be complicated and vague. One thing is sure that foreign policy is much more than meetings of diplomats, formal statements proclaimed by statesmen, and public statements of state leaders. On the other hand, foreign policy definitely includes current nature of state's objectives and interests and principles of self-perceived right conduct in dealing with other states.

Padelford and Lincoln defines it as, "A State's Foreign Policy is totality of its dealings with the external environment.....Foreign Policy is the overall result of the process by which a state translates its broadly conceived goals and interests into specific courses of action in order to achieve its objective and preserve its interest." (Norman J Padelford and George A Lincoln, The Dynamics of International Politics, p.195)In view of such variety of definitions, we can conclude that core of foreign policy consists of achieving the national objectives through the available national means by interacting with other states.

1.4   FOUNDATIONS OF INDIAN FOREIGN POLICY

The foundation of Indian Foreign Policy was laid by Pandit Jawaharlal Nehru who is associated with Krishna Menon, who shaped the foreign policy of India after independence in the 1950s. One of the primary foundational principles was to establish connectivity from the colonial past, self-determined, self-reliant, non-aligned foreign policy. India's initial years were concerned with feeding the 300 million people, thus, it focused on agricultural sufficiency.

1.5   DETERMINANT OF INDIAN FOREIGN POLICY

There are different determinants of Indian Foreign Policy such as geography, strategic culture, population, governmental system, economic development, requirements and goals, global and regional challenges, and Military power.

Geographical Factors: A state's climate, fertility of soil, access to waterways, deposits of mineral resources, diversity of crops, availability of drinking water etc. affect and influence its foreign policy. Sufficiency of these factors makes the state self-sufficient, and thus, it can assert in relations with other states. It is observed that land-locked countries, countries in the tropic region and those bordering superpowers are more dependent on other states than the countries with access to warm ports, in the temperate region and at a considerable distance from superpowers.

The geographicalfactor is one of the primary factors to influence foreign policy. It is also referred to as geopolitics. India constitutes a central space in the Indian Ocean and also occupies the largest area in South Asia. The Himalayas in the North plays a significant role in protecting the country, it also influences India's relation with Nepal, Bhutan and Myanmar. However, it couldn't defend itself against China in 1962. The Indian Ocean in the south is another major natural gift that helps India to avoid conflict, also explore the region. India possesses dominance over the region. India's importance in the region will increase in the India-Pacific region. It is also a major trade route, with sea lanes of communication which is constructively important.

Population: Territorial size of a state influences its foreign policy in a sense that bigger the size greater role the state can play in international politics. India's ambitions to achieve great power status in world politics can be attributed to its size, which is 7th largest sovereign state in the world. Similarly, one of the major factors of importance of United States, Russia and China is their gigantic size. On the other hand, smaller countries generally do not get opportunities to perform larger than life roles in international arena. Smaller island countries in the Asia-Pacific region and in Africa continent do not play significant roles in world politics.

Big size makes the geographical location of a state crucial in international sphere. India is geo-politically important in world politics because its vast size places it at the inter-junction of South-East Asia, Central Asia, West Asia, South Asian countries and China. India's huge population, if seen in terms of human resources, also provides strength to its foreign policy. India is the second most populace country, it has a labour-intensive market and consumption-oriented country. The foreign policy has to focus on employing the people and also increasing the market size. It has to deal with its hunger, poverty and economic development.

Government System: India's democratic government is an aspiration for many countries. It is also being accepted by many countries. For instance, ASEAN looks to India for democratic advice rather than China. India is a parliamentary democratic country, and the role of the regional state government also matters in foreign policymaking, in the case of Sri Lanka-India, the Tamil Nadu government and Tamil issue do play a role.

Economic Development: Level of economic development influences state's foreign policy in more than one ways. Advanced industrialist countries play dominant role in world politics, and formulate their foreign policies to maintain such superiority. These countries have large resources at their disposal to build military capabilities on one hand, and disperse monetary benefits on other states in the form of aid and loan. They remain in constant search of new markets for their products, access to raw and natural resources as well as skilled and unskilled labour. It makes pertinent on them to develop close diplomatic ties with other states and encourage people to people contacts among them.

Developing countries, too, follow their suit to receive benefits of trade and technological breakthroughs. However, developing countries remain dependent on advanced industrialist countries to a large extent to get developmental loans, import of technologies and even food-grains to meet their ends. Accordingly, it has to adjust its foreign policy. Economic sovereignty is one of the utmost significant factors in policymaking, India's decision to stay Non-Aligned to connect with other countries for economic growth. In 1991, India opened its economic market to attract investments, today India is of the important global consumers and producers. It is trying to utilize its demographic.

Strategic Culture: Historical experiences and cultural traditions of a state exert influence on its foreign policy. Generally, state with unified culture and common history finds it easier to formulate effective and consistent foreign policy. In such a case, overwhelming majority of people, who share similar experiences and common perceptions of historical events, support the state's foreign policy. On the other hand, country with divergent cultures and various historical experiences in its different parts, finds it difficult to formulate foreign policy in unison. Without a common anti-colonial legacy and deep-rooted culture of peace and co-operation in Indian society, it was not possible for the government to formulate country's foreign policy in post-independence era.

History and culture also play a vital role in foreign policy formation. Kautilya's ideas on a powerful kingdom, Buddha's and Gandhi's philosophies of non-violence and truth.India's diaspora connectivity through religion, ethnicity and language also play a significant role. India follows principles such as imperialism, colonialism, and opposition to armaments had been influencing time and again.

Regional Environment: Regional events are important in formulating foreign policy. China and Pakistan's closeness towards the US naturally drifted India towards the Soviets during the cold war period. In the contemporary world, China's assertiveness in the region had made India move toward Japan, Australia and US. India is also trying to engage with ASEAN countries through the Look East policy.

Global Environment: Globalization also plays a significant role, India wants to connect to the western world and liberalize its economy, and it has to enact policies that can integrate India into the global forum. India is also obliged to climate change and thus also incorporate environmental policies. Global terrorism is also another factor to incorporate global policies. A prevalent framework of world politics plays decisive role in deciding the foreign policy of a country.

When India became independent, world was divided into two hostile camp, which was much beyond India's capacity to change. In the bi-polar world dominated by military alliances, India sought its interest in maintaining distance from military alliances but forging ties with individual countries from both the blocks. In the subsequent years, as Pakistan moved closer to the western block and China became hostile to India, New Delhi forged closer comprehensive ties with the USSR.

Military Power: India is the 3rd most powerful country in Army, 4th most powerful in Air Force and 6th most powerful in Navy. India is also a nuclear power state. India is also dominating the space, thus all of these play a vital role in foreign policy formation, as India collaborates with other countries in policy formation.

Capabilities of a state to defend its borders against armed aggression plays important role in its foreign policy. Militarily capable states exercise greater independence from external forces in formulating their foreign policy. Increased military preparedness of a country might result in change in its foreign policy. Indian foreign policy has acquired new dimensions after nuclearisation, as it attempts to gain the status equivalent to P-5 countries.

1.6 OBJECTIVE OF INDIAN FOREIGN POLICY

Indian foreign policy believes in international peace and security, preserving its territorial integrity, sovereignty, independence, national development, protection of people's interest of Indian origin abroad, opposes imperialism and advocates for decolonization, strongly against apartheid party, advocates peaceful and political settlement of international disputes, peaceful co-existence with neighbours, to supports non-alignment and non-committed.

Following are some of the key general objectives that we can locate in foreign policy of almost every country:

1. A foreign policy protects unity and integrity of a country. For example, a major focus of India's relations with China is to ensure country's territorial integrity by rejecting Chinese claims on Indian terrains. It takes note of incorrect map of India issued by foreign countries and agencies, and asks to make appropriate amends in it.

2. A foreign policy defends interests of its citizens. For example, successive Indian governments keep in mind interests of farmers while negotiating bi-lateral and multi-lateral trade agreements. A primary interest of any country is in self-preservation and well-being of its citizens. In international arena, interests of various countries often clash with each other and the states have to protect their own interests vehemently. A foreign policy aims at promotion of economic progress of the country. In modern times, economic development is one of the key factors in determining state's international status. Thus, the treaties and agreements concluded with other states are drafted in a way to protect and promote economic interests of its own.

3. A foreign policy also protects interests of its citizens beyond the borders. For example, the External Affairs Ministry takes up issue of racial discrimination and harassment of Indian students in Australia with the Australian government in order to protect its citizens in that country.

4. A foreign policy also protects dignity and sentiments of the people of Indian origin throughout the world. For example, Indian government had asked its French counterpart to reconsider ban on Sikh's turbans in that country even though the Sikhs there may not be Indian citizens anymore and had accepted French citizenship.

5. A foreign policy tries to maintain contacts and develop good relations with all other states in order to enhance economic and technological co-operation with them with a view to promote its own interests. Indian government lost no time in recognizing newly

independent African and Asian countries and immediately established diplomatic relations with them to create its sphere of influence and good will in those countries. On the contrary, diplomatic cut-off with a particular country on issues of ideology or national interest can also be part of state's foreign policy. India had not only boycotted the racist South African regime in the past, but also led the international imbroglio against it as a matter of its principled stand against racism in the world.

Although above mentioned examples are Indian foreign policy centric, foreign policies of almost all the states are full of similar examples

1.7 PRINCIPLES OF INDIAN FOREIGN POLICY

The primary principles of Indian Foreign Policy include the Panchsheel, India's opposition to export ideologies, India does not endorse unilateral sanctions/ military actions, strategic autonomy,

Panchsheel: Panchsheel or five virtues was first formulated in April 29th of 1954. It was signed between India and Tibet region of China, as an agreement of trade, which became the basic conduct of International Relations globally. The five principles include

- Mutual respect for each other's territorial integrity and sovereignty
- Mutual non-aggression
- Mutual non-interference
- Equality and mutual benefit
- Peaceful co-existence.

Non- Alignment: The non-alignment policies are based in Panchsheel, India. India's foreign policy during the cold war period was based on Non-alignment to align with the other neutral countries for development rather than avoiding the major powers.

India Stands for Democracy: India's Principle clearly stands with democratic values. India refused to engage with Myanmar due it its military junta and Myanmar's refusal to accept the elected democracy in the country.

Anti-Colonialism: The basic policy of Indian foreign policy is anti-colonization. India has been oppressed by the British for centuries. Indian culture was rejected and ethnicity was denied, and Westerners called Indians uncivilized. India's colonial movement unified people and motivated them to form a strong nationalism in the country, thus expelling a foreign rule.

Anti-Imperialism: India maintained warm relations with the newly independent states in Asia and Africa, under Nehru, who was an ardent advocate of Asian Unity. As a result, under his leadership, India convened the Asian relations conference in March 1947.India also made honest efforts for the early realisation of the freedom of Indonesia from the Dutch colonial region. Also, India convened an International Conference in 1949 to support the freedom struggle of Indonesia.Furthermore, the Asian conference held in the Indonesian city of Bandung in 1955 commonly known as the Bandung conference marked India's engagement with the newly independent Asian and African Nations. Later, the Bandung conference led to the establishment of the NAM.

Anti-Racism: India believes in the equality of all human beings, and thus opposes all forms of racial discrimination. India raised opposition against the infamous apartheid policy in South Africa. Not only India had cut off diplomatic relations with South Africa in 1949 but also used her influence in the application of comprehensive sanctions (later) against the white minority racist regime of South Africa.

LET US SUM UP

The Indian Foreign Policy lays forward the Indian national interest to cooperate and encounter the international forum and is strongly used in bilateral agreements. Nehru was the founder and architects of the policy, who instituted stable ideas such as non-alignment, no tolerance for racial discrimination and anti-colonial sentiments. India is still adhering to these ideas. India's foreign policy determinants are the geographical indications, population, government system, economic development, strategic culture, regional environment, global environment and military strength. India's foreign policy principles are based on Panchsheel, Non-Alignment, Democratic Support, Anti-Colonialism, and Anti-Racism.

CHECK YOUR PROGRESS

1.   The Indian Foreign Policy was founded by _____.

2.   _____ is the primary factor that influences Indian Foreign Policy.

3.   _____ or _____ was formulated in April 29th 1954.

4.   India convened an International Conference in _____ to support the freedom struggle of _____.

GLOSSARY

Panchsheel : Five Principles of Peaceful Coexistence

Non-Alignment : The Non-Aligned Movement is a forum of 120 countries that are not formally aligned with or against any major power bloc.

Anti –Racism : the policy or practice of opposing racism and promoting racial tolerance.

Anti – Imperialism : opposition to or hostility toward imperialism

ANSWER TO CHECK YOUR PROGRESS

1. Jawaharlal Nehru

2. Geography

3. Panchsheel or Five virtues

4. 1949, Indonesia

MODEL QUESTIONS

1. Write a brief note on the foundations of Indian Foreign Policy.

2. Summarize the determinants of Indian Foreign Policy.

3. Explain the principles of Indian Foreign Policy.

SUGGESTED READINGS

1. Rajan, M.S, (1993), *Studies in India's Foreign Policy*, New Delhi, ABC Publishing House.

2. Dutt, V.P. (2002), *India's Foreign Policy in a Changing World*, New Delhi, Vikas.

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Unit - 2

NON-ALIGNMENT CONCEPT, POLICY AND MOVEMENT

STRUCTURE

OVERVIEW

Non – Alignment Movement has shifted its attention to socio-economic, ecological, health, anti-terrorism, and related issues during the post-Cold War period. It does not mean that the NAM has dropped its political agenda, It is still a significant base for upholding the territorial integrity and sovereignty of the developing countries. It is also an important platform to fight for the right to self-determination of oppressed nationalities alongside its political agenda. NAM is also emphasizing other areas as mentioned above because these issues have gained prominence in international relations after the Cold War. In this unit, we will discuss on the non – alignment concept and movement related to that.

LEARNING OBJECTIVE

After learning this unit, you will be able to

➢   Understand the Non – alignment concept and Movement in India.

➢   Study the various Policy decision related to non – alignment movement.

2.1   INTRODUCTION

The post-1945 period witnessed drastic changes in the international system. Eurocentric international system was gradually turned to US centred and Soviet centred. These two powers tried to influence the other countries militarily, economically as well as ideologically. Both powers introduced various schemes for influence Eastern European countries. The USA introduced the Truman Doctrine as well as the Marshall Plan. The Soviet Union introduced the Molotov Plan for attracting countries. Both power blocs mainly offered financial assistance to the countries. Apart from financial aids they created security and economic alliances. As a result of this international political system became bi-polar. It accelerated powerful bloc politics; this led to mutual distrust, hatred and sharp rivalry between the two superpowers.

The USA in order to counter the spread of communism encouraged West European nations to create the North Atlantic Treaty Organisation (NATO), a military alliance, in 1949. The Soviet Union countered the NATO by forming the Warsaw Pact, another military alliance of East European nations, in 1955. Primarily the act of military alliance confined within the European countries. Subsequently, both power blocs tried to bring Other Asian, African and Latin countries under their military and economic influences. This two superpower bloc started to pressures other countries it creates enormous impasse among Asian and African countries.

Some developing countries disregarded the call of the superpowers to join their blocs and nurtured the dream of a world free of bloc politics and the dominant political tension blocs, associated with it. Some newly independent nation-states showed greater inclination to maintain their autonomy outside bloc politics. They felt that rendering allegiance to any of the superpowers would infringe upon their freedom to decide their course after the much- awaited independence of their motherlands. Prominent among these newly- independent developing countries was India, which rejected the idea of joining any bloc after the Second World War.

Jawaharlal Nehru, the first Prime Minister of India, as opposed to militarism and preferred relying more on the age-old Indian traditions of non-violence and peaceful cooperation among nation-states. He was joined by Indonesian President Sukarno and Egyptian President Nasser, and they endeavored to create a world free of bloc politics and military alignments. It was due to their efforts that the Non-Aligned Movement

(NAM) emerged and gathered strength in world politics after the Second World War.

Non- Aligned Movement (NAM) was founded during the end of the colonial system and the independence struggles of the people in Africa, Asia, Latin America and regions of the world, during the cold-war times. It encouraged the decolonization process, attaining freedom from European powers, and granting independence to African, Asian and Latin American countries. It has also played a crucial role in sustaining peace in their region.

2.2   OBJECTIVES OF THE NON-ALIGNMENT MOVEMENT

The primary objective of non-alignment is

- To improve self-determination,
- National independence
- Sovereignty and territorial integrity of States
- Opposition of Apartheid
- Non-Adherence to multilateral military pacts
- Independence of Non-aligned countries from great power or block influences and rivalries
- Fight against Imperialism in all forms
- Fight against colonization, neo-colonization, racism, foreign occupation and domination
- To objectively oppose disarmament, non-interference into the internal affairs of states
- Peaceful Coexistence of nations
- Rejection of the use or threat of force in international politics
- Strengthening the United Nations
- Socio-economic development
- Restructuring the international economic system

2.3   EVOLUTION OF THE NON-ALIGNMENT MOVEMENT

The idea of a non-alignment movement was conceived at the conference of Afro- Asian countries held in New Delhi in 1947. After India gained independence from British rule, it decided not to join any power bloc. Jawaharlal Nehru, the first Indian Prime Minister, took the initiative to encourage theses Afro-Asian nations to fight against the evils of colonialism and imperial domination. Jawaharlal Nehru first used the term 'non-alignment' in a speech he delivered in 1954 in Colombo, Sri Lanka. In it, Nehru described the five guiding principles for China-India relations. These principles known as the 'Panchsheel' (five pillars), would later serve as the basis of the NAM. These were (1) respect for

each other's sovereignty and territorial integrity; (2) non-aggression; (3) non - interference in domestic affairs; (4) equality for all; (5) peaceful co-existence. However, in its most real sense, the Nam took a proper shape at the Bandung Conference of Afro- Asian countries held in Indonesia in 1955.

The attending twenty-nine nations declared their wish not to get involved in the Cold War and adopted a declaring on the promotion of World Peace and Cooperation, which included Nehru's five principles. The Bandung Conference emphasized the need for emancipation of the people from colonial rule and urged the newly independent nation-states to stay away from bloc politics and adhere to the principles of nonalignment. This conference had built the base for the movement.

After Bandung, it took six years to arrange the first non-aligned summit in Belgrade, the capital city of former Yugoslavia, in 1961. Meanwhile, erstwhile Yugoslav President Broz Tito expressed his support to the non-aligned movement and invited the non- aligned countries to organize their first summit in Belgrade. Twenty-five countries participated at the Belgrade Summit. The basic thrust of this first non-aligned summit was on peace, socio- economic development of the privileged countries and disarmament of the world. The Belgrade Declaration on Peace evoked a global response.

The Bandung Asian-African Conferencein 1955 created the Non-Alignment movement, where 29 heads of newly independent states gathered from Asia and Africa, to discuss world issues of their time and formulate a joint policy from their side. NAM focused on strengthening the socialist block after the defeat of fascism, the collapse of the colonial empire, the emergence of the bipolar world, and the formation of the military blocks which made the global south to cooperate amongst itself.The Bandung conference also introduced 10 principles.

2.3.1   TEN PRINCIPLES OF BANDUNG

- To implement the respect of fundamental human rights in their countries and to implement the objectives and principles of the Charter of the United Nations.
- Respect for the sovereignty and territorial integrity of all nations.
- Recognition of the equality among all races and of the equality among all nations, both large and small.
- Non-intervention or non-interference in the internal affairs of another country.

- Respect for the right of every nation to defend itself, either individually or collectively, in conformity with the Charter of the United Nations.
- Non-use of collective defence pacts to benefit the specific interests of any of the great powers.
- Non-use of pressures by any country against other countries.
- Refraining from carrying out or threatening to carry out aggression, or from using force against the territorial integrity or political independence of any country.
- To follow the peaceful solution of all international conflicts in conformity with the Charter of the United Nations.
- To promote mutual interests and cooperation amongst the NAM states.
- Respect for justice and international obligations.

In 1960, the Fifteenth Ordinary Session of the United Nations General Assembly gave a boost by the incorporation of 17 new African and Asian countries. The key role was played by the Egyptian President Gamal Abdel Nasser, President of Ghana Kwame Nkrumah, India's Jawaharlal Nehru, Indonesian President Sukarno and Yugoslavian President Josip Tito, who became the founding fathers of the Non-Alignment Movement.The underdeveloped countries from Africa and Asia wanted to build a common defence of their interests to strengthen their independence, sovereignty and economic development along with culture. There is a strong commitment toward peace and thus declared non-alignment from the military blocks.

The 1st summit was held in Belgrade in 1961, after six years. The heads of the states from, Afghanistan, Algeria, Yemen, Myanmar, Cambodia, Sri Lanka, Congo, Cuba, Cyprus, Egypt, Ethiopia, Ghana, Guinea, India, Indonesia, Iraq, Lebanon, Mali, Morocco, Nepal, Saudi Arabia, Somalia, Sudan, Syria, Tunisia and Yugoslavia. However, the founding father did not want to create NAM as an organization due to bureaucratic red tapes. The Movement wanted to have its own space in international politics rather than being passive. The NAM had waged battles to stop foreign aggression, occupation and domination in their territory, to restore their inalienable rights. The President of Egypt and Yugoslavia addressed the gathering on taking recent world events and the rise of international tensions into account, a Conference should be held to promote an improvement in international relations, a resistance to policies of force and a constructive settlement of conflicts and other issues of concern in the world.

2.3.2   NEW INTERNATIONAL ECONOMIC ORDER

During the 1970 and 1980s, the NAM movement played a key role in the formation of the new international economic order which enhanced to use of their wealth and natural resources thus providing a fundamental change in the economic reforms and relations. It created the economic emancipation of the Southern countries. The Algiers Conference in 1973, introduced the concept of a "New International Economic Order." By the end of the 1980s, the Movement was facing a great challenge brought about by the collapse of the socialist block. The collapse of the Soviet Union made NAM insignificant as the clash between the two antagonistic blocks was the reason for its existence,it was seen as the beginning of the end for the Movement of Non-Aligned Countries.

2.4   THE PURPOSE OF NON-ALIGNMENT MOVEMENT

During the 14th Summit of the Non-Aligned Movement in Havana, Cuba in September 2006, the Heads of State and Governments of the member countries reaffirmed their commitment to the ideals, principles and purposes upon which the movement was founded and with the principles and purposes enshrined in the United Nations Charter under the emergence of new multipolar world order.The following purposes and principles were presented at the 14th summit

- To promote and reinforce multilateralism and, in this regard, to strengthen the primary role of the United Nations
- To recreate a stagefor political coordination for developing countries in promoting and defending their common interests in world affairs.
- To establish unity, solidarity and cooperation between developing countries throughcommonbeliefs and priorities based on consensus.
- To maintain International security through peaceful settlementsof international disputes in concurrence with the principles and the purposes of the UN Charter and International Law.
- To develop friendly relationship and cooperation between all nations, irrespective of economic and political background, based on the principles of International Law, and UN.
- To advocate for sustainable development through international cooperation of rich and poor countries in the international economic relations, under equal responsibilities.
- To campaign on human rights activities and fundamental freedoms for all.
- To condemn all manifestations of unilateralism and attempts to exercise hegemonic domination in international relations.

- To coordinate actions and strategies in order to confront jointly the threats to international peace and security, including the threats of use of force and the acts of aggression, colonialism and foreign occupation, and other breaches of peace caused by any country or group of countries.
- To promote the strengthening and democratization of the UN, giving the General Assembly the role granted to it in accordance with the functions and powers outlined in the Charter and to promote the comprehensive reform of the United Nations Security Council so that it may fulfill the role granted to it by the Charter, in a transparent and equitable manner, as the body primarily responsible for maintaining international peace and security.
- To continue pursuing universal and non-discriminatory nuclear disarmament, as well as a general and complete disarmament under strict and effective international control, and complete elimination of nuclear weapons and prohibit their development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction.
- To oppose and condemn the categorization of countries as good or evil based on unilateral and unjustified criteria, and the adoption of a doctrine of pre-emptive attack, including attack by nuclear weapons, which is inconsistent with international law and to further condemn and oppose unilateral military actions, or use of force or threat of use of force against the sovereignty, territorial integrity and independence of Non-Aligned countries.
- To encourage States in establishing new Nuclear Weapons-Free Zones in regions where these do not exist, in accordance with the provisions of the Final Document of the First Special Session of the General Assembly devoted to disarmament (SSOD.1) and the principles adopted by the 1999 UN Disarmament Commission, including the establishment of a Nuclear Weapons Free Zone in the Middle East.
- In promoting international cooperation in the peaceful uses of nuclear energy.
- To start initiatives for South-South cooperation and strengthen the role of NAM, in coordination with G.77, in the re-launching of North-South cooperation.
- To increase civil society activities through NGOs in delivering the principles and objectives of the Movement.

2.5   PRINCIPLES OF NON – ALIGNMENT MOVEMENT

The New Principles of NAM follow

- Respect for the principles enshrined in the Charter of the United Nations and International Law.
- Respect for sovereignty, sovereign equality and territorial integrity of all States.
- Recognition of the equality of all races, religions, cultures and all nations, both big and small.
- Promotion of equal dialogue between peoples, civilizations, cultures and religions based on the respect of religions, their symbols and values.
- Respect and promotion of all human rights and fundamental freedoms for all.
- Respect for the equality of rights of States, including the inalienable right of each State without the interference of other states.
- Reaffirmation of the validity and relevance of the right to self-determination of peoples under foreign occupation and colonial or alien domination.
- Non-interference in the internal affairs of States.
- Rejection of unconstitutional change of Governments.
- Rejection of attempts at regime change
- Condemnation of the use of mercenaries in all situations, especially in conflict situations.
- Refraining by all countries from exerting pressure or coercion on other countries, including resorting to aggression or other acts involving the use of direct or indirect force, and the application and/or promotion of any coercive unilateral measure that goes against International Law or is in any way incompatible with it, for the purpose of coercing any other State to subordinate its sovereign rights, or to gain any benefit whatsoever.
- Total rejection of aggression is a dangerous and serious breach of International Law and entails international responsibility for the aggressor.
- Respect for the inherent right of individual or collective self-defence
- Condemnation of genocide, war crimes, crimes against humanity.
- Rejects terrorism of forms and manifestations.
- Promotespacific settlement of disputes and international conflicts.
- Reaffirming that democracy is a universal value based on the freely expressed will of people.

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- Creation of multilateralism and multilateral organizations resolve international problems.
- Support to efforts by countries suffering internal conflicts.
- Respect for the political, economic, social and cultural diversity of countries and peoples.

LET US SUM UP

The Non-Alignment Movement started during the 1950s has re-emerged as an important component in recent years. NAM's creation was to separate the third world countries from the two major military blocks, based on socialist principles.To create a separate identity in international relations. To create an independent trading bloc, free from the 1st and 2nd world. NAM's principles had also been changed from the previous century to the present century.

CHECK YOUR PROGRESS

1. The USA in order to counter the spread of communism encouraged West European nations to create the _____, a military alliance, in 1949.
2. _____ opposed to militarism and preferred relying more on the age-old Indian traditions of non-violence and peaceful cooperation among nation-states.
3. Non- Aligned Movement (NAM) was founded during the end of the _____ system.
4. The idea of a non-alignment movement was conceived at the conference of _____ countries held in New Delhi in 1947.

GLOSSARY

Integrity   : the state of being whole and undivided.

Disarmament   : the reduction or withdrawal of military forces and weapons.

Fascism   : a political system headed by a dictator

Colonial   : a native or inhabitant of a colony.

ANSWER TO CHECK YOUR PROGRESS

1. North Atlantic Treaty Organisation (NATO)
2. Jawaharlal Nehru
3. Colonial
4. Afro- Asian

MODEL QUESTION

1.   Discuss the various principle of Non – Alignment Movement.
2.   Examine the Evolution of Non – Alignment movement.
3.   Explain the objectives for the Non – Alignment.

SUGGESTED READINGS

1.   Rajan, M.S, (1993), *Studies in India's Foreign Policy*, New Delhi, ABC Publishing House.
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3.   V.N. Khanna (2010), *Foreign Policy of India*, New Delhi, Vikas.

Block II

INDIA'S POLICY TOWARDS MAJOR POWERS

Unit - 3

<div align="right">**INDIA - USA**</div>

STRUCTURE

OVERVIEW

India, one of the largest democracies in the world today, is one of the fastest growing and most dynamic economies. Countries around the world are beginning to realize the potential India holds and are looking to partner with it to ensure mutual prosperity. India's relations with most of the countries in the world have generally been formal and diplomatic. India's relations with some of its neighbours have been friendly while with some not-so-friendly. However, India, in order to become a global power, realizes the importance of maintaining cordial ties with its neighbours. This chapter will describe India's policy towards the great power, the USA.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Understand the evolution of US – India Relations.

➢ Study the US – India Relations in cold war period and strategic partnership.

➢ Know the Liberalization Policies, CivilNuclearCooperation and India-USDialogueArchitecture.

3.1 INTRODUCTION

The two largest democracies on earth have never strongly interacted. The South Asian region did not play an important role in America's strategic considerations during the Cold War. India was officially a non-aligned country, a fact America did not appreciate. Nepal, Maldives, Sri Lanka and Bhutan were not big enough to be important while Bangladesh was part of Pakistan till 1971. The Cold War rivalries primarily affected Pakistan and Afghanistan. The US perceived India to be part of the Soviet camp due to its ties with the Soviet Union. The US-Indian policies usually ran parallel to each other or indirectly diverged through the relations with Third World countries like Pakistan.

India - US relations had been strengthening only in the recent past. India's bilateral relations were established only in the 21st century, and today the US views India as a bilateral partner, a non-NATO ally and a potential major power in countering China. India and US market collaboration is also increasing, along with the political commitment to democracy. The security of the indo-pacific region is maintained by the QUAD group where India is part along with Japan, Australia and US. India and US had agreed on matters such as freedom of navigation in the region, maritime security, piracy and disaster management, thus it has developed in "global strategic partnership" based on common democratic values.

3.2 EVOLUTION OF US- INDIA RELATIONS

While the US did provide some help and support in the 1962 India – China conflict, in the 1965 Indo – Pak conflict, ittookapro-Pakistan stand. In the 1971 India-Pakistan war, the US supported Pakistan but also warned India of American intervention and even sent the US 7th Fleet to the Bay of Bengal. In fact, the issue of Kashmir, pro-Pakistan stand of the US, India' non-alignment policy, its friendly relations with USSR and India's refusal to sign Non-Proliferation Treaty (NPT) or Comprehensive Nuclear - Test-Ban Treaty (CTBT) were some

of the factors that hindered development of close ties between India and the US.

In January 1981, Ronald Reagan assumed the office of the President of the United States of America. The Reagan administration emphasized on a policy that inclined towards South Asia. This administration provided indirect military aid to anti-Afghan guerrillas and completely economic and military support to Pakistan. This policy obviously strained Indo-US ties. In spite of this, the United States planned to build a strong military base at Diego Garcia in the Indian Ocean. However, the nuclear policy of India and India's recognition of Kampuchealed to the deterioration of Indo-US relationship.

Indira Gandhi's diplomatic efforts to open up lines of communication with the US administration were made possible, when she met President Ronald Reagan personally during the Cancun Conference in 1981. A year later, she met Ronald Reagan in Washington. After a couple of meetings, Indira Gandhi developed a positive relationship with Reagan. Both the countries officially agreed to expand scientific and technological cooperation. However, despite the establishment of this positive relationship, the basic, strategic and political divergence could not be overcome. Thus, Indo-US ties remained strained to a considerable extent.

Rajiv Gandhi wanted to give the Indo-US ties a new turn. He visited the United States in 1985 and tried to mend the strained relations. United States also responded favourably and agreed to the transfer of high technology and offered advanced military technology and weaponry. Although Rajiv Gandhi's visit to the US did not provide any concrete results, it improved the two countries' understanding regarding each other's interests.

During the 1980s, both the states were happy to extend their relationship without touching each other's national interests in the long term. Eventually, the Indo-US ties became more friendly and cooperative, however, it lacked depth.Thus, despite numerous bids by the leaders of the two countries, the relations between the countries remained strained.

The US recognized the Union of India at the time of Indian independence on August 15th1947, under US President Harry S. Truman sent a congratulatory message to Lord Mountbatten. The interim government in 1946 had formal diplomatic relations with the United States even before independence.

3.3   COLD WAR PERIOD

During the cold war period, the US developeda close relationship with Pakistan than with India, thus India naturally developed a strong relationship with the Soviet Union. From 1954 to 1990, the US formed and maintained an alliance with Pakistan and developed suspicions of India's relations with the Soviet Union and grand strategy of strategic autonomy and socialist economic development. India's NAM movement also distanced the US from India. The US supported Pakistan and supplied arms in various wars against India.Especially in 1971, India intervened against Pakistan in East Pakistan, and the US sent the USS Enterprise into the Bay of Bengal, which also created an international outcry.

In 1972, the US forged a quasi-alliance with China-Pakistan and as a result, India moved closer to the Soviet Union. The US also refused to accept India as a nuclear power state and protested when India conducted a nuclear test in 1974, the Carter administration also cut down the nuclear fuel supplies to India. The Reagan administration blinded Zulfikar Ali Bhutto training the jihadis and promoting terrorism as an asymmetrical weapon against India. The US disagreed with India's recognition of the pro-Soviet Najibullah regime in Kabul, and India disapproved of US support for Zia's strategy.

3.4   LIBERALIZATION POLICIES

In 1991, Finance Minister Manmohan Singh led economic reforms, which encouraged the transformation in India from a socialist economic system to an open economy for freer markets and increased foreign investment, which drew India closer to the US-dominated global economic system.

3.5   US-INDIA IN THE 1990s AND 2000s

During the 1990s, the US treated India and Pakistan as equals, especially in nuclear weapons programs and the issue of Kashmir. The US urged India in conducting a plebiscite in Kashmir. When India and Pakistan tested nuclear weapons in May-June 1998, the US sanctioned both countries. Pakistan's launching of the Kargil War in 1999 and as well continuing supporting state-sponsored violent extremists, the US dissociated further from Islamabad. Negotiations between Foreign Minister Jaswant Singh and Deputy Secretary of State Strobe Talbott led the Clinton Administration to have a closer relationship with India on counterterrorism stance along with India's non-aggressive nuclear posture, thus lifting economic sanctions in November 1998.

President Bill Clinton's visit to India in 2000 signalled a shift in the relationship thus recognising India's potential great power that was further developed by the administration of President George W. Bush.

3.6   INDIA-US DIALOGUE ARCHITECTURE

There are more than 50 bilateral dialogue mechanisms between the two governments. The first meeting of the Strategic and Commercial Dialogue at the level of EAM and MoS (Commerce and Industry) was held in Washington DC on 22 September 2015; it has added a commercial component to the five traditional pillars of bilateral relations on which the erstwhile Strategic Dialogue has focussed, namely: Strategic Cooperation; Energy and Climate Change, Education and Development; Economy, Trade and Agriculture; Science and Technology; and Health and Innovation. Inaddition, there are Ministerial – level dialogues involving home (Homeland Security Dialogue), finance (Financial and Economic Partnership), commerce (Trade Policy Forum), HRD (Higher Education Dialogue), Science and Technology (Joint Commission Meeting on S&T) and energy (Energy Dialogue).

3.7   STRATEGIC PARTNERSHIP

Under the leadership of Robert Blackwill, the US Ambassador to India, the US de-hyphenated its India-Pakistan policy and started treating India as a potential partner in balancing against a rising China. From 2001-04, the BJP-led government under the Prime Ministership of Vajpayee started closely working with the Bush administration to rise to the status of a strategic partnership. In September 2001, the US revoked its military and residual economic sanctions on India.

India joined the camp of the US-led coalition against terrorism after the 11 September 2001 attacks. India provided US forces with over-flight and port rights, which helped in fighting against the Taliban and Al-Qaeda. New Delhi offered cooperation as the US was fighting many of the same rivalries as India. However, in October 2001 Pakistan President Pervez Musharraf also granted US over-flight, transit and basing rights in his country. US entry led to the collapse of the Taliban regime and imposed pressure on Pakistan in order to diminish its support for anti-Indian terrorism in Kashmir. In November 2001, Prime Minister Atal Bihari Vajpayee claimed US - India relations as "natural allies" in refereeing to support the Bush's "Global War on Terror".

In reducing its dependence on Pakistan, India diluted its assistance in gaining access to Afghanistan, and also provided substantial military assistance to the newly elected government of President Mohamed Karzaiin 2002. On 13th December 2001, a Pakistan-sponsored terrorist attack was staged on the Indian Parliament to which India responded by mobilizing and posting nearly 700,000 troops on the Line of Control and Pakistan border, India did not launch any offensive operations however claimed to stick to "limited conventional war" actions. US wargaming analysis indicated that any Indian limited conventional warfare action would spiral into nuclear war.

In 2004, "Next Steps in the Strategic Partnership" and cooperation were in the areas of nuclear energy, high technology, and space, as well as missile defense and other military matters. Even when Manmohan Singh was elected in 2004 as Prime Minister, with the Idea of being Centre-Left, the government was still determined to more toward US partnership.

Condoleezza Rice, Secretary of State under Bush's administration expressed US's support to make India a global power. In June 2005, a New Framework was negotiated for a more inclusive India-US Defense Relationship, which charted an ambitious course of joint exercises, transfer of technology, counterterrorism, and other areas. By 2008, the US became the largest exporter of US military hard wares. The newly powerful Indian Lobby in the US was able to bring negotiation in ratifying the Civil Nuclear agreement in 2008, as the US also recognized India as a de facto nuclear power state.

President Barack Obama continued the Bush administration's partnership as explained that India-US shared common free-market democratic values and the "core goal of achieving peace and security for all peoples in the Asian region". Obama expressed on eventually eliminating nuclear weapons, Subsequently, India participated in the Obama administration's "nuclear security initiative" to prevent violent extremists from obtaining nuclear materials.

During the second term of the UPA government, US Ambassador Richard Holbrooke, Special Envoy to South Asia, included the Kashmir issue in bringing peace between Afghanistan and Pakistan, which caused a negative reaction in New Delhi, adding to the existing centre-left nature of the government. India refused to buy US F-16 or F/A-18E/F medium multirole combat aircraft (MMRCA) in 2011. Later that year, the Obama administration stated the "pivot to Asia or rebalance to Asia", over China's peaceful rise, reaffirming US-India

commitment. In 2012 and 2013, the US Deputy Secretary of Defense, Ashton Carter, engaged in weapons procurement, technology transfer and local production of US weapon systems through the Defense Trade and Technology Initiative (DTTI) initiative.

Under Narendra Modi, it was called a transactional partnership, which continued selling US military hard wares, apparently which gave no benefits to India's economy. Modi's government also invited Obama, who is the 1st president, as a special guest during the Republic Day festivities. India and the US also created more than fifty bilateral mechanisms, particularly the India-US Commercial and Strategic Dialogue. Talks about six Westinghouse nuclear power plants were also around the corner. In June 2015, the US government renewed the Defense Framework Agreement for ten more years. The agreement also opened for cooperation in jet engine technology, aircraft carriers, and intelligence, surveillance and reconnaissance (ISR) platforms.

In 2016, the Obama administration, upgraded India to Major Defense Partner status, which installed additional co-development and co-production in sensitive defence technology. US and India also signed the Logistics Exchange Memorandum of Agreement (LEMOA) in the same year. It permits Indian Navy to use the Diego Gracia base and the US using the Indian base in Andaman and Nicobar Islands for humanitarian assistance and disaster relief (HA/DR). In 2017, the two countries began to operationalize the LEMOA when a US Navy tanker refueled an Indian Navy ship in the Pacific Ocean.

3.8   CIVIL NUCLEAR COOPERATION

The bilateral civil nuclear cooperation agreement was finalized in July 2007and signed in October 2008. During Prime Minister Modi's visit to the US in September 2014, the two sides setup a Contact Group for advancing the full and timely implementation of the India-US Civil Nuclear Cooperation Agreement, and to resolve pending issues.

The Group has held five meetings so far, andreached agreement on the compatibility of India's nuclear liability law with relevant international conventions and creation of an insurance pool drawing experience of best practices to take care of nuclear liability risk. Currently, company-level discussions are on with two US companies, M/s Westing house and GE Hitachi regarding techno-commercial viability of their reactors in sites in Gujarat and Andhra Pradesh respectively.

3.9 CAATSA

The US sanctions on Russia (CAATSA) (Countering America's Adversaries through Sanctions Act) created an energy security issue for the inability to buy from Iran and along with India's defence procurements (S 400 Missile Defence system from Russia). In addition, the USA has withdrawn GSP under which India's exports to the USA worth $ 5.6bn were receiving preferential tariffs. India has retaliated by imposing higher duties on certain US exports to India. These concerns were addressed during the visit of the US Secretary of State to New Delhi and PM Modi's meeting with President Trump on the sidelines of the G20 Summit in June this year.

3.10 CONCLUSION

The Ukraine war had created uncertainty between the countries, however, US is not taken back. The US and India have also been cooperating on strengthening cyber-security, but they still need to sign the Communications Compatibility and Security Agreement (CISMOA or COMECA) and the Basic Exchange and Cooperation Agreement for Geospatial Intelligence (BECA). There is a growing connectivity between the US- Indian diaspora.

LET US SUM UP

The visit was followed by President Obama's visit to India on 25-27January 2015 as the Chief Guest at India's Republic Day. During the visit, the two sides issued a Delhi Declaration of Friendship and adopted a Joint Strategic Vision for Asia-Pacific and the Indian Ocean Region. Both sides elevated the Strategic Dialogue between their Foreign Ministers to Strategic and Commercial Dialogue of Foreign and Commerce Ministers. Prime Minister Modi again visited the US on 23-28 September 2015,during which he held a bilateral meeting with President Obama, interacted with leaders of business, media, academia, the provincial leaders and the Indian community, including during his travel to the Silicon Valley. There is frequent interaction between the leadership of the two countries, including telephone calls and meetings on the sidelines of international summits. A hotline has been established between the Prime Minister's Office and the US White House.

CHECK YOUR PROGRESS

1. In January 1981, _____ assumed the office of the President of the United States of America.

2. Manmohan Singh led economic reforms, which encouraged the transformation in India from a _____ system to an open economy.

3. The newly powerful Indian Lobby in the US was able to bring negotiation in ratifying the _____ in 2008.

GLOSSARY

Superpower : It refers to a very powerful and influential nation (used especially with reference to the US and the former Soviet Union when these were perceived as the two most powerful nations in the world).

Arbitrary : It refers to something based on random choice or personal whim, rather than any reason or system.

Diaspora : A diaspora is a scattered population whose origin lies within a smaller geographic locale.

ANSWER TO CHECK YOUR PROGRESS

1. Ronald Reagan

2. Socialist economic

3. Civil Nuclear agreement

MODEL QUESTIONS

1. Write a short note on India-US dialogue architecture.

2. Analyse the evolution of India – US relations in the foreign policy.

3. Discuss the strategic partnership of the India and US.

4. Explain the Civil Nuclear Cooperation.

SUGGESTED READINGS

1. Rajan, M.S, (1993), *Studies in India's Foreign Policy*, New Delhi, ABC Publishing House.

2. Dutt, V.P. (2002), *India's Foreign Policy in a Changing World*, New Delhi, Vikas.

3. V.N. Khanna (2010), *Foreign Policy of India*, New Delhi, Vikas.

Unit - 4

<div align="right">**INDIA - RUSSIA**</div>

STRUCTURE

OVERVIEW

In this chapter, we will study the cornerstones of India Russia relations, which have its origins in the Soviet Union era. The time-tested relationship between these two large countries deserves special attention in India's foreign policy. We will discuss the imperatives and incentives for both the countries to maintain strong cooperation in the post-Cold War phase, which signifies continuity in India's foreign policy rather than any radical change.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Learn the Evolution of Indo-Russian Relations.

➢ Study the Political, Economic and Commercial relations of the countries.

➢ Know about the Military, science and technology and cultural cooperation.

4.1 INTRODUCTION

Special relationship between India and Russia is based on trust, mutual compatibility and national interests. It has deep domestic acceptability in both the countries. There exists hardly any constituency in either country that vies against this exemplary relationship. In 2008, during his visit to Russia, Prime Minister Dr. ManMohan Singh said, "Our strategic relationship is based on political consensus in both countries. Despite the historic transformations underway in both countries, the essence of our partnership has not been diluted." Importantly, India-Russia relations reflect upon India's role in international political system. The first-ever recorded contact between Indian and Russian people dates back to second half of fifteenth century, about a 100 quarter century before Vasco da Gama's famous arrival.

A Russian merchant, Afanasy Nikitin from the city of Tver visited India and studiously described about its state system, society, economy, religion and nature in his travel notes "The 1466-1472 Voyage Over Three Seas." However, nothing notable happened for a long time after Nikitin's visit, mainly due to geographical distance between the two lands. In the 20th century, Nikolai Roerich, a Russian writer, archaeologist, traveller and painter came in close contacts with India.

In fact, Roerich chose Naggar in Kullu district of Himachal Pradesh as his home in 1928 till his death in 1947. He was the brain behind the movement for protecting the cultural monuments as well as founder of the Himalayan Roerich Institute "Urusvat" in Naggar. On Indian part, Rabindranath Tagore succeeded in winning the hearts of many Russians and has been admired widely in Russia. He visited the Soviet land in 1930. Tagore brilliantly summarized his observations and opinions,in his letters in Bengali, about the great socialist experiments underway at that time, which were later published in a book titled 'Letters from Russia'.

British rulers did not allow its translation into English due to Tagore's critical admiration of the upheavals in the Soviet Union at that time. On 20th September, 1930, Tagore wrote, "In Russia at last! Whichever way I look, I am filled with wonder. It is unlike any other country. It is radically different from top to the bottom; they are rousing everybody up without distinction." Bilateral diplomacy with Russia is one of the key features of India's foreign policy. India has a longstanding and time-tested friendship with Russia that has played a significant role in its economic development and security since the 1960s.

In October 2000, Russia-India signed the "Declaration on the India-Russia Strategic Partnership" (during the visit of President Vladimir Putin to India), Since then India-Russia relationship had renewed in multilevel cooperation in almost all areas of the bilateral relationship including political, security, trade and economy, defence, science, technology and culture. In 2010, when President Dmitry Medvedev visited India, the government further elevate the status to a "special and privileged strategic partnership".

4.2   EVOLUTION OF INDO-RUSSIAN RELATIONS

Joseph Stalin was not in favour of Gandhi and Nehru's philosophies. However, things drastically changed when Nikita Khrushchev came into power. Khrushchev visited India in 1955, Soviets announced that it respects and supports India's sovereignty over Kashmir and the annexation of Goa.

During the cold war, India followed socialist principles under Prime Minister Jawaharlal Nehru, thus America distanced itself from India favouring Pakistan. During the Indo-China war, India further created a new enemy. During the 1962 war, the Soviets provided India with Mikoyan - Gurevich MiG-21 jet fighters which it refused to give to China. The Indo-Pak war in 1965, made India move closer to the Soviets as UK and US forced India to give up on territory and prisoner of war despite India's considerable victory. Soviets were also part of the peace initiatives which supported India and Alexei Kosygin negotiated to end the military conflict in Kashmir. Soviets provided India with substantial economic and military assistance during the Khrushchev period, which succeed the amount of assistance given to China.

In 1971, the Indo-Soviet Treaty of Friendship and Cooperation was signed due to tension mounting in East Pakistan. The treaty made China stay out of the radar. India entered the war against Pakistan and liberated Bangladesh despite the US extensively supporting Pakistan with armaments.

In the 1980s, Soviets war on Afghanistan, Indira Gandhi's death was major issues, yet there was a strong relation. China-Sino normalization made India seek western closeness. However, the Soviet Union collapsed in 1991.

India and Russia both made efforts to revive their relationship. In 1993 they signed a Treaty of Friendship and Cooperation, and a year later they followed it up with a Military-Technical Cooperation agreement. India would eventually become a leading importer of Russian weapons; following a brief period from 1990-93 when there was a sharp fall in the volume of arms sales.

4.3   POLITICAL RELATIONS

The countries enjoy the highest Annual Summits than any other country in the world. The Prime Minister of India and the President of the Russian Federation held the highest institutionalized dialogue mechanism for discussing an array of matters at the annual summit. The two Governments have also launched two Inter-Governmental Commissions - one on Trade, Economic, Scientific, Technological and Cultural Cooperation, co-chaired by the External Affairs Minister and the Russian Deputy Prime Minister and another on Military-Technical Cooperation co-chaired by the two Defence Ministers, both of which meet annually.

During the Russian annexation of Crimea, then Indian Prime Minister Manmohan Singh provided moral and legal support to Russia. Russian President Vladimir Putin visited Goa from 15-16 October 2016 for the 17th Annual Summit, which produced 19 documents covering cooperation in defence, space, information security, foreign policy, trade & investment, hydrocarbons, shipbuilding, railways, and science and technology. In 2021, Russian President visited India, further expanding the relations.

4.4   ECONOMIC COOPERATION

In December 2014, the leaders of the two countries set a target of US$30 billion in bilateral trade by 2025. Major items of export from India include pharmaceuticals, tea, coffee and tobacco, nuclear reactors & boilers, machinery and mechanical appliances, organic chemicals, and electrical machinery and equipment. Major items of import from Russia include pearls, precious and semi-precious stones & metals, nuclear power equipment, electrical machinery and equipment, mineral oil & products, iron & steel, and optical, precision and surgical equipment. Hydrocarbons is key are of exploration cooperation.

In the second and third quarter of 2016, Indian companies have invested close to US$ 5.5 billion in Russia's Oil and Gas sector, which included acquisition of 23.9% stake in Vankorneft [at a cost of US $ 2020.35 million] and 29.9% in Taas-Yuryakh by an Indian Consortium of Indian Oil Corporation Limited (IOCL), Indian Oil Corporation Limited (OIL) and Bharat Petro Resources Limited (BPRL) and acquisition of 15% [at a cost of US $ 1.284 billion] and 11% stake [at a cost of US $ 930 million] by ONGC Videsh Limited (OVL) in Vankorneft from Rosneft Oil Company of Russia.

In December 2015, Tata Power got contract through an agreement with the Russian Ministry of Far East Development for investing in energy exploration in the region. In October 2016, Indian and Russian railways signed an agreement on high speed rails in India. In December 2015, Heavy Engineering Corporation (HEC), Ranchi concluded agreements with Russian company CNIITSMASH on establishing a Centre of Excellence in India and modernization of HEC's facilities; and Solar Energy Corporation of India signed an MoU with Russian counterpart for constructing solar plants in India.

4.5 MILITARY COOPERATION

Military Technical Cooperation (IRIGC- MTC) co-chaired by Russian and Indian Defence Ministers, have been meeting annually. India buys nearly 80 percent of the weapons from Russia. Indo-Russian military technical cooperation sphere has evolved from asale-purchase framework tomaking joint research & development, joint production and marketing of advanced defence technologies and systems. The BrahMos missile system is an example of this type of cooperation. Joint development of the Fifth Generation Fighter Aircraft and the Multi Transport Aircraft, as well as the licensed production in India of SU-30 aircraft and T-90 tanks, are other examples of flagship cooperation programs. In 2021, Russia delivered one of its most powerful S-400 to India.

4.6 NUCLEAR PROGRAM

Russia is a long term partner of India in nuclear energy sector and also recognizes and respects India for potential in advanced nuclear technology and fora flawless non-proliferation record. The Russia-India cooperation built the Kudankulam Nuclear Power Project (KKNPP) such as Units 1&2 of the KKNPP (VVER 1000 MW units). Later, discussions to expand the construction for two additional NPPs at Kudankulam (Units 3&4) were also proposed.

4.7   SPACE PROGRAM

India and Russia is partner for numerous high-technology space projects. The Indian Space Research Organization (ISRO) was established with the influence of Soviets. In 2004, Inter-Governmental Agreement on "Cooperation in the area of exploration and use of outer space for peaceful purposes"was signed for cooperating for India's Moon mission Chandrayan 2, and other Human Space Flight Project. On 20th April 2011, the countries jointly developed Student Satellite "Youth sat" were successfully launched by India on a PSLV rocket.

In June 2015, countries signed MoU on further expansion of cooperation in the field of the exploration and use of outer space for peaceful purposes. An agreement was signed between C-DAC and GLONASS for cooperation in technologies based on satellite navigation. On 15 October 2016, ISRO and Roscosmos signed MoU to establish ground measurement gathering stations for GLONASS and NAvIC in India and Russia.

4.8   COMMERCIAL RELATIONS

The Indo-Russian Inter-Governmental Commission on Trade, Economic, Scientific, Technological and Cultural Cooperation (IRIGC-TEC), co-chaired by the Indian External Affairs Minister and the Russian Deputy Prime Minister, is the main institutional for supervising economic cooperation. There are six working groups on economic and trade cooperation, mines and metallurgy, energy, tourism and culture, science and technology, and IT.

In 2007, India and Russia Established the Indo-Russian forum on trade and investment, India-Russia Business Council (in partnership with FICCI of India and CCI of Russia) andThe India-Russia Trade, Investment and Technology Promotion Council (in partnership with CII of India and RUIE of Russia). The India-Russia Chamber of Commerce (focusing on SMEs), supplements the efforts to build direct business-to-business ties. The 3rd India-Russia Business Dialogue happened in St. Petersburg International Economic Forum (SPIEF) in June 2012.

4.9   SCIENCE & TECHNOLOGY COOPERATION

The ILTP supports collaborative research in basic and applied sciences. It has resulted in establishment of 9 thematic centres in India and Russia and implementation of 500 projects. In 2010 the program was extended for 10 years with a renewed mandate - Innovation Led Technology Programme

4.10   CULTURAL COOPERATION

There are strong traditions of cultural cooperation between the two countries. Jawaharlal Nehru Cultural Center (JNCC) of the Embassy of India, Moscow maintains close cooperation with Russian institutions such as the Institute of Philosophy, Moscow, that has a Mahatma Gandhi Chair on Indian Philosophy; Institute of Oriental Studies, Moscow; Institute of Asian and African Studies of the Moscow State University; School of International Relations, St. Petersburg University; Kazan State University; and Far Eastern National University, Vladivostok. About 20 Russian Institutions, including leading universities and schools, teach Hindi to over 1500 Russian students. Interest in Indian dance and music is widespread and yoga is very popular in Russia.

4.11   CONCLUSION

India - Russia relationship has withstood the tests of different time and circumstances. It is one of the unique bilateral relationships in world history. Despite being at a geographical distance from each-other and differences in their respective strengths, the relationship is exclusively based on mutual interests and benefits. Regular summits of leaders of two countries, institutionalization of BRICS and India's growing interests in SCO enlarge scope of further cooperation between New Delhi and Moscow. For next few decades, Afghanistan, Central Asia and energy resources stand out as marked areas of strategic cooperation between two countries.

With Moscow's entry into WTO regime, Indian businesses may find it opportune to trade with and invest in Russia. Both countries can immensely benefit from increase in educational, cultural and scientific exchanges. For this purpose, both the governments must initiate liberalized Visa regimes and boost up interactions between civil societies in respective countries. Russian support is crucial for India's aspirations of permanent seat at the United Nations Security Council. The mutual support and cooperation will help India acquire its rightful place in world polity and Russia to re-establish itself as the great power.India had been abstaining on the US-led coalition in the UN Security Council and General Assembly. India had been standing and supporting firmly with Russia, as NATO's expansion is the primary reason behind the Russia's invasion in region.

LET US SUM UP

Russia and its political predecessor USSR has been the most reliable of India's friends in world politics. It is now proved that the friendship between two of the major countries of the world was not merely guided by ideological considerations but has been founded on the basis of mutual need and capacity to cooperate with each other. In today's context, cooperation on the issues of terrorism, defence, energy security and regional cooperation form the core of Indo-Russia friendship. On the other hand, lack of mutual trade and declined cultural interest about each-others' society and culture are few areas which presents scope of further engagement and consolidation of unique friendship between the two countries.

CHECK YOUR PROGRESS

1. In October 2000, Russia - India signed the "Declaration on the India – Russia_____"

2. _____ with Russia is one of the key features of India's foreign policy.

3. In 1971, the Indo-Soviet Treaty of Friendship and Cooperation was signed due to tension mounting in _____.

4. The BrahMos missile system is an example of _____ type of cooperation.

5. _____ of the Embassy of India, Moscow maintains close cooperation with Russian institutions.

GLOSSARY

Coup   : It is a sudden, violent, and illegal seizure of power from agovernment.

Acrimony   : It refers to bitterness or ill-feeling.

Repatriation   : It is the act of returning to the country of origin.

ANSWER TO CHECK YOUR PROGRESS

1. Strategic Partnership

2. Bilateral diplomacy

3. East Pakistan

4. Joint Military

5. Jawaharlal Nehru Cultural Center (JNCC)

MODEL QUESTIONS

1. Discuss in detail the contours of India-Russia relations.

2. What was the various cooperation of India Russia relations?

3. Discuss the continuity and change in bilateral relations between India and Russia.

SUGGESTED READINGS

1. Rajan, M.S, (1993), *Studies in India's Foreign Policy*, New Delhi, ABC Publishing House.

2. Dutt, V.P. (2002), *India's Foreign Policy in a Changing World*, New Delhi, Vikas.

3. V.N. Khanna (2010), *Foreign Policy of India*, New Delhi, Vikas.

Unit – 5

<div align="right">**INDIA - CHINA**</div>

STRUCTURE

Overview

Learning Objectives

5.1   Introduction

5.2   History of India - China Relations

5.3   Economic Relations

5.4   Cultural and Educational Relations

5.5   Issues in Indo-China Relations

5.6   China's Peaceful Rise and the Indo - Pacific Region

5.7   Trilateral Cooperation

5.8   Conclusion

Let us sum up

Check your progress

Glossary

Answers to check your progress

Model Questions

Suggested readings

OVERVIEW

The goals and objectives of Indian and Chinese foreign policy underwent change in the post-cold war era. In the post-cold war period India and china have redefined their foreign policy goals in tune with the logic of emerging world order and instead of ideology factor emphasized more on real-politik. There is a strong realization on both parts that economic development will not be possible without peace and only peace can serve their competitive ambitions of becoming 21st century global powers. China is focusing on military security, protection of its national sovereignty and territorial integrity, economic prosperity, social welfare, achieving status of super power and modernization. In this unit, we will discuss elaborately on the relationship between India and China and its foreign policies.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Study the history of the Indo – China relations.

➢ Learn the economic, cultural and educational relations of India with China.

➢ Know the issues related to the Indo – China relations.

5.1 INTRODUCTION

On 1 October 1949, Mao Zedong proclaimed the establishment of the People's Republic of China's; just two years after India became independent. With the emergence of the People's Republic of China, the relations between the two countries started improving. India supported China's entry into the United Nations. In 1954, India concluded a treaty with China relating to Tibet and recognized Tibet as a region of China. This treaty also expressed the determination of the two countries to conduct their ties on the basis of Peaceful Co-existence (*Panchsheel*). However, after the border war of 1962, the Sino–Indian relations deteriorated. In 1976, India and China tried to rest or their diplomatic ties, but the relationship did not improve. The diplomatic deadlock continued till 1988. When the diplomatic relations were restored, both the countries assured that they wanted to normalize Sino–Indian ties. Although trade, cultural and scientific ties improved between the two countries, political ties could not be established. China felt that India was a Soviet ally.

Furthermore, India had given recognition to governments in Kabul and Phnom Penh, for which China bitterly criticized India. For some time, India felt betrayed by China as it tried to strengthen its relations with other South Asian States.China also established a close strategic relationship with Pakistan, although they had an unresolved border question. Both India and China had been through several rounds of talks regarding Sino–Indian border dispute, but could not achieve any success. Chinese assistance to Pakistan in developing nuclear weapons gave rise to misgivings about there intentions of China. It included intrusion of Chinese troops into the Indian Territory, and the Chinese protest over grant of statehood to Arunachal Pradesh, which was described by India as interference in country's internal affairs.

In 1950, India was one of the non-socialist bloc states who established diplomatic relations with the People's Republic of China. Prime Minister Nehru paid a visit to China in October 1954, as a goodwill

gesture and to expand the ties between the countries. Nevertheless, the India-China border conflict in 1962 severely affected the relationship. However, Prime Minister Rajiv Gandhi visited China in 1988 was initiated a new phase of bilateral relations. Additionally, in 1993, Prime Minister Narasimha Rao signed a landmark Agreement on the Maintenance of Peace and Tranquility along the Line of Actual Control (LAC) on the India-China Border Areas which led to stability in growth and substance increase in the bilateral ties.

5.2 HISTORY OF INDIA-CHINA RELATIONS

Prime Minister Atal Bihari Vajpayee visited China in 2003, both the countries signed a Declaration on Principles for Relations and Comprehensive Cooperation and also jointly determined to appoint Special Representatives (SRs) to draw a framework on boundary settlement between the two from their political perspectives.

In April 2005, Chinese Premier Wen Jiabao visited India, and both countries signed a Strategic and Cooperative Partnership for Peace and Prosperity, which is based on Political Parameters and Guiding Principles for the inclusion of primary SR Talks. Chinese President Mr Xi Jinping visited India from 17th to 19th September 2014, where 16 agreements were signed between the countries which includes numerous agreements on commerce & trade, railways, space - cooperation, pharmaceuticals, audio-visual co-production, culture, the establishment of industrial parks, and sister-city arrangements.

The states signed MoU to open more alternative routes for Kailash Mansarovar Yatra through Nathu La. China also agreed in establishing two Chinese Industrial Parks in India and also increase the Chinese investment in India. Indian Prime Minister Narendra Modi paid a visit to China in May 2015. Prime Minister Modi and Premier Li also addressed the opening session of the First State/Provincial Leaders' Forum in Beijing. The leaders signed 24 government to government agreements and 26 MoUs on business to business agreements. President Pranab Mukherjee visited China in May 2016, where 10 MoUs were signed. Prime Minister Modi visited China in 2016 and 2017 to participate in G20 and BRICS summits, and further the SCO summit in 2017.

5.3 ECONOMIC RELATIONS

The Trade and Economic Relationship between India and China has increased rapidly in the past years, which is $125.7 billion in 2021. India's top exports to China included diamonds, cotton yarn, iron ore,

copper and organic chemicals. China's primary exports include electrical machinery, fertilizers, and equipment saw. Both the countries are part of the multilateral trading forum such as the Shanghai Cooperation (SCO) and Brazil, Russia, India, China and South Africa (BRICS) cooperation, apart from other forums such as ASEAN, AIIB and ADB.

5.4   CULTURAL AND EDUCATIONAL RELATIONS

India and China enjoy centuries of connectivity. The silk route was famous, and many Indian monks travelled to spread Buddhism in China. Indian spiritual pilgrim travel is also located in Tibet, which is part of China now. The Buddhist monks were one of the primary sources of knowledge in the early periods; there was an exchange of information during the monk's travel which later spread education. Contemporary India-China had signed multiple Education Exchange programs since 2006, through which India's students are provided fellowships and scholarships to pursue education in China through Indian Council for Cultural Relations. India and China signed Education Exchange Programme (EEP) in 2006, which is an umbrella agreement for educational cooperation between the two countries. Under this agreement, government scholarships are awarded to 25 students, by both sides, in recognized institutions of higher learning in each other's country. The 25 scholarships awarded by India are offered by Indian Council for Cultural Relations (ICCR). The cooperation in the education sector between the two sides has resulted in an increase in the number of Indian students in China. As for academic year 2014-2015, there were 12998 Indian students studying in various Universities in China in various disciplines. Similarly, around 2000 Chinese students are studying in various educational institutions in India.

5.5   ISSUES IN INDO-CHINA RELATIONS

Line of Control: The unresolved border dispute between India and China is the primary setback between India and China relations. The Chinese invasion of Akshai Chin in 1962, followed by numerous incursions to the recent Doklam standoff, there is various instances in which India and China lost mutual trust. China also claims the entire Arunachal Pradesh as the Eastern Tibet denoting Buddhist pilgrim sites.

Tibetan Issue: The countries signed the Panchasheel agreement in 1954, however, India providing asylum to the Dalai Lama, settlement of Tibetans and creating of Tibetan parliament in exile in Dharamsala, were not appreciated by China, who sees this as an intervention in their domestic matters. Ever since, India has provided political, economic and cultural assistance to the Tibetans people.

Neighbourhood Policies: China built the Karakoram highway without India's knowledge in the 1950s, connecting China to Pakistan. It was strongly opposed by the Indian government, as it passes through the disputed Kashmir territory. Pakistan and China are trying to reduce India's influence in Kashmir and divide the region among themselves. China supported Pakistan in the creation of a nuclear weapon. Contemporary, China's Belt and Road initiative gain more momentum in Pakistan, as it is building ports, highways and an economic corridor worth $34 billion dollars.

Similarly, China is trying to influence Nepal on its side. Despite, India has been a long advocate of Nepal and installed multiple political and economic agreements, China is pumping a lot of money to influence Nepal. Nepal in recent times had picked China over India. In Sri Lanka, China strongly supports the Rajapaksas government during the Sri Lankan civil war, it was against the sentiments of the Tamil community in India, and therefore India refused to support either side. China provided financial strength to the Rajapaksas in defeating the Tamil Tigers. Thus, India fears that China is encircling its territory.

Democratic Values: India upholds its democratic values while do not care about any political spectrum. India's refusal to engage with the Sri Lanka government provided a chance for China. Similarly, India refused to engage with Myanmar's Military junta government on similar stands which also offered an opportunity for China.

Regional Organizations: India and China are part of numerous regional organization. The Association of South-East Asian Nations (ASEAN) is one of the primary organization of engagement. However, China does not see India equally, thus ASEAN had to create an ASEAN plus 3, which includes China and another 3 countries which includes democratic countries such as India, Australia and New Zealand. Similarly, China refuse to recognize India as a nuclear power state, and blocs India's entry into the nuclear supplier group. Even in the UN, it refuses to pay attention to the proposed UN reforms.

India is part of China-led Shanghai Cooperation (SCO) which connects the Central Asian region with China, Russia and Pakistan. China's belt and road dream and Silk Road plan is established through SCO. China is also weaponizing this region which is strongly opposed by India and the west. India was the only country to oppose the BRI initiative in the region. However, India is also enjoying trade development with China, it has also accumulated a huge trade deficit with China.

5.6 CHINA'S PEACEFUL RISE AND THE INDO-PACIFIC REGION

China's South China Sea claims and its chain of expansion threaten the nations in the region. The Western nations strongly feel there has to be a counter engagement. The Obama administration's pivot to Asia, is primarily focused on curtailing the spread of China. Japan, US, Australia and India together had also established the QUAD, to counter the growing Chinese influence in the region. China had been building artificial island, runways and connecting the islands in South China Sea and Pacific Ocean.

5.7 TRILATERAL COOPERATION

In the 1990s, the idea of trilateral cooperation between Russia, India and China began to take shape. Since then the relations between the three nations have considerably improved. The meeting of the foreign ministers of India, Russia and China led to the track one and a half dialogue, which is basically a non- official meeting of the official authorities serving in an unofficial capacity to negotiate or support agreements. As a result of this, a conference of the heads of the three nations took place.

Since 2001, various diplomats and scholars from the three nations have come together several times to cooperate with each other in terms of different sectors. The important sectors in which India, Russia and China have decided to cooperate with each other include energy security and trade and economic sector. All three nations are extremely serious about issues relating to non-proliferation and disarmament. Furthermore, the three nations have decided to look into the problem of climate change and are going to take measures to spread awareness regarding the depletion of natural resources and the ways to tackle this problem.

However, India, Russia and China do have differences amongst each other, yet their areas of interest are many. All three nations support the view of a multi-polar world order, i.e., they feel positively about multilateralism. India, Russia and China stress on the fact that international relations should be democratized and an impartial international system should be developed. They share identical views on terrorism. India, Russia and China feel that a regional cooperative mechanism should be developed, which will help in solving various issues confronting the world today, such as globalization and financial crisis.

5.8   CONCLUSION

The relationship between India and china have really transformed in the post-cold war era. India and china may not become the friend, however they have learnt to regulate their relations and adjust their ambitions to accommodate each other's concerns. As rightly observed by J.N.Dixit, "at most Indian and china could be friends whose relations would be based upon practicability and convergence of mutual interests tempered by appropriate reticence and objectivity of each other's interests, security perceptions and economic requirements". Many believes that There is no possibility of direct war between India and china in future as both of them are nuclear powers and balance of terror has been established between them. Even the conventional war is remote possibility because it would be very costly and the losses would exceed the gain from it.

LET US SUM UP

On 1 October 1949, Mao Zedong proclaimed the People's Republic of China's independence; just two years after India became independent. With the emergence of the People's Republic of China, the relations between the two countries started improving. After a gap of more than twenty-five years, Rajiv Gandhi visited China in December 1988. His visit to Beijing brought extensive bilateral discussions and the two countries also agreed to expand bilateral ties in all spheres and a Joint Working Group was established to discuss the border dispute. In the 1990s, the idea of trilateral cooperation between Russia, India and China began to take shape. Since then the relations between the three nations have considerably improved. The ongoing Ukraine-Russian crisis provides a platform for India-China cooperation and a strong Asian bloc to counter the west. China has to solve its issue in the border for a comprehensive engagement.

CHECK YOUR PROGRESS

1.   In 1954, India concluded a treaty with China relating to _____ and recognized Tibet as a region of China.
2.   India was one of the non-socialist bloc states who established _____ relations with the People's Republic of China.
3.   India and China signed _____ in 2006, which is an umbrella agreement for educational cooperation between the two countries.
4.   India is part of China-led Shanghai Cooperation (SCO) which connects the _____ region with China, Russia and Pakistan.

GLOSSARY

Indian diaspora : It is a generic term to describe the people who migrated from territories that are currently within the borders of the Republic of India.

Repatriation : It is the act of returning to the country of origin.

Fatalistically : Fatalism is a philosophical doctrine emphasizing the subjugation of all events or actions to fate or inevitable predetermination.

ANSWER TO CHECK YOUR PROGRESS

1.   Tibet

2.   Diplomatic

3.   EducationExchangeProgramme(EEP)

4.   Central Asian

MODEL QUESTION

1.   Discuss the India-China relations during the cold war era.

2.   Explain the changes in India-china relations during the post-cold war era.

3.   Brief about the Trilateral Cooperation.

SUGGESTED READINGS

1.   Rajan, M.S, (1993), *Studies in India's Foreign Policy*, New Delhi, ABC Publishing House.
2.   Dutt, V.P. (2002), *India's Foreign Policy in a Changing World*, New Delhi, Vikas.
3.   V.N. Khanna (2010), *Foreign Policy of India*, New Delhi, Vikas.

Block III

INDIA'S POLICY TOWARDS NEIGHBOURS

Unit – 6

<div align="right">**INDIA- PAKISTAN**</div>

STRUCTURE

OVERVIEW

India desires peaceful, friendly and cooperative relations with Pakistan, which require an environment free from violence and terrorism. These two countries were carved out in 1947 after the colonial rulers left the continent. But the creation was not smooth. Seeds of communal feelings based on 'Two-Nation Theory' were sown during the colonial rule which flared up hatred and led to clashes between Hindus and Muslims when the time came for actual demarcation of boundaries and

transfer of properties. India began a new era with a democratic constitution, federal government and parliamentary institutions based on fundamental rights and secularism. Pakistan adopted a Presidential form based on Islamic laws, but soon was taken over by the military. Since then it has been reeling under political instability due to power struggle between civilian elites and military elites. In this unit, we will study on the relations between India and Pakistan.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Understand the history of India and Pakistan relations.
➢ Know the various wars and attach that happened in different periods.
➢ Learn the economic ties of the India – Pakistan.

6.1 INTRODUCTION

The Indo-relations had been violent ever since the British left India, despite both sharing a common linguistic, cultural, geographical and economic lifestyle. Kashmir is the primary and most significant part of the foreign policy between India and Pakistan. India and Pakistan had fought four direct wars apart from repeated incursions. Pakistan became member of SEATO and CENTO and also hobnobbed with the US to gain financial and military assistance. In 1948, it tried to annex Kashmir with the help of some mercenaries. Pakistan failed but India also lost some of its territory due to wrong strategies and till date Kashmir has remained a major irritant between the two countries. Pakistan again ventured another military attack in 1965, but had to retreat against India's military power. In 1971, it received a humiliating defeat, both militarily and politically, when India liberated Bangladesh. This decisive victory and further successful atomic explosion in 1974 boosted India's global prestige and enhanced her clout as a mature, seasoned and responsible global power. This prompted a shift in Pakistan's India-policy, the architect of which was Gen. Zia. Realizing that direct and overt confrontation with India is not going to succeed, Pakistan encouraged a proxy war against India with the help of terrorists, Islamic jihadis and its own secret service. The strategy was to infiltrate terrorists into Indian Territory, brainwash & train jihadis in India and mastermind bomb-attacks on sensitive establishments and public places. The intension was to destabilize India politically, provoke communal violence, weaken India's social fabric and disintegrate India. This indirect war has been a major challenge for India since 1980s

6.2   HISTORY OF INDO-PAKISTAN RELATIONS

The partition of British India was one of the largest human migrations in history with the displacement of 12.5 million people, which also had numerous bloody massacres of refugees mounting 1 million losing lives on both sides. India was declared a secular nation with a Hindu majority population and with a larger minority population of Muslims, while Pakistan became an Islamic republic with an overpowering Muslim majority population and a very small portion of people belonging to other faiths.

6.3   PERIOD OF 1947- 1948

The Indo-Pak warwas fought over Jammu & Kashmir region. Pakistani tribesmen/ militants who were supported by the newly created Pakistani Army invaded Jammu & Kashmir in October 1947. Maharaja Hari Singh, the ruler of Jammu and Kashmir faced internal riots fuelled by the Pakistan army and a direct external invasion as well. Maharaja requested the assistance and intervention of the Indian armed forces and further agreed to join India with special status. Maharaja passed the control of Kashmir's defence, communications and foreign affairs to the Indian government while administering the internal matters of the state.

Pakistan continued fighting even after the second half of 1948. The war officially came to an end after the UN intervened and declared a ceasefire on 1st January 1949, by establishing a ceasefire line. The UN stationed the UN peacekeeping force and recommended conducting a referendum in Jammu & Kashmir.Pakistan held control over $1/3^{rd}$ of the State of Jammu and Kashmir which is called Azad (free) Jammu & Kashmir, declaring it semi-autonomous. The areas controlled by directly by Pakistani government include former kingdoms of Hunza and Nagar.

6.4   THE WAR OF 1965

In 1965, India and Pakistan fought their second war due to skirmishes that happened between April and September. Both sides witnessed thousands of casualties and more sophisticated engagement of armoured vehicles with the largest tank battle since the end of World War II. UN intervened again and imposed a ceasefire. The   Soviet Union and the United States (US) intervened diplomatically. The Soviet-led negotiation was held in Tashkent, the capital of Uzbekistan, and signing the Tashkent Declaration for resettling war areas, despite India capturing considerable regions and prisoners of war.

6.5   WAR IN 1971-1972

The liberation of East Pakistan (now Bangladesh) is the reason behindIndia-Pakistan's third war. Zulfiqar Ali Bhutto refused Awami League leader Sheikh MujiburRahman to led and form government in East Pakistan, after Rahman won the majority of seats in the 1970 parliamentary elections. Rahman party was based on Bengali origins, thus Zulfiqar assumed premiership over East Pakistan.

Pakistani military assaulted on the protestors gathered in the Dhaka in March of 1971, later also killed many students and teachers. There was a huge swam of East Pakistani refuges into West Bengal. India repeated contacted the world leaders to convey the situation however, India involved itself in the conflict in December, after the Pakistani Air Force launched a pre-emptive strike on airfields in India's northwest, supported by the US. India retaliated the war with coordinated land, air and sea assault on East Pakistan. India compelled the Pakistani Army to surrender at Dhaka and more than 90,000 Pakistani soldiers were taken prisoners of war.

East Pakistan became an independent country called Bangladesh in December 1971. The Shimla accord followed by, where Indian Prime Minister Indira Gandhi signed accord with Pakistani counterpart Zulifiqar Ali Bhutto to put an end to the conflict and confrontation and creating a bilateral relations for friendly and harmonious relationship in the Indian Subcontinent. The Shimla agreement established ceasefire in 17th December 1971 with recreating a new line of control, it was ratified in both the parliament in 1972.

6.6   INCURSION IN 1989

China, Pakistan and US had been training the Mujahedeens for almost a decade to counter the Soviet invasion. Once, the Soviets started withdrawing troops from the region, these armed mujahideens started resettling in the Kashmir valley, which diffused the population of Kashmiri Pandits in India. It led to the beginning of an armed insurgency in the Kashmir Valley. Muslim political parties of Kashmir permitted these jihads to form a military wing after accusing the state government of rigging the 1987 state legislative elections. Pakistani's intelligence service started providing morale, funding, direction, shelter, weapons, training and diplomatic support to these militant groups. It created "cross-border terrorism" in the region in pursuit of its policy of 'bleeding India through a thousand cuts. There was a large influx of fighters throughout these early years of the 1990s.

This incursion disrupted the centuries of communal harmony in the Jammu & Kashmir valley between Muslims, Hindus and Buddhists, the minority Hindu minorities were repeatedly targeted by the militants and forced to migrate to other parts of India. The pan-Islamic terrorist groups like the Lashkar-e-Taibah (LeT), Jaish-e-Muhammad (JeM) and Hizbul Mujahideen evolved into a different format and continued actively targeting people in the Jammu & Kashmir region. It is commonly considered by India and other western democratic governments that Pakistan serves as the headquarters in the Pakistan Administered Jammu & Kashmir for these militants.

6.7 NUCLEAR TESTS OF 1998

India test-fired five nuclear devices at Pokhran. Pakistan retaliated by detonating six nuclear devices on the Chagai Hills, located in the Chagai district of northern Pakistan. Both India and Pakistan received US-based international sanctions for violating peace in the region. Both countries became the newest Nuclear-armed nations.

6.8 EVENTS OF 1999

Indian right-wing Prime Minister Atal Bihari Vajpayee travelled by bus to Lahore to mark the newly opened Delhi–Lahore Bus service in order to meet his Pakistani counterpart, Prime Minister Nawaz Sharif. There in Lahore bothsigned the Lahore Declaration, which is the first major indication between the countries since the 1972 Simla Agreement, and promised to stay committed to the Simla Agreement, decided to increase the Confidence Building Measures (CBMs) and eventually improve the bilateral relations.

Nonetheless, in May 1999, the Kargil conflict started when Pakistani forces incused and took control over strategic positions on the Indian side of the LoC, Indian staged a counter-offensiveforce against the Pakistani forces and was drivenback to the original LoC.Kargil, amajor armed conflict between India and Pakistan since nuclear weapons tests, had a severe international outcry, as countries feared that it would escalate into nuclear warfare.The US intervened during the conflict and staged wider implicationson Pakistan for escalating the war and demanded that it returned to its original area.

6.9 INDIAN PARLIAMENT ATTACK OF 2001

On 13th December 2001, Indian parliament was under attack by the Let and JeM, which killed 14 people in the parliament area. This led to massive military build-up on both sides of the LoC, the UN intervention and mediation resolved the standoff in 2002.

6.10 SAARC MEETS IN 2004

The Indian Prime Minister Vajpayee and President Musharraf hosted direct talks, after the Indian Parliament attack in 2004 at the 12th summit of the South Asian Association for Regional Cooperation (SAARC) summit in Islamabad. SAARC was initiated to bring regional cooperation in South Asia and boost economic development amongst nations. The two Foreign Secretaries met later in the year to further draw the roadmap of the cooperation. The countries accepted for the Composite Dialogue Process through which bilateral meetings will be held between various officials of both government which includes including Foreign Ministers, Foreign Secretaries, military officers, border security officials, anti-narcotics officials and nuclear experts. Further, when Manmohan Singh became the Prime Minister later that year, as a goodwill gesture, the government reduced the deployment of troops on both sides.

6.11 MUMBAI TERROR ATTACK OF 2008

On 26th November 2008, India witnessed a massive terror attack in 8 region of Mumbai city. It was one of the most horrible terrorist attacks ever witnessed by India and the world, armed gunmen opened fire on civilians at several sites in Mumbai attacking multiple foreigners as well, killing 160 people.The Taj Mahal Palace & Tower, the Oberoi Trident Hotel, the Chhatrapati Shivaji Train Terminus, Leopold Cafe, Cama Hospital, Nariman House Jewish Community Centre, Metro Cinema, St Xavier's College and a lane near the Times of India office were the target areas. The important attack was on Taj Palace withan almost three-day siege where gunmen were held hostage until one of the terrorists was killed by the Indian security forces operation. AjmalKasab, a member of the LeT was captured alive and directly linked to Pakistan, who mastered the entire plot. India broke its diplomatic relations with Pakistan.

6.12 ECONOMIC TIES

Formally accounted India – Pakistan bilateral trade in 2012-13 was US $2.6 billion (Indian exports to Pakistan were US$2.064 billion and imports from PakistanUS$ 541 million). Pakistan exports to India crossed $500 million mark for the first time during this period. (Trade through third countries is variously estimated at US$ 3.5-4 billion). Main items of export from India to Pakistan are: cotton, organic chemicals, food products including prepared animal fodder, vegetables, plastic articles, man-made filament, coffee, tea and spices, dyes, oil seeds andolea. Main items of import by India from Pakistan are: copper and

copper articles, fruits and nuts, cotton, salt, sulphur and earths and stones, organic chemicals, mineral fuels, rubber plastic products, wool,etc.

6.13   RECENT YEARS

Both the country's Prime ministers met at a side-line of the UN General Assembly in New York and agreed to reduce tension on both sides. Prime Ministers seek to solve the Kashmir issues through diplomatic engagement.

Pakistan's Army Chief General Raheel Sharif called Kashmir the "jugular vein" of Pakistan on 1st May 2014 and also added that Kashmiri people's wishes should be heard in order to peacefully resolve the issue in lines with the United Nations Security Council resolutions. Prime Minister Narendra Modi was elected who expressed willingness to solve the issue diplomatically.

India's ruling Bharatiya Janata Party (BJP) party forms the government in India Administered Jammu & Kashmir in coalition with the local People's Democratic Party (PDP) in March. Mufti Mohammad Sayeed, head of the PDP, is sworn in as Chief Minister. Indian Prime Minister Narendra Modi makes a surprise visit to Lahore on Prime Minister Nawaz Sharif's birthday while returning from a State visit to Afghanistan.

JeM terrorists disguised as soldiers, carry out a deadly attack on Pathankot airbase in India's northwestern state of Punjab in January. The attack comes a week after Prime Minister Modi made an impromptu visit to Pakistani counterpart Nawaz Sharif, in an effort to revive bilateral talks. JeM terrorists storm an army base in Uri in an Indian Administered Jammu & Kashmir in2016, killing 17 Indian soldiers. On September 29th, India conducted surgical strike in response to the Uri attack in claiming suspected terrorists activity in LoC region in Pakistan Administered Jammu & Kashmir.

The Pakistani Army check posts in Nowshera along the LoC in were bombed by the Indian army in May 2017, Ashok Narula, the army spokesman claimed the attack was carried out in order to prevent infiltration of terrorists into Indian Administered Jammu & Kashmir.Later that year Indian Army commandos cross the LoC in Jammu & Kashmir to kill three Pakistani soldiers, two days after four Indian Army men were shot dead in an ambush in the Keri sector of Rajouri.

In 2018, the cross-border firings along the LoC in Jammu and Kashmir led to the killing of 138 Pakistani Army and India also lost 28 soldiers. In June, the UN Office for the High Commissioner for Human Rights (OHCHR) issues the first ever UN report detailing human rights abuses in Kashmir titled "Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan". This 49-page report of the High Commissioner for Human Rights ZeidRa'ad Al Hussein displays a pronounced pro-Pakistan bias in its assessment of the human rights situation on the two sides of the LoC while UN designated terrorist organizations and terrorists are classified 'armed groups' and 'leaders', as many as 38 times, in the report by the OHCHR.

IN 2019, the Pulwama attack occurred killing 40 members of the Indian Central Reserve Police Force (CRPF) by a suicide bomber, which is one of the deadliest assaults on Indian forces in disputed territories over the decades. JeM, a Pakistan based terrorist organization, claims the attack and releases a video identifying the suicide bomber. Within a couple of days, India drastically increased the tariffs on all imports from Pakistan by 200%.

Following the February 14th attack, JeM terrorists staged another attack killing an Indian Army major and three other soldiers in Jammu &Kashmir.Reportedly, two terrorists who masterminded the attack including the commander of the JeM. However, Pakistani Prime Minister Imran Khan also expressed willingness to negotiate with India after the attack. However, there is army's exchange of firing in the LoC in Rajouri district. Indian attacked JeM's came near Balakot in the Pakistani province of Khyber Pakhtunkhwa. After initially denying that any such incident had occurred, Pakistan subsequently acknowledges that Indian fighter were involved.

LET US SUM UP

Indian and US secret agencies have proved with substantial evidence that Pakistani agencies are supporting the terrorist activities. Atomic explosion by India in 1998 and subsequent explosion by Pakistan threw this region into dangerous nuclear race and added to the existing tensions. These events have vitiated the relations between India and Pakistan. But, political realities of the region and global compulsions have led both to carry out constructive cooperation in non-political fields, while official rounds of dialogue continue on contentious issues.

CHECK YOUR PROGRESS

1.   Seeds of communal feelings based on _____ were sown during the colonial rule which flared up hatred.
2.   Pakistan became member of _____ and _____ also hobnobbed with the US to gain financial and military assistance.
3.   The partition of British India was one of the largest human migrations in history with the displacement of ____ million people.
4.   The Shimla agreement established ceasefire in 17th December 1971 with recreating a new line of control, it was ratified in both the parliament in _____.

GLOSSARY

Geo-strategy   : A subfield of geo-politics, it is a type of foreign policy guided principally by geographical factors as they constrict or affect political and military planning.

Secularism   : It refers to harmonious co-existence of different religions with each other.

Plebiscite   : It is the direct vote of all the members of an electorate on an important public question such as a change in the constitution

ANSWER TO CHECK YOUR PROGRESS

1.   Two-Nation Theory
2.   SEATO and CENTO
3.   12.5
4.   1972

MODEL QUESTIONS

1.   Trace out the historical relations between India and Pakistan.
2.   Explain the Indo – Pakistan economic ties.
3.   Discuss the recent year relationship between the countries.

SUGGESTED READINGS

1.   Rajan, M.S, (1993), *Studies in India's Foreign Policy*, New Delhi, ABC Publishing House.
2.   Dutt, V.P. (2002), *India's Foreign Policy in a Changing World*, New Delhi, Vikas.
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Unit – 7

INDIA-BANGLADESH

STRUCTURE

OVERVIEW

Relations between India and Bangladesh were set on different footings. It was only because of India's active support and direct involvement that Bangladesh was carved out of Pakistan in 1971. Initial euphoria and spirit of bonhomie died soon and Bangladesh started suspecting possible economic domination by India. As a result it established close contacts with Nepal and Sri Lanka in the region and with the Arab World, the US, Japan, China, etc. outside the region. In this unit, we will study about the relationship between India and Bangladesh.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Understand the history between India and Bangladesh.

➢ Analyse the various disputes between the countries.

➢ Learn the trade, social and bilateral relations.

7.1 INTRODUCTION

India was the first country to recognize Bangladesh as a separate and independent state and established diplomatic relations with the country immediately after its independence in December 1971. Both the countries share a common history, culture, language, shared values of secularism, and democracy. Many issues cropped up between the two like; infiltration from the border, migration of Chakma refugees, construction of Farakka barrage and distribution of waters. Bangladesh took a stubborn stand on many issues and opposed construction of barbed wire on the fence and refused to take back refugees. Transfer of Teen Bigha land was also a serious issue which was resolved in 2011. But Bangladesh continues to block transit facility to India to go to North-Eastern parts, called 'Chicken Neck' through Bangladesh territory. India and Bangladesh also claim jurisdiction over the sea waters in the Bay of Bengal.

7.2 HISTORY OF INDO – BANGLADESH RELATIONS

Bangladesh was created out of Pakistan following the dispute between West and East Pakistan after the general elections in 1971 during Yahya Khan's regime. India played a prominent role in the creation of Bangladesh and the installation of Mujibur Rehman's government. In spite of cordial relations in the early phase, there have been misunderstandings between the countries on the construction of the Farakka Barrage in 1975. Mujibur Rehman was assassinated on 15 August 1975 by a group of military officers and consequently, Ziaur Rehman took over the charge of the Bangladesh government.

As far as Bangladesh is concerned, the country would not have been born but for the bold steps taken by Indira Gandhi and the sacrifices made by the Indian Jawans in the war which Pakistan launched on 3 December 1971. India not only helped the birth of Bangladesh but it also nursed it in its infancy by giving it economic and military aid and guaranteed its security. As long as Mujibur Rehman was alive, the relations between the two nations were cordial. However, he was assassinated in 1975 and since then the US-China-Pakistan axis

began to operate in Bangladesh freely and it instigated anti-India hysteria there.

However, along with positive developments, the march of time produced certain irritants in Indo-Bangladesh relations, particularly in carrying out the anti-India propaganda by certain sections of the Bangla press and other vested interests. These at times, made the ties between India and Bangladesh quite strained. This negative development became a source of concern particularly towards the end of Mujib's era. Some scholars even go to the extent of saying that Mujib's friendship with India was a factor in the August 1975 coup against Mujib's regime.

7.3   EMERGENCE OF ANTI- INDIA PROPAGANDA

The following factors were responsible for the emergence of anti-India propaganda in Bangladesh during the closing years of Mujib's era:

- Existence of pro-Pakistan factions in Bangladesh

- Internal opposition to Mujib's policies particularly to the centralization and concentration of authority into his own hands

- The difference over Farakka Barrage issue

- Rise of communalism in Bangladesh

- The Pakistani and Chinese propaganda that India was having imperialistic designs over Bangladesh

- The failure of the government of Bangladesh to effectively run the administration and check the spread of anti-India propaganda

- The strong dissatisfaction in Bangladesh over the increased corruption shortage of essential commodities, particularly foodstuffs and uncontrolled smuggling on Indo-Bangladesh border

- The strong criticism by the Indian Press (West Bengal based) of the roleof opposition in Bangladesh, produced a strong reaction and gave riseto considerable opposition to the role of India in the sub-continent. In particular, this made Moulana Bhashani and his party a strong critic of India.

7.4   FARKKA BARRAGE ISSUE

India and Bangladesh are a part of the Indian subcontinent and have had a long cultural, economic and political history. India played an important role in the independence of Bangladesh from Pakistan. In recent times, India provided cooperation and assistance during natural

calamities. India is the largest exporter to Bangladesh and one of the major differences between the two nations is of sharing water resources, i.e., the Farakka Barrage issue.

After ZiaurRehman became the President of Bangladesh, he visited India in connection with the UNIDO (United Nations Industrial Development Organization) Conference and had two rounds of discussions with the Indian Prime Minister Indira Gandhi and the Foreign Minister on issues such as Farakka Barrage and Indo-Bangladesh border. On 30 May 1981, Ziaur Rehman was assassinated in a military coup and the Vice President, Justice Abdus Sattar, took over the Presidency. He could not give a fair administration and he was overthrown in another military coup on 24 March 1982 by Lt. Gen. H. M. Ershad, who became the Chief Martial Law administrator. He announced that in regard to South Asian countries and regional cooperation, he would carry out the policy formulated by Mujibur Rehman. The country's foreign policy of friendship with Islamic countries and cooperation with non-aligned nations was on a firm foundation.

7.5   ISSUES BETWEEN INDO – BANGLADESH

On 15 April 1985, Foreign Secretary of India, Romesh Bhandari visited Bangladesh with a letter from Rajiv Gandhi to President Ershad. There he discussed all the six outstanding issues between the two countries, they are as follows:

• Sharing of the Ganga and Teesta waters

• Implementation of the 1974 boundary agreement and the transfer of the Tin Bigha corridor by India to Bangladesh

• Determination of the ownership of South Talpatty (New Moor) island

• Delineation of the maritime boundary

• Erection of fences along the Indo-Bangladesh border

• The anti-India activities of the US-Britain-Pakistan axis in Bangladesh

A review of Indo-Bangladesh ties in the period reveals that several major irritants, which had in the past disturbed the course of Indo-Bangladesh ties and which had the potential to give a further setback to the ties between the two countries, remained active. Effective action could not be taken for eliminating or at least for properly handling these irritants. Fortunately, the rulers of Bangladesh partially realized the futility of maintaining tensions in relations with India.

Rajendra Sareen, in his article 'Delhi and Deccan, New Beginning' opined that there appeared a welcome change in the attitudes of both the countries towards each other, which suggested a hopeful future for the development of Indo-Bangladesh friendship and cooperation.He wrote, 'recenttrends indicate a desire on the part of both the countries to have a cooperative working relationship without acrimony'. India clearly has a vested interest in a stable and prosperous Bangladesh.

7.6   TRADE RELATIONS

India was also one of the first countries to recognize the new state and establish diplomatic and trade ties with it. Soon after its establishment, India provided Bangladesh enormous amounts for the economic reconstruction of the country. In 1972, the two states signed a treaty of Friendship, Cooperation and Peace for 25 years on the pattern of Indo-Soviet Treaty of Peace, Friendship and Cooperation, which concluded a year earlier. Both the states pledged to strengthen world peace and security and to fight against colonialism, racialism and imperialism.

7.7   SOCIAL RELATIONS

The two nations also tried to strengthen their bonds in the fields of social, cultural and economic and concluded a number of agreements. Similarly, in the field of science and technology both agreed to cooperate. The two states also amicably settled certain issues regarding the border between them. The boundary between the two states was to be demarcated in a manner which was equitable to both the states and safeguarded the interests of both the nations. No doubt, thereafter some border disputes between the countries did take place, but by and large both showed spirit of complete accommodation towards each other and their ties continued to be peaceful and cordial.

After the emergence of Bangladesh, the dispute over Farakka Barrage was a legacy from the Indo-Pakistan relations, which continued to be a source of irritation between India and Bangladesh as well. Bangladesh tried to internationalize the dispute by raising it at the United Nations. However, it was not approved by India on the grounds that this would complicate the situation and insisted on settlement of the issue through mutual discussions and cooperation. Ultimately, this issue was withdrawn from the United Nations by Bangladesh.

7.8 GANGA WATER DISPUTE

The most difficult problem between India and Bangladesh is sharing of Ganga waters. As we all know that River Ganga originates at Gangotri and it flows in south eastern direction through India and reaches Bangladesh. Its mainstream of bifurcation is situated at 38 km south of Farakka in Murshidabad District in West Bengal. One stream called Bhagirathi-Hoogly flows in the lower reaches of West Bengal and the other stream called Padma flows along the India-Bangladesh boundary and joins Brahmaputra, before reaching the Bay of Bengal it meets River Meghna. The Ganga water dispute between the two countries is sharing of waters during lean season from January to May, particularly from mid-March to mid- May as Ganga's flow reduces to a minimum level of 55,000 cusecs. The crux of the problem is that if India withdraws 40,000 cusecs in maintaining of Calcutta Port, Bangladesh receives only 15,000 cusecs which is not enough to meet its need. Thus, India gives rise to multifarious problems in Bangladesh by extraction of this larger amount of water. The dispute is relating to equitable sharing of waters by the two states.

7.9 NEW MOORE ISLAND

Another problem is that of the New Moore Island between India and Bangladesh. It covers an area ranging between 2 and 12 square kilometres, as it depends on the rising and receding tide and is located in the Bay of Bengal. This island's location is nearly 5,200 metres from the Indian coastal point and nearly 7,000 metres from Bangladesh coastal point. India first noticed this island in 1971 and for recording it, the British Admiralty was notified. The Admiralty chart included it as 'New Moore Island'. During Indo-Bangladesh maritime negotiations in 1974, India brought the existence of the Island to the notice of Bangladesh.

Till 1979 India did not claim the ownership of the Island. The dispute arose when the West Bengal government named the Island Purbasha (Hope of the East) and then Bangladesh called it South Talpatty. On 12 March 1980, the flag of India was hoisted on this Island. It was at this stage that its ownership was claimed by Bangladesh and said that New Moore was a disputed territory. The situation became explosive in May 1981 when Bangladesh objected to the arrival of the Indian ship I.N.S. Sandhyak in the Island waters. The dispute has remained unresolved, though it has been discussed at different levels. Sometime in the early 2000; the island was completely submerged in the sea and the issue became redundant.

7.10   REFUGEE ISSUES

The Indo-Bangladesh ties also suffer from the problem of Chakma refugees. A large number of Bangladeshi refugees have taken shelter in the state of Tripura in India. During 1994, negotiations led to the repatriation of Chakma refugees from Tripura to Chittagong Hill tracts in Bangladesh. Nearly 5,100 such refugees were repatriated in 1994. Talks for repatriation of nearly 50,000 more Chakma refugees were going on till 1996. All repatriation had been on voluntary basis.

The relations between the two countries were again affected due to the Tin Bigha corridor issue. Dahagram and Angorpota, the two enclaves of Bangladesh are separated from the Rangpur District of Bangladesh by a small piece of Indian Territory called Tin Bigha. It was sought to be settled when Indian Prime Minister Indira Gandhi and Bangladeshi President Ershad signed an agreement in 1982. The agreement confirmed permanent lease of Indian Territory of Tin Bigha to Bangladesh. The signing of this agreement was welcomed by the people of Dahagram and Angorpota, however, the people of West Bengal were not in favour of this agreement and it could not be implemented as leasing out an Indian Territory required a constitutional amendment. Moreover, in this regard, a petition was filed in the Calcutta High Court challenging the leasing of Tin Bigha corridor.

The influx of Bangladesh refugees and the Assam problem resulted in a mass exodus, which created serious problems between India and Bangladesh. The Government of India decided to construct a barbed wire fencing in the border at an estimated cost of ` 550 crores. Though the Government of Bangladesh did not oppose the idea in the beginning, however, it later refused to cooperate; this further strained the ties between the two countries. After prolonged negotiations, the countries reached an understanding on the border issue. This put a final seal on the issue, which was pending for nearly two decades.

7.11   BILATERAL TRADE

During 1994-95, India's exports to Bangladesh had increased to over 2000 crores. An agreement on avoidance of double taxation as well as a30 crores credit agreement has already been concluded. Under the Technical Assistance Programme, India provided training facilities to Bangladesh personnel. SAARC is the most important forum to provide economic assistance in South Asia. The decision to have preferential trading through SAPTA (SAARC Preferential Trading Agreement) was likely to further increase economic cooperation between India and Bangladesh.

The crucial Joint Economic Council (JEC) meeting between India and Bangladesh had ended with the announcement of substantial progress towards enhancing bilateral trade as the two nations agreed to initiate talks on the Free Trade Agreement. There is already in existence a land route between Kolkata and Dhaka since April 1999. It was decided that the Foreign Secretary level Free Trade (FTA) Standing Committee would meet early in 2004 to review the progress of the first round of talks on FTA. As a mark of good neighbourly relationship, India has agreed to renew the state to state credit of 200 crores earlier sanctioned for various development projects in Bangladesh and it would continue to be extended until the credit was exhausted.

West Bengal Chief Minister, Jyoti Basu paid a visit to Dhaka just before Hasina Wajed came to India. Initially he was not satisfied with the treaty when he saw it in the propel stage but once the agreement assured enough water to keep Calcutta port in good condition then Basu expressed satisfaction. Basu opined that the agreement would benefit India as well as Bangladesh. He hoped that water sharing agreement would open up the possibility of an arrangement for using Chittagong port by industry in both the nations.

7.12 ULFA (UNITED LIBERATION FRONT OF ASSAM) AND ISI (INTER-SERVICES INTELLIGENCE)

The Islamists' Party Alliance led by Bangladesh Nationalist Party (BNP) won the eighth Parliamentary election. Following this landslide victory, ULFA re- established camps at Maijdi, Mymensingh, Rangpur, Mohangaon, Bhairab Bazaar and Pulchari. Its camps were also re-opened at Adampur, Banugashi, Jyantipur, Jayadevpur, Shrimangal and Cox's Bazar. By the end of 2003, 15 militant groups had been running their almost 200 camps in Bangladesh.

The BNP government under the leadership of Begum Khaleda Zia was accused of encouraging Pakistan's Inter-Services Intelligence (ISI) operations in the Northeast, and of assisting insurgencies in the region. By all evidences, Bangladesh at that time extended diplomatic support that helped ISI operation in other parts of South Asia and allowed its territory to be used as a channel for arms supply to be used against India. In January 2010, Bangladesh's Minister of Local Government and Awami League General Secretary Syed Ashraful Islam claimed to have proof of a meeting between Pervez Musharraf (former President of Pakistan) and Anup Chetia, the Chairman of ULFA in 2002. He claimed that the 90-minute long meeting that was arranged by the Khaleda Zia-led government, was arranged in Musharraf's hotel room.

The Pakistani High Commission in Bangladesh is said to have facilitated the travel of ULFA leaders to Karachi, from where they were escorted to the terrorist training centres by ISI. ULFA is claimed to have repaid Pakistan gratefully by declaring its support for that country during the Kargil war. By asking Pakistan to liberate Assam, ULFA seemed to have permitted this diluted ideology for military reasons. This just goes to prove how the importance of military reason overshadows political reasons in ULFA's strategies.

On 2 April 2004, Bangladesh Joint Forces captured truckloads of weapons destined for ULFA hideouts in northeast India. The volume of arm haul was such that a small war could have been launched on its basis. The shipment is said to have had its origin in Hong Kong and was transferred to smaller vessels in Burma before being shipped to Chittagong.Only after the rise of the Awami League to power did there come about a policy shift towards the insurgency of the Northeast. Bangladesh accused India of putting together the Shanti Bahini, against the Bangladesh government to support the Chakma insurgency.

When Sheikh Hasina came to power a second time, she visited India. An understanding was reached that neither India nor Bangladesh would permit their area to be used against the other. During her first reign there had been an attempt on Sheikh Hasina's life, supposedly by the ULFA.Not only is there an uprising in the ranks of the Bangladeshi Rifles but radical Islamist forces have also penetrated into the armed forces. Bangladesh's economic and political stability could be hampered by blind religiosity, the armed forces and the radial political parties.

LET US SUM UP

However, both the countries have continued dialogue on these matters. Bangladesh is a least developed country suffering from stark poverty and constant natural calamities further ravaging it. India wholeheartedly gave all types of aid to it from time to time. Bangladesh, however, could not contain the atrocities on Buddhists & Hindus in that country and also the rise of Islamic fundamentalists who flared up communal tensions from time to time.

CHECK YOUR PROGRESS

1. Bangladesh continues to block transit facility to India to go to North-Eastern parts, called ' _____ ' through Bangladesh territory.

2. Internal opposition to Mujib's policies particularly to the _____ and concentration of authority into his own hands

3. Implementation of the 1974 boundary agreement and the transfer of the _____ corridor by India to Bangladesh

4. SAARC is the most important forum to provide _____ in South Asia.

GLOSSARY

Diplomatic : exactly reproducing an original version.

Barrage : a concentrated artillery bombardment over a wide area.

Shipment : the action of shipping goods.

ANSWERS TO CHECK YOUR PROGRESS

1. Chicken Neck

2. Centralization

3. Tin Bigha

4. Economic assistance

MODEL QUESTIONS

1. Elucidate the history of India and Bangladesh relations.

2. Discuss the Ganga water dispute between India and Bangladesh.

3. Describe the indo-bangladesh issues.

SUGGESTED READINGS

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Unit – 8

INDIA – SRI LANKA

STRUCTURE

OVERVIEW

Sri Lanka is located off the coast of South East India and it shares very close cultural links with India. It is well-known that King Ashoka had sent his son Mahendra and his daughter Sangh Mitra to propagate Buddhism in this island nation. In Sri Lanka, a large number of Indians are settled and they are employed mainly in tea and rubber plantations. In this unit, we will discuss on the various relations, agreements and trade between India and Sri Lanka.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢   Understand the history between India and Sri lanka.

➢   Analyse the Nehru - Kotelawala Agreement, 1953.

➢   Learn the pacts and agreements between India and Sri lanka.

8.1 INTRODUCTION

Sri Lanka became independent on 4 February 1948 from the British rule, and also became a member of the Commonwealth of Nations. It discarded the dominion status and became a republic. Sri Lanka is an active member of NAM since 1961. Sri Lanka also has full faith in the United Nations and the ideal of world peace. It is also one of the founding members of SAARC. Like India and other third world countries, Sri Lanka also follows the policy of non-alignment.

Bilateral ties between the two states have generally been friendly but were controversially affected by the on-going Sri Lankan civil war. India is the only neighbour of Sri Lanka and is separated by the Palk Strait. Both the states occupy a strategic position in South Asia and strive to build a common security umbrella in South Asia.

A territorial dispute arose regarding the ownership of one square mile of uninhabited island called Katchatheevu, located off the Jaffna coast in Palk Straits. In the month of March during the festival of St. Anthony, pilgrims from both India and Sri Lanka used to go to Katchateevu Island every year for four-day worship at the local Roman Catholic Church. India protested over the presence of Sri Lanka police during the festival in 1986. This caused conflict between the two nations; however, both wanted to avoid a serious situation.

At last, the pending issue took more than five years to conclude a final agreement regarding this Island. In June 1974, the Prime Ministers of the two countries discussed about involving territorial issue and navigational fishing rights in the Palk Straits. Finally both leaders concluded a comprehensive agreement on the demarcation of maritime boundary and India accepted Sri Lanka's ownership of the Katchateevu Island.

The first Prime Minister of independent Sri Lanka, D. S. Senanayake declared that his country would not align with any power bloc that it believed in peace, as far as power politics was concerned and that the country would follow a middle path. As a large island in the Indian Ocean, it has been aware of its strategic position. Communism could be a serious threat to the newly emerging nations, was believed by Senanayake. This island state concluded a security treaty with Britain itself and allowed British military bases in Colombo as well as Trincomalee, because it was not in a position to ensure her defence.

8.2 HISTORY OF INDIA – SRILANKA RELATIONS

Since independence, India made it clear that it hopes to have friendly ties with all its neighbours. Since Sri Lanka is such a close neighbour, India wishes the same for it. India and Sri Lanka have been maintaining cordial relations from a very long time. The same cordial relationship continued in the early phase of independent India's foreign relations. However, the era of warmth suddenly came to an end, due to the racial disturbances in Sri Lanka. When Sri Lanka became independent, the Prime Minister, D. S. Senanayake, assured the Tamils that they would be given justice. He told the Tamils that they should not fear the Sinhalese. However, after his death, discrimination allegedly began against the Tamils. Although the two-language system which was adopted during the regime of Senanayake, was given away and the official Language Act of 1956 declared Sinhalese to be the sole official language of Sri Lanka. The Tamils opposed this act and as a result it led to ethnic riots. In 1957, an agreement between the Prime Minister Bandaranaike and the Tamil leader Chelvanayakam was concluded in which Tamil was recognized as the language of the national minority.

In the foreign policy of India, Sri Lanka occupies an important place because of it being one of the country's closest neighbours with ancient cultural ties. Colonialism, imperialism and racialism are rejected by both nations. D. S. Senanayake's successor Sir John Kotelawala also emphasized the policy of non-alignment. However, he was strongly against communist ideology and advocated pro-West policy. Kotelawala wanted to cooperate with all anti- communist forces in the world. He bitterly opposed imperialism and considered the influence of Soviet Union in Eastern Europe as dangerous.

8.3 NEHRU - KOTELAWALA AGREEMENT, 1953

An agreement between the two Prime Ministers, Nehru and Kotelawala was signed in 1953 for finding a solution to the ethnic problem in Sri Lanka. The main features of the agreement were as follows:

- The government of Sri Lanka should register the names of those people of Indian origin who wanted to stay permanently in the country.
- Those who did not want to become citizens of Sri Lanka would be sent back to India.
- Illegal migration from India to Sri Lanka would be checked in an effective manner.
- The applications for citizenship, pending for two years or more would be quickly disposed off by the government of Sri Lanka.

- A separate electoral register would be maintained for the Indian origin people to enable them to elect their representatives proportionately.
- Those people of Indian origin who wanted but could not be granted the Lankan citizenship would be allowed to stay on as aliens.

The enacted legislation of 1958, provided for using of Tamil language in education, entrance examination of government services as well as administration of eastern and northern provinces. However, both the Act of 1958 as well as the agreement of 1957 could not be implemented effectively by the government of Sri Lanka. The Tamils represented 30 per cent in public service in 1948, but its representation was only 5 per cent by 1975. Their representation highly reduced in the army and police and they were discriminated against in matters of education. In 1948, nearly 31 per cent of the university students were Tamils and by 1970 it reduced to 16 per cent. The citizenship laws of 1948 and 1949 deprived political rights of approximately 10 lakh Tamils.

In February 1948, when Ceylon later called Sri Lanka, became a free nation like India, decided to follow policy of non-alignment which helped both the countries to have cordial relations with each other. Both nations proceeded to establish extensive cultural, commercial, strategic and defence ties to ensure a common sphere of influence in the region, adopting non-alignment to control Western and Soviet influence

The Prime Minister of Sri Lanka, Sir John Kotelawala very significantly contributed to make the Non-Alignment Movement a success. It was because of his efforts that in April 1953, the Bandung Conference was convened. When China invaded India in 1962, then Sri Lanka played a very important role in resolving the dispute between India and China. Accordingly Bandaranaike, the then Prime Minister of Sri Lanka, visited China and discussed the proposals made by six nations at Colombo, commonly known as Colombo proposals or plan, for settlement of Sino-India dispute. Like India, Sri Lanka also favoured the entry of Red China in the United Nations.

The close relationship between the then-Indian Prime Minister Indira Gandhi and the Sri Lankan Prime Minister Sirimavo Bandaranaike led to the development of strong bilateral relations. In 1971, Indian armed forces helped squash a Communist rebellion against the Sri Lankan government. However, the question of Sri Lankan Tamils which consisted of nearly 30 per cent of the population created more serious problems and badly strained the relations between the two states. A division between the Sinhalese (Buddhists) and the Tamil (Hindus) was

being created by the Anglo-US imperialists and their Pakistani agents. The US is reported to have established its base at the sensitive Trincomalese port and this constitutes a serious threat to the security of India. Sri Lanka had also forged links with Israel and with the active help of its patrons abroad, was engaged in the barbarous game of wiping out the Tamil population from northern parts of the island.

8.4   INDIA AND SRI LANKA RELATIONS

In October 1964, the Prime Minister of Sri Lanka Sirimavo Bandaranaike visited India. After prolonged negotiations at diplomatic level, both Indian Prime Minister Lal Bahadur Shastri and Mrs Bandaranaike signed an agreement on 24 October 1964. Both the leaders sought to solve the problem of 9,75,000 stateless persons in Sri Lanka. From this agreement, nearly 3,00,000 people were granted Sri Lankan citizenship and nearly 5,25,000 people were granted Indian citizenship. The fate of the remaining 1,50,000 stateless persons were to be decided in the near future.

When Sirimavo Bandaranaike visited India in January 1974 during her second tenure and discussed with her Indian counterpart, Indira Gandhi, about the remaining stateless persons, a fresh agreement was signed between these two leaders in which half of the people became Indian nationals and the rest were given the citizenship of Sri Lanka. Hence, this issue of stateless persons was sought to be peacefully settled.

Colombo, due to this problem, had been irresponsibly accusing New Delhi of helping the Tamil terrorists who were then demanding a separate Tamil state. Unless the Sri Lankan government satisfied the legitimate demand of the Tamils, respected their human rights, conceded autonomy to the districts inhabited by them within the framework of Sri Lankan federalism, neither they nor their imperialist overlords could prevent the partition of the island. New Delhi, of course, had to be watchful of the Sri Lankan government's attempt to mortgage the island with the Anglo-US-Israel-Pakistan axis and would have to decide when to save the island from these by taking a bold step.

A broad consensus exists within the Sri Lankan polity on the primacy of India in external relations matrix of Sri Lanka. Both the major political parties in Sri Lanka, namely, the Sri Lanka Freedom Party and the United Nationalist Party have contributed to the rapid development of bilateral ties since last ten years. Sri Lanka has supported the candidature of India to the permanent membership to the United Nations Security Council.

India and Sri Lanka started their economic cooperation very late. Both the states are major exporters of tea, hence, their relationship for some time was considered as competitive. India's economic relationship with this country improved since 1966 when India extended a loan of ` 2 crores to enable Sri Lanka to import food products from India. Items like dried fish, textiles and dried chillies were to be imported from India and again in 1967 another credit of ` 5 crores was extended for the purchase of electrical and telecommunication equipment, railway coaches and wagons, machines and machine tools and commercial vehicles, etc.

In 1971, Sri Lanka imported goods from India worth 20 crores, as against its exports to India, which were worth 1 crore only. The economic cooperation got a boost after Indira Gandhi's visit to that state in April 1973. India provided assistance to Sri Lanka in five areas such as sheet glass, rubber-based goods, graphite, refractory and mica. India offered annual aid of 1 crore for the next five years for the development of projects in Sri Lanka. India agreed to provide 50 lakh for the establishment of a cattle and sheep breeding unit in Sri Lanka and also donated high-breed animals and machinery for the project. India gifted a common facility for the Mica industry of Sri Lanka, which cost 25 lakhs. Therefore, it was evident that India wanted to promote a new economic relationship and diversification of the economy of Sri Lanka. In 1975, a science and technical cooperation agreement was signed between the two countries.

Private entities in the Tamil Nadu government were said to have encouraged the funding and training for the LTTE or the Liberation Tigers of Tamil Eelam, a separatist insurgent force.

Between 1970s and 1980s, private entities and elements in the Government of Tamil Nadu were believed to be encouraging the funding and training for the Liberation Tigers of Tamil Eelam, a separatist insurgent force. Faced with growing anger amongst Tamils within the country and a deluge of refugees, India decided on direct intervention in the conflict. This happened for the first time following the Sri Lankan government's attempt to re-establish control of northern Jaffna through military assaults and economic blockade. India provided aid in the form of food and medicines, by sea and air. Following subsequent negotiations, the two countries agreed on a peace accord assigning a certain level of regional autonomy in the Tamil regions. The Eelam People's Revolutionary Liberation Front (EPRLF) controlled the regional council and demanded that Tamil militant groups lay down arms. India

then sent its peacekeeping force, IPKF (Indian Peace Keeping Force) to Sri Lanka to facilitate disarmament and monitor the regional council.

The accord was signed between the governments of Sri Lanka and India and most Tamil militant groups accepted this agreement, however, the Tamil Tigers and other Tamil militant groups did not have a role in the signing of the accord. Furthermore, the LTTE rejected the accord because they opposed the candidate, who belonged to another militant group named Eelam People's Revolutionary Liberation Front (EPRLF), for the post of the Chief Administrative Officer of the merged Northern and Eastern provinces. Instead, the LTTE named three other candidates for this position. The candidates proposed by the LTTE were rejected by India. The LTTE subsequently refused to hand over their weapons to the IPKF.

Although tension between the Tamil and Sinhalese had persisted for a long time in Sri Lanka, the problem became acute in July 1983, when military personnel brutally murdered Tamils in prisons and elsewhere. In the early stages of the confrontation between the Tamil and Sinhalese, the government of Sri Lanka accused India of imparting armed training to the Tamil militants in the Indian Territory.

It was evident that, the continued elimination of Tamils in the island would activate Tamil Nadu and India to take concrete steps, at least to ensure that Tamil refugees current inflow from the island did not go on to the mainland. This could only be done by India's intervention, which, of course, would have to be avoided as far as possible. On 15 February 1985, Rajiv Gandhi ruled out military intervention in Sri Lanka. However, on 24 March, he sent Foreign Secretary of India, Romesh Bhandari to Colombo as his special envoy to find a solution to the on-going ethnic violence in the island. If Sri Lanka had stopped involving itself in anti-India postures under the dictates of Britain, US and Pakistan, a solution could have easily been found.

In July 1987, an accord was signed between Indian Prime Minister, Rajiv Gandhi and Sri Lankan President, Junius Richard Jayawardene to usher in an era of peace and prosperity. The new accord bypassed direct negotiation between the Tamils and Jayawardene administration. It primarily placed responsibility on India for effective implementation and disarming of Tamil Tigers. The LTTE and the different political groups in Sri Lanka were yet again opposed to such an accord.

The Indo-Sri Lankan Accord, which had been unpopular amongst Sri Lankans for giving India a major influence, now, became a source of nationalist anger and resentment as the IPKF got pulled completely into the conflict. Sri Lankans protested the presence of the IPKF, and the newly-elected Sri Lankan President Ranasinghe Premadasa demanded that it be withdrawn. The task was completed by March 1990. On 21 May 1992, Rajiv Gandhi was assassinated and the LTTE was said to be behind the assassination. India declared the LTTE as a terrorist outfit in 1992. India has since criticized the military involvement of Pakistan in the conflict, accusing it of supplying weapons and facilitating Sri Lanka's pursuit of military action instead of peaceful negotiations to bring an end to the civil war.

8.5 PACTS AND AGREEMENTS BETWEEN INDIA AND SRI LANKA

India and Sri Lanka are member nations of several regional and multilateral organizations such as the South Asian Association for Regional Cooperation (SAARC), South Asia Cooperative Environment Programme, South Asian Economic Union and Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC). Since a bilateral free trade agreement was signed and came into effect in 2000, Indo-Sri Lankan trade rose in 2004 and quadrupled in 2006, touching the $2.6 billion mark.

India is the fifth largest export destination for Sri Lankan products, making up 3.6 per cent of its exports. Both countries have signed the South Asia Free Trade Agreement (SAFTA). Negotiations attempted to expand the free trade agreement to forge stronger commercial relations and improve corporate investment and ventures in various industries. It was predicted that the year 2010 would be the best year for bilateral trade on record, with Sri Lanka's exports to India increasing by 45 per cent in the first seven months.

Indian fishermen have been fired at many times in Palk Bay. The Indian Government has always given importance to the issue of safety of Indian fishermen and discussed it with the Government of Sri Lanka. Right now, there is no bona fide Indian fisherman in the Sri Lankan custody. A Joint Working Group (JWG) has been constituted to deal with issues related to Indian fishermen straying into Sri Lankan territorial waters. India officially protested against the Sri Lankan Navy for its alleged involvement in attacks on Indian fishermen on 12 January 2011.

India is active in a number of areas of development activity in Sri Lanka. About one-sixth of the total development credit granted by Government of India is made available to Sri Lanka.

8.6   DEVELOPMENT PROJECTS

Several development projects are being implemented under 'Aid to Sri Lanka' funds, such as:

Small development projects: An MoU on Cooperation in Small Development Projects had been signed between India and Sri Lanka covering programmes for providing fishing equipment to the fishermen in the East of Sri Lanka and solar energy aided computer education in 25 rural schools.

Health projects: India has supplied medical equipment to hospitals in Sri Lanka including ambulances. Assistance has also been given for cataract eye surgery programmes for 1,500 people.

Education projects: Schools and other educational infrastructure have been renovated, teachers have been trained and computer labs have been set up for students.

Training: Sri Lankan Police personnel have been trained.

Indo-Sri Lanka relations have undergone a qualitative and quantitative change in recent years. Not only has defence collaboration increased but both countries have close political ties in terms of trade, investments and infrastructural linkages. India was the first country to respond to Sri Lanka's request for assistance after the tsunami in December 2004. India helped evacuate 430 Sri Lankan citizens from Lebanon, during its crisis, first to Cyprus by Indian Navy ships and then to New Delhi and then to Colombo by special Air India flights.

8.7   COMMERCIAL RELATIONS

Sri Lanka has long been a priority destination for direct investment from India. Sri Lanka is India's second largest trading partner in SAARC. India in turn is Sri Lanka's largest trade partner globally. Trade between the two countries grew particularly rapidly after the entry into force of the India-Sri Lanka Free Trade Agreement in March 2000. According to Sri Lankan Customs, bilateral trade in 2014 amounted to US $ 4.6 billion, achieving a growth of 23.37 per cent compared to 2013. Exports from India to Sri Lanka in 2014 were US$ 3977 million, while exports from Sri Lanka to India were US $ 625 million.

India is among the top four investors in Sri Lanka with cumulative investments of over US$ 1 billion since 2003. The investments are in diverse areas including petroleum retail, IT, financial services, real estate, telecommunication, hospitality and tourism, banking and food processing (tea and fruit juices), metal industries, tires, cement, glass manufacturing, and infrastructure development (railway, power, water supply).

A number of new investments from Indian companies are in the pipeline or under implementation. Notable among them are proposals of Shree Renuka Sugar to set up a sugar refining plant at Hambantota (US $ 220 million), South City, Kolkata for real estate development in Colombo (US $ 400 million), Tata Housing Slave Island Development project along with Urban Development Authority of Sri Lanka (US $ 430 million), 'Colombo One' project of ITC Ltd. (ITC has committed an investment of US$ 300 million, augmenting the earlier committed US 140 million). Dabur has already set up a fruit juice manufacturing plant (US$ 17 million) in May 2013. On the other hand, the last few years have also witnessed an increasing trend of Sri Lankan investments into India. Significant examples include Brandix (about US$ 1 billion to set up a garment city in Vishakapatnam), MAS holdings, John Keels, Hayleys, and Aitken Spence (Hotels), apart from other investments in the freight servicing and logistics sector.

LET US SUM UP

The close relationship between the then-Indian Prime Minister Indira Gandhi and the Sri Lankan Prime Minister Sirimavo Bandaranaike led to the development of strong bilateral relations. Sri Lanka has supported the candidature of India to the permanent membership to the United Nations Security Council. A MoU on Cooperation in Small Development Projects had been signed between India and Sri Lanka. India was the first state to respond to Sri Lanka's request for assistance after the tsunami in December 2004

CHECK YOUR PROGRESS

1. Like India and other third world countries, Sri Lanka also follows the policy of_____.

2. A territorial dispute arose regarding the ownership of one square mile of uninhabited island called _____ , located off the Jaffna coast in Palk Straits.

3. Although the two-language system which was adopted during the regime of Senanayake, was given away and the official Language Act of _____ declared Sinhalese to be the sole official language of Sri Lanka.

4. An agreement between the two Prime Ministers, Nehru and Kotelawala was signed in _____ for finding a solution to the ethnic problem in Sri Lanka.

GLOSSARY

Communism

Defence

Agreement

Migration

ANSWERS TO CHECK YOUR PROGRESS

1. non-alignment

2. Katchatheevu

3. 1956

4. 1953

MODEL QUESTIONS

1. Examine the historical relations between India and Sri lanka.

2. Describe the pacts and Agreements of Indo – Sri lanka.

3. What are the developmental projects in Sri lanka.

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Unit – 9

STRUCTURE

OVERVIEW

India felt fatalistically sure about Nepalese friendship. It regarded the geographical, historical and cultural links that existed between India and Nepal as the solid foundations upon which the two countries were destined to maintain and develop their ties. The feeling that foreign policy of Nepal cannot but continue to look to its interests as interest dependent upon ties with India, made India complacent about its relations with Nepal.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢   Understand the historical background of India and Nepal.

➢   Explain the various disputes between India and Nepal.

➢   Discuss the Indo – Nepal and Maoist Insurgency.

9.1   INTRODUCTION

We would like every other country to appreciate the intimate geographical and cultural relationship that exists between India and Nepal.' Such an Indian view was regarded by Nepal as an attempt to follow a 'big brotherly attitude towards Nepal'. It signed the Treaty of Peace and Friendship with India but felt concerned about the provisions. Naturally then, when India developed big strains and conflict in relations with China, Nepal did not hesitate to develop relations with China and to attempt a balance between India and China. This change in Nepalese attitude became particularly visible after 1960 and brought with it strains in Indo-Nepal ties. India tried to correct its attitude by following a policy of appeasement towards Nepal, but the move failed to repair the damage. It even encouraged Nepal to use China for getting the desired policy decisions from India. Thus, the thesis of 'special relations with Nepal' proved to be a harmful factor for Indo-Nepal ties.

India's ties with Nepal are close yet fraught with difficulties stemming from geography, economic, the problems inherent in big power versus small power relations and common ethnic and linguistic identities that overlap the two country's borders. In the year 1950, New Delhi and Kathmandu initiated their intertwined relationship with the Treaty of Peace and Friendship and accompanying letters which defined security ties between the two states and an agreement that governs both bilateral trade and trade transiting at Indian soil.

The Treaty of 1950 and letters stated that 'neither government shall tolerate any threat to the security of the other by a foreign aggressor' and obligated both sides 'to inform each other of any serious friction or misunderstanding with any neighbouring state likely to cause any breach in the friendly relations subsisting between the two governments'. These accords cemented a 'special relationship' between the two countries that granted Nepal preferential economic treatment and provided Nepalese in India the same economic and educational opportunities as Indian citizens.

9.2   HISTORY OF INDIA – NEPAL RELATIONS

The Kingdom of Nepal is situated between China and India in the Himalayas. It is a feudal state; the country is beset with numerous problems. Until 1950, the hereditary Prime Ministers hailing from Rana family have been in control of power in the Kingdom, and the country's progress was ignored. In 1950 and 1951, there were revolts against the Ranas. King Tribhuvan Bir Vikram Shah was helped by India to gain gull control over the government.

In 1955, after his death, Crown Prince Mahendra became his successor. In 1960, King Mahendra dissolved the ministry headed by B. P. Koirala. The Government of India expressed its concern over the developments in Nepal. The Government of Nepal accused India for fomenting troubles in the country. Therefore, the ties between the two countries got strained. During the initial years of India's independence, the foreign policy did not give much importance to relations with Nepal. There were two factors responsible for the lack of Indian interests in Nepal.

India's over involvement in global affairs resulted into a virtual neglect of relations with its small neighbours like Nepal. Friendship of Nepal with India was regarded as a historical necessity. However, Nepal felt dissatisfied with such an attitude. Initially, it accepted the position because of a lack of option. Later on, however, when China started emerging as a major power in world politics, Nepal felt no hesitation in working for securing the friendship and cooperation of China. It then chose to ignore India's concern and interests for safeguarding its own security and other interests.

As such, we can say that to some extent, India, because of its lack of interest in Nepal, itself was responsible for making Nepal look for an alternative to India. Indo-Nepal relations during 1947–55 were alternatively affected by the lack of Indian initiative in this direction. Later on, when India tried hard to repair the damage, it had to be content with partial success. The Indian foreign policy was governed by the perception of the thesis for India's special ties with Nepal. Indian Prime Minister Nehru on 6 December 1950, in his in the Parliament opined, 'We recognize Nepal as an independent country and wish her well. However even a child knows that one cannot go to Nepal without passing through India. Therefore, no other country can have as intimate relationship with Nepal as ours.

With the emergence of China as a communist power in 1949 and soon after this change initiated steps for increasing its power and influence. It lost no time in claiming Tibet and in attempting to increase its power in Asia. India was alarmed by the changes taking place. On the one hand it started working for securing friendship with China and on the other it decided to link the Himalayan kingdom within a close fold of her friendship. In the 1950s, India tried to counteract the growing Chinese influence in Nepal through diplomacy and by asserting close historical and cultural links with Nepal.

The Himalayan kingdom however, felt the necessity of cultivating ties with both China and India as a means for safeguarding its security and other interests. The China factor still continues to be an important factor in the Indo-Nepal ties. Currently, democratic Nepal appears to be more inclined towards the cause of friendly cooperation with India. In the past, however, the China factor definitely checked the process of development of cooperation between India and Nepal.

The Prime Minister of Nepal, T. P. Acharya was clearly pro-Chinese. When he visited India in 1956, he said that Nepal was willing to act as a bridge between China and India. After Acharya's visit to China in 1956, the Chinese Premier Chou En-Lai visited Nepal in January 1957. He told the people of Nepal that both the Chinese and Nepalese belonged to the same blood. Perhaps the intention of the Chinese Premier was to align China with Nepal, Bhutan, and Sikkim. As Acharya began to use Chou's language in international forums, the Indo-Nepal ties became strained. He also dictated that India, in its own interest should support the cause of Nepalese nationalism.

Indian President Dr Rajendra Prasad visited Nepal in 1956. During his visit, he assured the people of Nepal that India had no intention of interfering in the internal affairs of Nepal nor did India claim any of the Nepalese territory. Dr. K. I. Singh became the Prime Minister of Nepal in 1957. His policy was clearly pro-India, but the media of Nepal did not allow him to change the anti-India stance of his predecessor. B. P. Koirala, who became Prime Minister of Nepal in 1959 tried to consolidate Nepal-China ties and he signed an agreement with China regarding Mount Everest that was greatly criticized by the Indian press. Koirala was sacked by King Mahendra and many leaders of Nepali Congress were arrested, some fled to India. The King accused India for supporting anti- Nepal agitation, which further strained the ties between the two states.

It is a fact that the last century had been cruel to the Kingdom. Its remoteness an asset in the past centuries had become a liability. Nepal has been denied most of the benefits of modernization and integration into the world economy by its land-locked isolation. This isolation has been at least in part, self-imposed. All of its natural markets have lain south of it, in India. Ever since the days of King Mahendra, father of King Birendra, the Nepalese elite has regarded greater economic integration with India as the principal threat to their independence. This resulted in the loss of Indian markets completely to manufactured goods from Nepal.

As a result, Nepal could not take advantage of the burgeoning industrial markets to the south to industrialize and create jobs outside the traditional sector of the economy. Consequently, Nepal has remained poor even by the standards of a poor subcontinent. Unemployment has reached mammoth proportions and young people, who face a bleak future, have become dangerously volatile.

India helped Nepal in the construction of the Kingdom's airport at Kathmandu. Besides, India also built three all-weather airports at Bhairava, Janakpur and Biratnagar, and a fine weather airport at Simra. However, by this time China became an important factor in economic as well as political ties of Nepal. King Mahendra reaffirmed that Nepal's decision would be neutral between India and China.

9.3   INDO – NEPAL IN 1970s

The Indo-Nepal relations had not been cordial due to certain misunderstanding, which cropped up in the 1960s from a number of issues. In 1964, Sardar Swaran Singh visited Nepal in a bid to iron out these misunderstandings, which led to the signing of an agreement with Nepal. On the expiry of the transit treaty in March 1989, the King facing hostile opposition from different political groups for restoration of democracy blamed India to divert people's attention. However, Nepal was made a constitutional Monarchy and the status-quo-ante with India was established during the Prime Ministership of Krishna Prasad Bhattarai. Recently the Monarchy has been replaced by republic democratic state in Nepal.

In the 1950s, Nepal welcomed close relations with India, but as the number of Nepalese living and working in India increased and the involvement of India in Nepal's economy deepened in the 1960s and after, so too did Nepalese discomfort with the special relationship. Tensions started in the mid-1970s, when Nepal pressed for substantial amendments in its favour in the trade and transit treaty and openly criticized India's 1975 annexation of Sikkim which was considered as part of Greater Nepal. In 1975 King Birendra Bir Bikram Shah Dev proposed that Nepal be recognized internationally as a zone of peace; he received support from China and Pakistan. In New Delhi's view, if the king's proposal did not contradict the 1950 treaty, an extension of non-alignment, it was unnecessary; if it was a repudiation of the special relationship, it represented a possible threat to India's security and could not be endorsed.

In 1984 Nepal repeated the proposal, but there was no reaction from India. Nepal continually promoted the proposal in international forums and by 1990 it had won the support of 112 countries. King Birendra's coronation took place in February 1975. He advocated the idea of Nepal to get its recognition as a 'Zone of Peace'. If this concept was accepted by major power and neighbours it would have ensured Nepal's neutrality and security. This plea was reiterated by King Birendra in an official function in New Delhi in 1980 for Zone of Peace. The Nepalese diplomats forcedly pursued this proposal and it was officially announced in 1985 that as many as 58 countries had approved the idea of Nepal as a Zone of Peace. However, the Super Power Soviet Union, and also the two neighbours of Nepal, India and Bhutan did not propel. India was not in favour as it believed that the thrust in the plea was surely against the interest of India.

In 1978, India agreed to separate trade and transit treaties, satisfying a long-term Nepalese demand. In 1988, when the two treaties were up for renewal, Nepal's refusal to accommodate India's wishes on the transit treaty caused India to call for a single trade and transit treaty. Thereafter, Nepal took a hard-line position that led to a serious crisis in India-Nepal relations. After two extensions, the two treaties expired on 23 March 1989, resulting in a virtual Indian economic blockade of Nepal that lasted until late April 1990. Although economic issues were a major factor in the two countries' confrontation, Indian dissatisfaction with Nepal's 1988 acquisition of Chinese weaponry played an important role. Treaties and letters exchanged in 1959 and 1965, which included Nepal in India's security zone and precluded arms purchases without India's approval. India linked security with economic relations and insisted on reviewing India- Nepal relations as a whole. Nepal had to back down after worsening economic conditions led to a change in Nepal's political system, in which the king was forced to institute a parliamentary democracy. The new government sought quick restoration of amicable relations with India.

9.4   INDO – NEPAL IN 1990s

Systematically working democratic process in the 1990s in Nepal has given strength to the idea of developing greater and stronger ties with democratic India. Consequently, both India and Nepal have been engaged in the process of building warm, friendly and highly cooperative ties between the two countries. Unfortunately, the path of Indo-Nepal friendship in the past has been quite smooth. The existence of certain irritants prevented the development of highly cooperative ties between

the two states, particularly from 1962 to 1990. Their relations were generally friendly and cooperative but neither smooth nor highly cooperative. These were characterized by ups and downs. The issues of Nepalese demand for being accepted as a zone of peace, trade and transit treaties, and relations with China, acted as irritants in Indo-Nepal relations.

In May 1991, Girja Prasad Koirala became the Prime Minister of Nepal. Koirala visited India and assured the Indian government about his country's cooperation. In August 1992, India included Nepali language in the 8th schedule of the Indian Constitution, which further strengthened the bond of friendship between India and Nepal. In spite of India's best efforts, the Nepalese were not forthcoming in their interaction with India to build better relationship. India had been unhappy that Nepal in 1987–88 procured from China anti-aircraft guns, testifying that not only had the Chinese made political inroads into the palace, but also was willing to play the Chinese game. Consequent to this, Rajiv Gandhi, the Prime Minister of India, resorted to certain economic squeeze. Anti-India feeling was high in Nepal during which they were building cordial ties with China. However, the ties between India and the Himalayan Kingdom had been on a high tide in the late 90's and in the beginning of the new millennium.

When the Nepalese people were successful in changing the monarchical authoritarian system, which had been working under the garb of a Panchayat System, in favour of a democratic system with a constitutional monarchy, India readily came forward to extend all cooperation to the new democratic government. This change brought India and Nepal closer. However, the communists in Nepal, both when these were in opposition and while in the power kept on talking about India as a 'big brother'. This kept the pace of Indo- Nepalese ties slow and uneven. Fortunately, since 1996, India and Nepal have been successfully conducting their ties towards the desired objective of building a high level bilateral, sub-regional and regional cooperation. The River Mahakali and Power Sharing Agreement is inductive of this new outlook approach and commitment. India's Gujral Doctrine has helped in a big way, the process of developing Indo-Nepalese friendly cooperation in all spheres of their relations.

The special security relationship between New Delhi and Kathmandu was re-established during the June 1990 New Delhi meeting of Nepal's Prime Minister Krishna Prasad Bhattarai and Indian Prime Minister V.P. Singh. During the December 1991 visit to India by

Nepalese Prime Minister Girija Prasad Koirala, the two countries signed new, separate trade and transit treaties and other economic agreements designed to accord Nepal additional economic benefits.

Indian-Nepali relations appeared to be undergoing still more reassessment when Nepal's Prime Minister, Manmohan, Adhikary visited New Delhi in April 1995 and insisted on a major review of the 1950 Peace and Friendship Treaty. In the face of benign statements by his Indian hosts relating to the treaty, Adhikary sought greater economic independence for his landlocked nation while simultaneously striving to improve ties with China.

A high point in Indo-Nepal ties was reached on 6 February 1996, when the Prime Ministers of the two countries signed a historic treaty: 'Treaty for Integrated Development of Mahakali Basin'. It came to be popularly known as the Mahakali Rivers Treaty. This treaty included the agreement for the setting up of construction of a huge 2,000 MW Pancheshwar Hydroelectric Project in a period of eight years as also the development of the Sarada and Tanakpur barrages. The Pancheshwar Hydel Power Project was to be set up jointly by India and Nepal at a cost of ` 20,000 crore on an equal sharing basis. Nepal was to receive 1,000 cusecs of water during the monsoons and 300 cusecs water during the lean period from the Tanakpur Barrage as well as 70 million kilowatt of power on continuous basis, annually, free of cost. Both the states agreed for setting up of the Mahakali River Commission which was to inspect, coordinate and monitor the execution of the agreement. It was empowered to make suggestions for resolving all problems that may arise in the process of implementing the accord. Furthermore, a related agreement for the construction of 22 bridges in the Kohalpur-Mahakali area inside Nepal was also signed along the Mahakali accord.

Since 1996 their ties have started looking up in a big way and people and leaders of the two states are prepared not only to keep it up but also to extend and develop the process. Nepal's salvation lies in tapping of its tremendous power potential and India's development objective needs the availability of power. Both the countries can really gain through the development of their ties and this alone can help them to alleviate the problem of poverty, illiteracy, ill-health and other socio-economic problems and needs. Both the nations should now march ahead on the road towards development through cooperation in a confident way. Nepal, however, must take urgent and necessary steps for controlling the anti- India activities of Pakistan's ISI, smugglers and drug peddlers on Nepalese side. India on its part must keep up the policy of good

neighbourliness with all the surrounding countries, particularly with Nepal, as it is the nearest to India and there are no major problems between the countries, which cannot be resolved by negotiations based upon mutual confidence, maturity and openness.

A tragedy of unspeakable dimensions fell on Nepal on 1 June 2001, when Nepal's 29 years old Crown Prince, Dipendra, went on a rampage at the Narayanhiti Palace in Kathmandu and killed the entire royal family. He then apparently killed himself. Describing the bewildering situation in Nepal, as tense and confusing, the Indian government declared that it had no intention of playing a pro-active role there. In India, there was concern that the delicate balance between the monarchy and fragile party politics, especially given the Maoist insurrection, could be undermined by suspicions clouding Gyanendra's ascendancy.

In 2005, after King Gyanendra took over, Nepalese relations with India soured. However, after the restoration of democracy, in 2008, Prachanda, the Prime Minister of Nepal, visited India, in September 2008. He spoke about a new dawn, in the bilateral relations, between the two countries. He said, 'I am going back to Nepal as a satisfied person. I will tell Nepali citizens back home that a new era has dawned. Time has come to effect a revolutionary change in bilateral relations. On behalf of the new government, I assure you that we are committed to make a fresh start.' He met Indian Prime minister, Manmohan Singh, and Foreign Minister, Pranab Mukherjee. He asked India to help Nepal frame a new constitution, and to invest in Nepal's infrastructure, and its tourism industry.

In 2008, Indo-Nepali ties got a further boost with an agreement to resume water talks after a 4-year hiatus. The Nepalese Water Resources Secretary, Shanker Prasad Koirala, said the Nepal-India Joint Committee on Water Resources Meet decided to start the reconstruction of the breached Kosi embankment after the water level goes down. During the Nepal Prime Minister's visit to New Delhi in September the two Prime Ministers expressed satisfaction at the age-old close, cordial and extensive relationships between their states and expressed their support and cooperation to further consolidate the relationship.

Furthermore, a three-tier mechanism at the level of ministerial, secretary and technical levels will be built to push forward discussions on the development of water resources between the two sides. Politically, India acknowledged a willingness to promote efforts towards

peace in Nepal. Indian External Affairs Minister Pranab Mukherjee promised the Nepali Prime Minister Prachanda that he would 'extend all possible help for peace and development.'

India on the eve of the new millennium faced problems with some of its neighbours. Afghanistan was a country with which it had friendly relations till the end of 1980's, as it was by then ruled by the hostile Taliban regime. It had a long-standing dispute on the Jammu and Kashmir with Pakistan and was facing cross border raids by Islamic militants based in Pakistan. Some of the militants were Taliban. The hijacking of Indian Airlines aircraft from Nepal represented a serious setback to its security interests. The Taliban had unfriendly terms with Pakistan, which felt its 'strategic depth' had increased in relation to India. Sino- Indian relations had not been normalized, as there were still boundary problems in Northeast and Aksai Chin area of Ladakh in Kashmir.

9.5   NEIGHBOURHOOD RELATIONS

India, the US and Israel were branded as common enemy by the Taliban. Pakistan also sided with the US and provided valuable support in destroying Taliban. India and the US had become strategic allies. When the Maoist insurgency escalated, the US provided arms assistance to Nepal. India did not protest as it had when arms were purchased by Nepal in 1988. As Nepal's immediate neighbours, India and China and Pakistan, a fellow SAARC member, sharing the same sub-continent were now nuclear powers; Nepal's strategic importance in the region increased. This is especially true as South Asia is likely to contain a high conflict potential area in the near future due to India and Pakistan being nuclear powers and because of the existence of missiles capable of delivering nuclear weapons. Nepal has not remained unaffected due to fallout from nuclear radiation in the region caused by nuclear tests in Pokhran in Rajasthan or Baluchistan or Sinkiang.

The Government of India provides substantial financial and technical development assistance to Nepal, which is a broad-based programme focusing on creation of infrastructure at the grass-root level, under which various projects have been implemented in the areas of infrastructure, health, water resources, education and rural and community development. In recent years, India has been assisting Nepal in development of border infrastructure through upgradation of roads in the Terai areas; development of cross-border rail links at Jogbani–Biratnagar, Jaynagar-Bardibas, Nepalgunj Road-Nepalgunj, Nautanwa-Bhairhawa, and New Jalpaigudi-Kakarbhitta; and establishment of

Integrated Check Posts at Raxaul-Birgunj, Sunauli-Bhairhawa, Jogbani-Biratnagar, and Nepalgunj Road-Nepalgunj. The total economic assistance extended under 'Aid to Nepal' budget in FY 2014-15 was ` 300 crore

9.6 INDIA-NEPAL AND THE MAOIST INSURGENCY

If insurgency in Nepal's Jhapa District were to spread to Chicken's Neck (the Siliguri Corridor), India's control of the entire northeast might be threatened. A meeting of Chief Ministers of states suffering from movements such as the Maoists in Nepal, was organized in September 2004 in Delhi. It was attended by Chief Ministers and senior officials of Uttar Pradesh, Bihar, Jharkhand, Madhya Pradesh, Chhattisgarh, Andhra Pradesh, West Bengal, and Maharashtra. A peaceful resolution of the Maoist insurgency in Nepal is also in the interest of India.

The open Indo-Nepal border has helped the Maoist insurgency to spread fast as the insurgents could easily seek haven across the border. Had the border been better regulated by tracking the movements of residents in areas close to the border and providing identity cards, the insurgency could have been greatly controlled.

Nepal could also be an attractive destination for FDI from India. India is already the largest investor in Nepal. Nepal's attractive incentives, positive attitude towards investors, low cost locations, cheap labour, and easy-to-train workforce are some of the factors which will make it attractive to Indian investors. Indian investment in Nepal is mainly in the following sectors:

• 	Tourism

• 	Consumer durables

• 	Garments

• 	Carpets

Indian companies like Dabur, Colgate and Hindustan Lever have set up factories in Nepal with the objective of exporting their finished products to India.

Tourism and hydropower development are two sectors where Indian investors could invest. Nepal is an attractive destination for Indian tourists visiting the country for pilgrimage as well as sightseeing. An increasing number of young Indians are also visiting the country for honeymoon and adventure tourism. Private airlines from India like Air Sahara and Jet Airways have started flying to Nepal since 2004. There

are also prospects of developing health tourism as well as for cooperation in hotel management between India and Nepal.

Nepal is also one of the countries visited by Chinese tourists. Several Chinese tourists flock to Nepal and India to places like Lumbini, Bodhgaya, Sarnath and Kushinagar for pilgrimage tourism. Many Indians visit Mansarovar via Nepal for pilgrimage.

Nepal has one of the highest potential for development of hydroelectric power as variation in altitude and adequate amount of water is present to an extraordinary degree. It is estimated that Nepal enjoys a power generating capacity of 83,000 MW. Demand for consumption of electric power in North India has increased dramatically in recent years. Bilateral and multilateral donor agencies are interested in funding hydroelectric power development projects in Nepal. However, there has been some apprehension in Nepal that India is unwilling to rely on another country for such a vital source of energy.

Nepal's experience in utilizing water resources in cooperation with India has not always been encouraging. The Kosi Project was the first major river project. It was majorly a flood control project that was of advantage to Bihar. Very little power produced could benefit Nepal considering the size of the project. Similarly, Gandak Project utilizing another major river of Nepal was primarily for irrigation that benefited UP and Bihar in India and hardly benefitted Nepal.

LET US SUM UP

During the initial years of India's independence, the foreign policy did not give much importance to relations with Nepal. India, because of its lack of interest in Nepal, itself was responsible for making Nepal look for an alternative to India. Indo-Nepal relations during 1947–55 were alternatively affected by the lack of Indian initiative in this direction. India's ties with Nepal are close yet fraught with difficulties stemming from geography, economic, the problems inherent in big power versus small power relations and common ethnic and linguistic identities that overlap the two country's borders.

CHECK YOUR PROGRESS

1. The Treaty of _____ and letters stated that 'neither government shall tolerate any threat to the security of the other by a foreign aggressor'.

2. India tried to counteract the growing _____ influence in Nepal through diplomacy and by asserting close historical and cultural links with Nepal.

3. In August 1992, India included Nepali language in the _____ of the Indian Constitution.

4. The open _____ has helped the Maoist insurgency to spread fast as the insurgents could easily seek haven across the border.

GLOSSARY

Weaponry   : weapons regarded collectively.

Acquisition   : an asset or object bought or obtained, typically by a library or museum.

Insurgency   : an active revolt or uprising.

ANSWERS TO CHECK YOUR PROGRESS

1. 1950

2. Chinese

3. 8th schedule

4. Indo-Nepal border

MODEL QUESTIONS

1. Discuss the India and Nepal and Maoist insurgency.

2. Elucidate the India and Nepal relations.

SUGGESTED READINGS

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2. Dutt, V.P. (2002), *India's Foreign Policy in a Changing World*, New Delhi, Vikas.
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Block IV

INDIA AND WORLD ORGANISATIONS

Unit – 10

STRUCTURE

OVERVIEW

The United Nations is an organization that functions based on the political will of the people. It was created by 50 states, now there are 19 members. It does not have an army nor impose taxes on its people. It is neither a supranational organization nor a government of governments. It is completely based on the member state's voluntary and collective actions to bring peace. It brings close cooperation amongst the member states to maintain peace. In this unit, we will discuss on the United Nations role in India.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Know the historical perspectives of United Nations.

➢ Study the India's role in UN organizations.

10.1 INTRODUCTION

India is a founding member of the United Nations, and it strongly favours the purposes, principles and charter of the UN for maintaining international peace and security. The evolution of the UN's specialized programs and agencies is supported and it is also believed these forums will pave way for a multilateral forum.

The United Nations focuses on cracking down global challenges including those related to sustainable development, poverty eradication, environment, climate change, peace building and peacekeeping, terrorism, disarmament, human rights, migration and health and pandemics. The UN also has an important role in new emerging areas such as cyber security, space and frontier technologies like Artificial Intelligence. Through Indian influence UNGA adopted International Day of Yoga. Hindi in UN public communications (UN news, weekly audio bulletins on UN radio and UN social media) since March 2018.

10.2 HISTORIC PERSPECTIVE

India was one among the 50 countries of the United Nations that signed the Declaration by United Nations at Washington on 1 January 1942 and participated in the historic UN Conference of International Organization at San Francisco from 25 April to 26 June 1945.

India supported the UN's tumultuous years of struggle against colonialism, racial discrimination and apartheid, and openly criticized it on numerous forums. India also co-sponsored the landmark 1960 Declaration ofthe UN on Granting of Independence to Colonial Countries and Peoples which proclaimed the need to unconditionally end colonialism in all its forms and manifestations. India was elected thefirst chair of the Decolonization Committee (Committee of 24) which cared about ending the colonization in 3rd world countries.

India was outspoken critics of apartheid and racial discrimination in South Africa, it 1st raised the issues at the UN (in 1946), which led to the formation of a SubCommittee against Apartheid set up by the General Assembly.

India was an early signatory to the Convention on Elimination of all forms of Racial Discrimination which was adopted in 1965. India was the founding member of the Non-Aligned Movement and the Group of 77 that wanted to form an equitable international economic and political order. India consistently contributes to United Nations Peacekeeping, more than 244,500 army personals served in 49 of the 71 UN peacekeeping missions since 1948. India was the first country and one

of the largest women personnelcontributorstopeacekeeping force, for instance in the 2007 Liberia peace keeping mission, India deployed an all-women contingent. UN recognizes India as a role model, as it helped Liberian police in capacity building, which increased the number of women in security service.

In the humanitarian service sector, Indian Formed Police Unit had organized exclusive medical camps that serve on behalf of the organization. Veterinary support and engineering support were also given by Indian FPU during the UN mission in South Sudan (UNMISS). The support was exclusively done to increase the nutritional status and reduce the disease in life stocks in the war-torn regions. Indian contingent put in more effort to even provide vocation training, life-saving medical assistance and road repair works.

Indian battalions including the Horizontal Mechanical Engineering Company, the level II hospital, the Petroleum Platoon and Force Signal Unit had received UN medal of honour for their distinguish service in peacekeeping the Upper Nile Region Indian had contributed to 15 force commanders in different missions and the first country to contribute on Trust Fund on sexual exploitation and abuse in 2016. There are 170 Indian peacekeepers that lost their lives in UN missions, which is more than any other member state.

10.3 INDIA'S ROLE IN UN ORGANIZATIONS

India had enjoyed strong support from the UN as it had been repeated elected in several UN organizations such asHuman Right Council (HRC), Economic and Social Council (ECOSOC), International Narcotics Control Board (INCB), International Court of Justice (ICJ), UN Board of Auditors, Committee on Economic, Social and Cultural Rights (CESCR), International Tribunal for the Law of the Sea (ITLOS), International Law Commission (ILC) and Joint Inspection Unit (JIU), among others. Presently, India serves as representative in 22 UN Bodies.

India had been elected in the UN Security Council for eight times (1950-51, 1967-68, 1972-73, 1977-78, 1984-85, 1991-92, 2011-12 and 2021-2022). India chaired the UNSC 1373 Committee concerning Counter-Terrorism, the 1566 Working Group concerning threat to international peace and security by terrorist acts and the Security Council 751/1907 Committee concerning Somalia and Eritrea in 2012.

Several new challenges were seen such as Afghanistan, Cote d'Ivoire, Iraq, Libya, South Sudan, Syria and Yemen, which were serious

issues in international maritime trade and security, especially with pirates, India promoted global cooperation against the pirates. India played a significant role in saving the hostages captured by the pirates.

India is elected as the Chair in the Executive Board (EB) of World Health Organization in 2020, and co-sponsored for the resolution on Covid 19 Pandemic.

10.4 UN REFORMS

India is a staunch supporter of UN reforms and restructuring due to the evolving needs of the member states.India collaborates with a similar attitude as Brazil, Germany and Japan to create the G-4 and L.69 (Group of like-minded countries from Asia, Africa and Latin America) to expand and reformin UN Security Council.

10.5 TERRORISM

India stands strongly against Terrorism in the UN, and its association with illicit trafficking of drugs, small arms, and international money laundering. India is directly affected by terrorism on its soil time and again. Thus, it wants to stop the spreading of terrorism at home and abroad. India had ratified all 13 conventions on terrorism adopted by the UN.

India has supported a stricter worldwide actionon anti-terrorism mechanisms established by UN Security Council Resolutions, including Resolutions 1267/1989 (related to sanctions against ISIS (Da'esh) and Al-Qaeda) and 1988 (related to sanctions against Taliban), 1373 (related to Counter-Terrorism Committee), and 1540 (pertaining to non-proliferation of WMDs), and other international mechanisms such as Financial Action Task Force (FATF).

10.6 HUMAN RIGHTS

India is a robust supporter of Human Rights on the bases of inter-dependence, inter-relatedness, indivisibility and the university of human rights. This inter-relationship at the global level is the key to development, democracy, and international cooperation. Through the historic lens, India contributed to the creation of the Universal Declaration on Human Rights and is fully committed to the rights enactmentof the same. India had ratified the major human rights conventions such as International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the

Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). India is an active participatory country in the UN Commission on Human Rights since 1947, which was renamed as Human Rights Council in 2006 and it was elected 5 times to the council (2006, 2007, 2011-14, 2014-17 and 2019-21).

10.7 DEVELOPMENT AND ECONOMIC ORDER

India had repeatedly urged the UN to rake more multipolar economic order where equitability from the developing countries also could be shared rather than being dominated by the West.

Specifically, India has requested the transfer of Official Development Assistance (ODA) to the developing countries, from0.7 % of the developed country's Gross National Income, which could be utilized for transferringtechnology, accelerating industrialization, agricultural development and for food security measures.

Through, NAM India consistently called for the eradication of poverty in the G-77 countries to be the priority ofthe UN. India had been part of development programs such as the UN Population Fund (UNFP), the United Nations Children's Fund (UNICEF) and the World Food Program.

To accomplish south-south cooperation, "India-UN Development Partnership Fund" was launched in 2017 at a budget of $100 million fund facility, to initiate projects in the developing world. In 2018, US$50 Million Commonwealth window as an extension of the Fund to support SDG related projects.

10.8 CLIMATE ACTION

Prime Minister Narendra Modi launched Coalition for Disaster Resilient Infrastructure (CDRI) co-led along with Sweden to build new infrastructure. Modi instigated two commitments in September 2019, firstly, India hosted Pacific Small Islands Developing States and secondly met the leaders of the Caribbean Community (CARICOM).

Modi also hosted Leadership Matters: Relevance of Mahatma Gandhi in the Contemporary World" to mark the 150th birth anniversary of Mahatma Gandhi, to which make leaders participated and tribute to Gandhian philosophies by opening Gandhi Solar Park in the roof of UN headquarters at $1 million dollars cost.

LET US SUM UP

International organization was defined as the association of sovereign states by the earlier scholars. However, they have broadened the definition after the evolution of so many non-governmental organizations at International reach. The United Nations was created to prevent economic and social threats. To eliminate poverty, infectious disease and environmental degradations. To stop inter-state conflict, internal conflict such as civil war, genocide and other large-scale atrocities. To stop the spread of Nuclear, radiological, chemical and biological weapons, terrorism and transnational organized crime.

CHECK YOUR PROGRESS

1. India was one among the 50 countries of the United Nations that signed the Declaration by United Nations at Washington on 1 January_____.

2. India is elected as the Chair in the Executive Board (EB) of World Health Organization in_____.

3. India is an active participatory country in the UN Commission on Human Rights since _____.

GLOSSARY

Declaration	: a formal or explicit statement or announcement.
Supranational	: having power or influence that transcends national boundaries or governments.
Charter	: a written grant by the sovereign or legislative power of a country
Threats	: a person or thing likely to cause damage or danger.

ANSWER TO CHECK YOUR PROGRESS

1. 1942

2. 2020

3. 1947

MODEL QUESTIONS

1. Explain the various UN reforms.

2. Analyse the India's role in UN organizations.

3. Examine the historical perspective of UNO and India.

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Unit – 11

INDIA - WTO

STRUCTURE

OVERVIEW

The General Assembly, the Economic and Social Council, the UN Secretariat coordinates the various activities and programmes for the promotion of economic and social development. The United Nations is the main instrument of multilateral aid for tackling development problems. Various UN development agencies such as UNDP, WHO, the World Bank, IMF raise and contribute funds and assist for development programmes and projects. In this unit, we will discuss on the India and World Trade organizations relations.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Understand the evolution and functions of World trade organization.

➢ Learn the major agreement of world trade oraginsation with India.

11.1   INTRODUCTION

The World Trade Organization (WTO) is an international organization that enacts rules and regulations for global trade, which are ratified by the trading nations as WTO agreements. The WTO was the predecessor of the General Agreements of Trade and Tariffs (GATT), one of the 1st multilateral agreements that were created in 1947. GATT replaced WTO in 1995. Uruguay Round was started in 1986 by the GATT members for a strong multilateral organization to solve trade disputes and new areas such as biotechnology had already emerged. Trade and service, and intellectual property rights were key areas of discussion.

The WTO is an organization for trade opening. It is a forum for governments to negotiate trade agreements and settle trade disputes. It operates a system of trade rules. Essentially, the WTO is a place where member governments try to sort out the trade problems they face with each other.

The bulk of the WTO's current work comes from the 1986–94 negotiations called the Uruguay Round and earlier negotiations under the General Agreement on Tariffs and Trade (GATT). The WTO is currently the host to new negotiations, under the 'Doha Development Agenda' launched in 2001.Where countries have faced trade barriers and wanted them lowered, the negotiations have helped to open markets for trade. But the WTO is not just about opening markets, and in some circumstances its rules support maintaining trade barriers for example, to protect consumers or prevent the spread of disease.

At its heart are the WTO agreements, negotiated and signed by the bulk of the world's trading nations. These documents provide the legal ground rules for international commerce. They are essentially contracts, binding governments to keep their trade policies within agreed limits. Although negotiated and signed by governments, the goal is to help producers of goods and services, exporters, and importers conduct their business, while allowing governments to meet social and environmental objectives.

The system's overriding purpose is to help trade flow as freely as possible so long as there are no undesirable side effects because this is important for economic development and well-being. That partly means removing obstacles. It also means ensuring that individuals, companies and governments know what the trade rules are around the world, and giving them the confidence that there will be no sudden changes of policy. In other words, the rules have to be 'transparent' and predictable.

Trade relations often involve conflicting interests. Agreements, including those painstakingly negotiated in the WTO system, often need interpreting. The most harmonious way to settle these differences is through some neutral procedure based on an agreed legal foundation. That is the purpose behind the dispute settlement process written into the WTO agreements

11.2　WTO

The General Agreement on Tariffs and Trade (GATT) is a multilateral agreement regulating trade among 153 nations. It was set up after World War II along with other international institutions such as International Monetary Fund and World Bank to promote economic cooperation of nations. Of the fifty countries who had drafted the Charter for International Trade Organization (ITO), a specialized agency of the UN, twenty-three countries became members of GATT. The Charter provided rules for world trade and also for restrictive business practice, employment, commodity agreements and international investments and services.

After World War II, an effort was made to boost trade liberalization and remove protectionist measures existing since 1930s. For this, tariff negotiations were initiated among the twenty- three founding 'contracting parties' in 1946. The trade rules included in the ITO Charter and tariff concessions were together known as GATT that came into force in January 1948. Despite the fact that GATT was only provisional in nature, it remained the only multilateral institution governing international trade from 1948 until WTO was established in 1995. A series of trade rounds was held as a continuous measure for tariff reduction. In the first round of negotiations, 45,000 tariff concessions affecting $10 billion, which was 1/5 of the world trade, were made.

11.3　OBJECTIVES OF WTO

• GATT aimed to bring all-round economic prosperity by liberalizing and expanding international trade.
• It aimed at preventing discrimination in world trade and reducing trade barriers.
• It provided a platform for member countries to settle trade-related disputes.
• It helped to fully utilize the resources of the world and expand production of goods.
• It aimed at raising standard of living and ensuring full employment in the member countries.

- It aimed to reduce tariff on imports of member countries.

11.4 THE MAJOR AGREEMENT OF WTO

- General Agreement on Trade in Service (GATS), monitors and liberalizes trade-in services.
- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) which wanted to increase IPR worldwide
- Understanding of Rules and Procedures Governing the Settlement of Disputes negotiated between conflicting parties.
- Trade Policy Review Mechanism–which enlists national trade policies.

Doha Round – another round of discussion happened following the Uruguay round, this is also called as Doha Development Round or Doha Development Agenda in the 4th Ministerial Conference in 2001, which covers wide range of topics from Agriculture to services, trade and environment and so on.

11.5 WTO AND INDIA

India joined WTO in 1995 as part of the post-liberalization process, thus inception of the organization coincided with India opening its market. In certain ways, India had benefitted in big way such as rise in exports, growth in exports of software services, employment generation and poverty alleviation.

Rise in exports- India's exports double within 8 years, in 1994-95 it was $26.33 billion which became $51.7 billion in 2002-03. The Multi-Fiber Agreement (MFA) introduced by WTO, increased the export of Indian textile and clothing trade.

Growth in exports and software service – the business processing outsourcing service had been delegated to India by the US and UK companies, which gave a big boom to the Indian Software service industry, India is now a leader in software services.

Employment Generation – the world on the basics of comparative advantage where if a country can produce or provide service at a lower cost compared to other trading partner, using its factors of production. India's demographic strength gives excessive labour power thus it is involved in more labour intensive sectors such as textiles, apparels, leather, leather deviates, food, beverages and tobacco.

Poverty Alleviation – the increase in exports and employment generation had helped the nation in poverty alleviation. The positive growth witnessed in the country had reduced the poverty rate in India.

11.6   INDIA'S UNRESOLVED ISSUES IN WTO

Despite, WTO helped in increasing India's exports, there are few unresolved issues and India is trying negotiation with the organization, Indian domestic politics also plays critical role in placing India's agenda. The issues follows

Agricultural Subsidies – WTO wants India to stop minimum Support Price (MSP) which distorts WTO's measures in increasing trade connection, as it accounts to 10 percent of total value of concerned products. However, India justified stating the idea of MSP is food security and not export promotion.

Fisheries Subsidies – WTO had claimed that Indian fisheries subsidies are harmful, which could also range to $20.5 billion annually. However, India continues to deliver fishing vessels, nets, fuel and other inputs to the poor fishermen.

Movement of Labour– the movement of professional (labour) from developing countries had numerous constrains such as sectoral commitments, lack of mutual recognition of qualification, lack of transparency and visa issues, India had removed these concerns in the recent years.

Access to Affordable Medicines – In the medical field, pharmaceutical companies hold extensive patents in medicines which in turn affects the licensing, price controls, and parallel imports, India is one of the hub for generic medicines whoever, the process importing these medicine takes longer time due to patent issues, which India wants WTO to waive.

Non-Tariff barriers to Trade – These are Technical Barriers to Trade (TBT) and Sanitary and Phytosanitary Measures (SPS) India states that there is complete irrelevance of these foreign standards under local conditions. The environment and labour standards are one of the primary discussion which India wants to avoid.

Recognition of Geographical Indication (GI)–The WTo does not recognize all the trading GI tags, thus it leads to a loss or excludes benefits for India and decreases the export opportunities for India. Indian demands products such as Basmati Rice, Darjeeling Tea and Alphonso Mango are given equal reference to developed country's wines and spirits.

Investment Facilitation – India's investment models and strategies are not aligned with the Multinational companies thus it creates domestic disputes, while Indian government requests time for processing the

TRIPS into domestic policies. The E- Commerce is another area where discussion happens elsewhere (MNCs decision) and WTO is introducing policies to all countries for trade.

11.7 INDIA'S PROTECTION MEASURES

India has to measures to connect national policies with global policies, where it has to ful-fill its self-sufficiency and also pursue with international commitments using its comparative advantage. India's Atmanirbhar Bharat is based on this idea.

The changing global political and economic order, India need to revisit the agreement such as Trade in Service agreement and information technology to see how it can benefit its economy India needs to play a proactive role in negotiations especially in e-commerce.

LET US SUM UP

The General Agreement on Tariffs and Trade is a multilateral agreement regulating trade among 153 nations. It was set up after the World War I. In 1995, it was replaced by the World Trade Organization. India needs to alter its domestic policies in a way where it can benefit the domestic needs as well try to engage with the foreign counties through plurilateral agreements to solve its disputes, the MNC connectivity will lead to development of the nation, however, it has to be subjected to the national norms.

CHECK YOUR PROGRESS

1. The _____ held in 1986-94 was the most important aimed to expand the competence of GATT to new areas.
2. The WTO is currently the host to new negotiations, under the '_____ Agenda' launched in 2001.
3. The most important financial agencies of the United Nation are the _____ or World Bank and the International Monetary Fund (IMF).
4. In 2009, at the_____, the G-20 nations had pledged to adopt policies and framework for ensuring a brighter economic future.

GLOSSARY

Tariff   : a tax or duty to be paid on a particular class of imports or exports.

Investment   : the action or process of investing money for profit.

ANSWER TO CHECK YOUR PROGRESS

1.   Uruguay Round
2.   Doha Development
3.   International Bank for Reconstruction and Development (IBRD)
4.   Pittsburgh Summit

MODEL QUESTION

1.   Examine the India Unresolved issues with WTO.
2.   Discuss the objectives, evolution and status of World Trade Organisation.
3.   Explain the major agreement of WTO.

SUGGESTED READINGS

1.   Dr. Kuldeep Fadia, (2019), *International Organisation*, Sahitya Bhawan, India.
2.   David Armstrong, (2013), *International Organisations in World Politics (The making of the Twentieth Century),* Palgrave Macmillan.
3.   Margaret P. Karns, *International Organisations: The politics and Processes of global governance*, Viva Books.

INDIA AND REGIONAL ASSOCIATIONS

STRUCTURE

OVERVIEW

India also has to stress on strengthening regional groups and blocs such as SAARC, ASEAN etc. which will not only help in boosting economic ties but is also necessary if india is to contribute to the making of a multi-polar world and democratization of international relations. The sure way of preventing the crystallization of a unipolar world is by gently encouraging countries who have achieved economic strength to assert themselves in international affairs as well as develop ourselves economically into a stronger nation.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Understand the meaning of regional organization.

➢ Know about the various regional organization in India.

➢ Explain the aim of this organization for the growth

12.1 INTRODUCTION

International organisations and regional organisations play a pivotal role in the development of the countries. They provide trade opportunities, foster strong relations, are a mirror of world opinion, act as a facilitator and arbitrator, provide means of peace and cooperation, promotion of socio-economic and technical work and lastly also help in enforcing human rights. These organisations also aid in bridging the gap between developed and developing countries and restrict the growth of monopoly of developed countries in the world. India, a developing country, is a member of various organisations such as UN, WB, WHO, SAARC, BIMSTEC, UNESCO and many others.

The impact of these organisations has been very evident and prominent on the Indian society. It can be traced back to the time of independence. The post-independent India can be described as an agrarian economy with no strong industrial base, low literacy rate, high imports (even of food grains), unemployment, and with an economic growth rate of 3.5% per annum. To overcome these problems, the Indian government adopted a socialistic approach and had an inward look foreign-looking policy. But it led to soaring inflation, culminating in loans and their interest payments and depletion of foreign reserves of India. This compelled the Indian government to take aid from the IMF and World Bank and hence opened its economy through LPG policy 1991. India was a founding member of SAARC in 1985 and BIMSTEC in 1997.

12.2 INTERNATIONAL ORGANISATIONS

"Sets of rules that stipulate the ways in which states should cooperate and compete with each other." – Mearsheimer

The United Nations helped in implementing and developing the procedure, law and a mechanism of human rights in India. In 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights [UDHR] which has been incorporated by India in its Constitution in form of its Preamble, fundamental rights and many of its domestic legislation. Further, the UN has also provided support to end poverty and to promote sustainable development in lines of SDGs.

Another is the World Trade Organisation which has provided more economic aid to the country. The numerous benefits are as follows: WTO has helped India to have access to the global market, transfer and exchange of technology, improve quality of exports, having a competitive edge, lower tariff barriers and also a well-established dispute settlement mechanism to address grievances and complaints.

WTO has provided many loans to the central as well as many central governments. This has increased the inflow of foreign investment in India and created a base of funds for strong infrastructural facilities. However, many have observed that these loans are often granted to India with conditions that hamper the sovereignty of India.

UNESCO now and then encouraged education among children in India. It has provided assistance and international cooperation among artists, scientists and scholars in India. It has also helped in the preservation of Indian culture and heritage. Several monuments and natural places have been declared as World's Natural Heritage in India. It has improved the social conditions in India and contributed to its social development through education and culture.

Other such organisations are WHO which has generated awareness about health and sanitation, various diseases and the measures to combat them, the grading system for schools, hotels and theatres and other social institutions to ensure minimum standards of cleanliness. These standards in India have improved the standard of quality and have made India at par with other countries.

12.3   REGIONAL ORGANISATIONS

Regional organisations are in a sense, international organisations, as they incorporate international membership and encompass geopolitical entities that operationally transcend a single nation-state. However, their membership is characterised by boundaries and demarcations characteristic to a defined and unique geographies, such as continents, or geopolitics, such as economic blocs.

Due to India's geographical expansion and diversity, major regional organisations that took part in its growth are SAARC- South Asian Association for Regional Cooperation, BIMSTEC- Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation, BRICS- Brazil Russia India China and South Africa.

12.4 SAARC

SAARC is one of the most prominent regional organisations which has participated in India's development since its incorporation in the year 1985. It covers the north-west relations of India – Afghanistan, Bangladesh, Bhutan, Sri Lanka, The Maldives, Nepal and Pakistan. The many of the advantages of SAARC are the -motor vehicle agreement which facilitates free movement of good between the SAARC countries without any extra tariff, the combined cooperation on SDGs which enhance the implementation of sustainable development in India, SAFTA [South Asia Free Trade Agreement], Kaledam Multi Modern Highway for seamless transportation among Thailand, Myanmar, and India. However, SAARC as a regional organisation has failed to inculcate and developed the intrastate relations among its members, due to reasons such as cross border terrorism and tensions among its members, which can be a ground for India slow economic growth. The world bank in one of its reports has mentioned that SAARC is the least integrated regional organisation.

12.5 BRICS

The BRICS members are all leading developing or newly industrialized countries, but they are distinguished by their large, sometimes fast-growing economies and significant influence on regional affairs; all five are G-20 members. The five BRICS countries represent half of the world population; all five members are in the top 25 of the world by population. The New Development Bank (NDB), formerly referred to as the BRICS Development Bank, is a multilateral development bank established by the BRICS states. The bank is headquartered in Shanghai, China. The first regional office of the NDB will be opened in Johannesburg, South Africa. BRICS aims to boost the regional economy, trade and investments. Together these countries account for more than half of the world's population. The better relations of these countries among each other, the better for them and indirectly for the world. The growth of trade between these countries is a win-win scenario for all members who are also the drivers of the 21st century.

12.6 BIMSTEC

Another emerging regional organisation is BIMSTEC 1997. It covers the south-east part of India with Bangladesh, Bhutan, Nepal, Sri Lanka, Myanmar and Thailand. Many believe that BIMSTEC may be an addition to aid the role of SAARC in speeding India's development in the future. Many agreements and policies among these countries will foster India's development.

The main objective of BIMSTEC is technological and economic cooperation among south Asian and south-east Asian countries along the coast of the Bay of Bengal. Commerce, investment, technology, tourism, human resource development, agriculture, fisheries, transport and communication, textiles, leather etc. have been included in it.

12.7 THE INDIAN OCEAN RIM ASSOCIATION (IORA)

The Indian Ocean Rim Association (IORA), formerly known as the Indian Ocean Rim Initiative and Indian Ocean Rim Association for Regional Cooperation (IOR-ARC), is an international organisation consisting of coastal states bordering the Indian Ocean.

The IORA is a regional forum, tripartite in nature, bringing together representatives of Government, Business and Academia, for promoting co-operation and closer interaction among them. It is based on the principles of Open Regionalism for strengthening Economic Cooperation particularly on Trade Facilitation and Investment, Promotion as well as Social Development of the region. The Coordinating Secretariat of IORA is located at Ebene, Mauritius. 21 member states : South Africa, Mozambique, Tanzania, Kenya, Madagascar, Comoros, Mauritius, Seychelles, Iran, Oman, UAE, Yemen, India, Sri Lanka, Bangladesh, Malaysia, Indonesia, Singapore, Thailand, Australia and Somalia. Maldives, Pakistan, Saudi Arabia, Myanmar are not members.

The organisation was first established as Indian Ocean Rim Initiative in Mauritius on March 1995 and formally launched in 1997 by the conclusion of a multilateral treaty known as the Charter of the Indian Ocean Rim Association for Regional Co-operation.

12.8 TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP (TTIP)

The Transatlantic Trade and Investment Partnership (TTIP) is an ambitious, comprehensive, and high-standard trade and investment agreement being negotiated between the United States and the European Union (EU). TTIP will help unlock opportunity for American families, workers, businesses, farmers and ranchers through increased access to European markets for Made-in-America goods and services. This will help to promote U.S. international competitiveness, jobs and growth. Its main three broad areas are market access, specific regulation; and broader rules and principle s and modes of co-operation

12.9 SHANGHAI COOPERATION ORGANISATION

The Shanghai Cooperation Organisation (SCO), or Shanghai Pact, is a Eurasian political, economic, and military organisation which was founded in 2001 in Shanghai by the leaders of China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan. These countries, except for Uzbekistan had been members of the Shanghai Five, founded in 1996; after the inclusion of Uzbekistan in 2001, the members renamed the organisation. On July 10, 2015, the SCO decided to admit India and Pakistan as full members.

12.10 CONCLUSION

The importance of international organisation for a country's development is similar to that of government for an individual's development. countries (the northern hemisphere and the southern hemisphere). The resources in the world are limited but the wants are unlimited, there are conflicting interests, unvarying distribution of resources in the world, the disparity between the developed and undeveloped countries. There is a need to distribute the resources according to the needs and not the greed, to resolve the conflicting interests, ensure peace and harmony, and bridge the gap among the unequal of the world.

India is on its journey to being a developed country from an undeveloped country and is on its developing juncture. This journey is accompanied by international and regional organisations. Raghuram Rajan, former RBI governor, believes that India missed an opportunity to foster economic development in the 1970s when it did not become a member of ASEAN, when compared to its eastern counterparts Thailand and Singapore.

LET US SUM UP

However, in the future, the possibility of India reaching its full potential and becoming a global leader is very high. SAARC should adopt the" ASEAN MINUS FORMULA" – to let go off the countries who are unwilling to continue, it will help India have a strong regional organisation which shall foster rapid development. Another event which could result in the same is if India becomes a permanent member of the UN. India's development without regional and international cooperation is a mirage in the desert.

CHECK YOUR PROGRESS

1. India was a founding member of SAARC in _____ and BIMSTEC in_____.
2. In_____, the United Nations General Assembly adopted the Universal Declaration of Human Rights [UDHR] which has been incorporated by India.
3. The New Development Bank (NDB) is a multilateral development bank established by the _____ states.
4. The organisation was first established as Indian Ocean Rim Initiative in _____on March 1995
5. The Shanghai Cooperation Organisation (SCO), or Shanghai Pact, is a _____ political, economic, and military organization.

GLOSSARY

Defence : the action of defending from or resisting attack.

Aggression : the action of attacking without provocation.

Preponderance : the quality or fact of being greater in number, quantity, or importance.

ANSWER TO CHECK YOUR PROGRESS

1. 1985 and 1997

2. 1948

3. BRICS

4. Mauritius

5. Eurasian

MODEL QUESTION

1. Define International Organisation.

2. Describe the meaning of Regional organisation.

3. Analyse the role of various regional organisation and their influence in India.

SUGGESTED READINGS

1. Rajan, M.S, (1993), *Studies in India's Foreign Policy*, New Delhi, ABC Publishing House.
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3. V.N. Khanna (2010), *Foreign Policy of India*, New Delhi, Vikas.

Unit – 13

STRUCTURE

    Overview

    Learning Objectives

    Let us sum up

    Check your progress

    Glossary

    Answers to check your progress

    Model Questions

    Suggested Readings

OVERVIEW

North East states happen to be located in sensitive regions. All North Eastern states have international borders. Illegal migration is therefore a difficult issue here and these North Eastern states have a special significance when it comes to Indian security and prosperity. These states also play an important role on India's relations with Bhutan, Bangladesh, Myanmar and China. These states are also important elements in Indian Look East Policy which involves relations with ten member ASEAN states. North East also has the potential to transform the ASEAN region fundamentally. In this unit, we will discuss on the INDIA and ASEAN organization relationship.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Learn the importance of look east policy.

➢ Study the domestic agendas of ASEAN cooperation.

➢ Discuss the issues in India – ASEAN trade.

13.1 INTRODUCTION

ASEAN was started in 1967, however, only by 1992 did India become a sectorial partner, in 1996 India becomes a Dialogue Partner through its Look East Policy and in 2002 it was raised to a summit-level partner. India- ASEAN Strategic Partnership was established in 2014, through Act East Policy in its 12th Summit, for greater India ASEAN connectivity.

The trade between the bloc and countries accounted for USD 77. Billion in 2019, thus making India the 6th largest trading partner and 8th largest source of FDI. The 2nd ASEAN-India Summit was held in 2003, the leaders signed ASEAN-India Framework Agreement on Comprehensive Economic Cooperation, and this established the Free Trade Agreement between goods, services and investments.

The countries signed the ASEAN-India Trade in Goods Agreements (AITIGA) which came into force on January 1st 2010, making it the world's largest bloc of a trade by connecting 1.9 billion people with a combined GDP of $5.36 billion. The ASEAN-India Trade in Services Agreement and the ASEAN-India Investment Agreement entered into force onJuly 1[st]2015. In 2018, India and ASEAN celebrated 25 years of Dialogue Partnership, 15 years of Summit level Partnership and 5 years of Strategic Partnership, Prime Minister Modi invited all ASEAN leaders to the Republic Day Parade.

13.2 Look East Policy

An important aspect of India's foreign policy after the end of the Cold War was the Look East Policy. India's relations during the Cold War with the neighbouring South East Asian countries were not strong. However, after the Cold War ended, the Indian Government realized the importance of these relations. Therefore, in the early 1990s, the government headed by Narasimha Rao introduced the Look East Policy. In the beginning, the policy focussed on re-establishing the economic and political contacts with the South-East Asian countries.

At the moment, the Look East Policy is emphasizing on the economic development of the regions in the North East that are backward. This is made possible by taking an advantage of ASEAN and the energy resources available in member countries of the ASEAN like Myanmar.

The Look East Policy was established in 1992, soon after the collapse of the Soviet Union and the end of the Cold War. The policy was given a push by the then Prime Minister of India, Narasimha Rao, as he visited countries like South Korea, Japan, Vietnam, China and Singapore. Furthermore, India also became the dialogue partner with ASEAN in 1992. India, to further strengthen the Look East Policy, became the summit level partner of ASEAN in 1992 and was also involved in a few regional initiatives like the BIMSTEC and the Ganga Mekong Cooperation. In December 2005, India became a member of the East Asia Summit.

In the 1990s, Prime Minister NarasimhaRao formulated the Look East Policy which became the major backbone of the Indian Foreign Policy. The Indian government started focusing onSouth-East Asian countries after the collapse of the Soviet Union. India's trade balance was based on Rupee- Rubal Agreement, the gulf crisis, and the spike in oil prices led to severe economic ruptures thus it made desperately looking for new partners for development. The Rupee-Rubal Agreement led to a balance of payment crisis, therefore India borrowed a loan from IMF and opened up its market.

13.3   SECOND PHASE OF LOOK EAST POLICY

There are three pillars of the 2nd phase of the Look East Policy

•   Deeper and Wider Economic Engagement – this required more connectivity at the institutional level.

•   Strategic and Security Component – the Rise of China is been a debatable concern to India and some ASEAN countries. The rise of China is also associated with its assertiveness, especially with its claims in the South China Sea and the East China Sea. Some of ASEAN countries view India as an alternative to China in terms of maintaining a Balance of Power. To India, a prosperous and stable Asia can be bought only through more genuine collaboration between states.

•   Domestic Dimension – Look East policy is directly desired to connect India's North-Eastern region with South East Asian Countries to boost economic ties. The government have laid down two mega projects as India-Myanmar-Thailand Trilateral Highway and Kaladan Multimodal Transport were initiated.

13.4   ACT EAST POLICY

Under Narendra Modi's government, the Look East Policy was converted into Act East Policy, as the government wanted to make it more active. The Act East Policy also extended beyond the ASEAN to connect across Asia-Pacific Region.

India under the Act East Policy has increased bilateral, regional and multilateral relationships with Indonesia, Vietnam, Malaysia, Singapore and other countries in the Asia-Pacific region into strategic partnership. The major principles of the Act East Policy includes

- Promoting Economic Cooperation
- Increasing Cultural Ties
- Developing Strategic Relationship.

13.5   DOMESTIC AGENDAS OF ASEAN COOPERATION

There are numerous domestic agendas that drives ASEAN-India cooperation which includes Infrastructures, manufacturing, trade, skills, urban renewal, smart cities and so on. The Make in India initiative is also associated in developing with ASEAN. The ASEAN- India Transit Transport Agreement is also proposed with other connectivity by enhancing Land Customs Stations, immigration policies, Phyto-Sanitary Facilities, permission for transporters, insurance in borders especially with Myanmar.

- India-Myanmar- Thailand Trilateral Highway connects Tamu-Kalewa-Kalemyo which was completed in 2018. However, the connectivity between Moreh in India with Mae Sot in Thailand via Myanmar is still underway. India further extended the connectivity to Laos, Cambodia, and Vietnam which is also called as the East-West Economic Corridor (EWEC). The EWEC aims at linking the ports (Vietnamese Port of Da Nang) in ASEAN with India's North-Eastern States.
- Kaladan Multi-Modal Transport Project – this projects links Sittew Port in Myanmar to the India-Myanmar border for cargo shipments connecting to the North-Eastern Port of India. This projects will open new sea routes and promote economic development in the North-Eastern part of India. It will reduce the transportation dependency between Kolkata and Sittwe through Siliguri Corridor (Chicken's Neck) by 1328Kms.

13.6 COMMON SECURITY ISSUES

- Maritime Security and safeguarding Sea lanes of communication and curtaining piracy
- Radicalization and Terrorism
- Drug trafficking and Human Trafficking
- South China Sea Disputes
- Tri-Services Command in Andaman and Nicobar

13.7 ASEAN REGIONAL FORUM

The ASEAN Regional Forum was introduced in 1994 to address the security issues in the Indo-Pacific region. It consists of 27 members including 10 ASEAN member states, 10 ASEAN dialogue partners (such as Australia, Canada, China, European Union, India, Japan, New Zealand, the Republic of Korea (ROK), Russia and the United State), Bangladesh, The Democratic People's Republic of Korea, Mongolia, Pakistan, Sri Lanka, Timor-Leste and one ASEAN observer (Papua New Guinea)

ASEAN Defense Ministers' Meeting (ADMM) Plus was also one of the largest defense consultative and cooperation mechanisms where defense ministers from all these countries on a biannual basis. Expanded ASEAN Maritime Forum (EAMF) where countries in the Asia-Pacific region discuss the maritime issues.

13.8 CULTURAL ACTIVITY

ASEAN –India Cultural and Civilizational Conference was started in 2016 to exchange and connectivity. In the 2nd conference at Jakarta in 2017, a ministerial meeting in the telecom sector, Women Entrepreneurship encouraged ACT East Dialogue, Kolkata Dialogues, North-East Business and so on. Buddhism and Yoga, the revival of Nalanda University, Chairs of Indian Studies in universities such as Singapore, Malaysia and Indonesia, Indian cultural centres in Jakarta, Bali, Bangkok, Kuala Lumpur, Suva and Lautoka and Joint restoration of monuments in Cambodia, Vietnam and Laos.

13.9 THE DEVELOPMENT

the nations initiated Asian Ministerial Conference on Disaster Risk Reduction in November, Enhanced Cooperation in Humanitarian Assistance and Disaster Relief Exercises, as well as capacity building for disaster management personnel. Initiated a joint task force for exploring possibilities on India-Myanmar-Thailand Trilateral Highway connectivity to Laos, Cambodia and Vietnam. The nations are committed

to possessing a regional high capacity fibre-optic network that will bring the broadband connection to rural areas.

13.10 ISSUES IN ASEAN – INDIA TRADE

There are cases of large inflow of Cheap good through Free Trade Agreements. It has also created unfavourable balance of trade which makes the domestic producers suffer such as palm oil, where cheap palm oil flows from Indonesia and Malaysia disrupting Kerala's production level. India accounts to only very less percentage of trade and FDI is also far lesser than other countries. China had made remarkable presence in the ASEAN countries. Poor transportation connectivity with ASEAN.

13.11 THREE Cs

Commerce, Culture and Connectivity are the three pillars of India's robust engagement with ASEAN. In the economic arena, the India-ASEAN relations are poised to scale new frontiers. The two sides are expected to sign an India- ASEAN FTA in services and investments soon. This will complement the FTA in goods which was signed in 2009 and has led to a quantum jump in bilateral trade, which is hovering around $80 billion. The two sides are now confident of scaling it up to $200 billion by 2022. The two-way investments are on an upswing: ASEAN investments in India over the last ten years amounted USD 27.9 billion, and Indian investments in ASEAN reached $32.4 billion.

LET US SUM UP

The Look East Policy was established in 1992, soon after the collapse of the Soviet Union and the end of the Cold War. The policy was given a push by the then Prime Minister of India, Narasimha Rao, as he visited countries like South Korea, Japan, Vietnam, China and Singapore. Look East Policy, in the beginning, focussed on re-establishing the economic and political contacts with the South-East Asian countries. Commerce, Culture and Connectivity are the three pillars of India's robust engagement with ASEAN.

CHECK YOUR PROGRESS

1. India - ASEAN Strategic Partnership was established in 2014, through Act East Policy in its _____, for greater India ASEAN connectivity.

2. India's trade balance was based on _____ Agreement.

3.   The _____ is also associated with its assertiveness, especially with its claims in the South China Sea and the East China Sea.

4.   India further extended the connectivity to Laos, Cambodia, and Vietnam which is also called as the _____.

GLOSSARY

Tariff   : a tax or duty to be paid on a particular class of imports or exports.

Investment   : the action or process of investing money for profit.

Negotiations   : discussion aimed at reaching an agreement.

ANSWERS TO CHECK YOUR PROGRESS

1.   12th Summit

2.   Rupee- Rubal

3.   Rise of China

4.   East-West Economic Corridor (EWEC)

MODEL QUESTIONS

1.   What did the Look East Policy focus on in its nascent stage?

2.   Explain the ASEAN regional forum.

3.   Discuss the Look east Policy.

4.   What are the three pillars of India's robust engagement with ASEAN?

SUGGESTED READINGS

1.   Rajan, M.S, (1993), *Studies in India's Foreign Policy*, New Delhi, ABC Publishing House.
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Block V

ECONOMIC ORIENTATIONS OF INDIA'S POLICY

ECONOMIC ORIENTATIONS OF INDIA'S

POLICY SINCE THE 1990

STRUCTURE

OVERVIEW

Entering into the 1990s, India faced a difficult situation. Among others, the collapse of the Soviet Union meant India had lost the mainstay of its foreign policy. India had no alternative but to grope at initiating various new policies. This presented difficult challenges for India because 'India has generally seen itself as a world power in making, and conducted its regional and international relations on this basis. The result has been insignificance abroad, suspicion in the region and turbulence at home'. In this unit, we will study the economic reforms of India's policy since 1990s and its impact in the present scenario.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Understand the changes in the India foreign policy.

➢ Study the reforms of the India economic policy.

➢ Learn the impact of the foreign policy in India.

14.1 INTRODUCTION

Many observers of India describe the country as an emerging great power with game-changing capabilities. However, such assessments of the country's potential are recent and only emerged after India's economic reforms were launched in 1991. These reforms gave impetus to sharp economic growth through liberalization of government policies and the revitalization of the Indian private sector. While India still faces a number of significant challenges, this tectonic shift from slower to high growth rates is important not just for India, but also for the developing world, for global institutions and for great power relationships. This essay focuses on the impact of India's economy on Indian foreign policy since country's independence in 1947.

The first half, dealing with India's economic development, is divided into three periods (broadly parallel to distinct periods in India's political life):

• Desperate times in the wake of the Raj: the search for an autonomous economic policy (1947-1966);

• Autocracy and socialism: a toxic mix (1966-1990);

• Reforms, globalization and growing global interdependence (1990 onwards).

Not coincidentally, the three periods examined coincide with three different phases in the principal drivers and ideology (to the extent there has been one) underpinning Indian foreign policy. The first phase, one of Nehruvian idealism mostly tempered by prudence and a sense of India's economic fragility, was marked by efforts to keep the superpower conflict and the toxic effects of the Cold War at bay through India's leadership of the Non-Aligned Movement (along with partners such as Indonesia and Egypt). The second, even more than the first was marked by domestic economic fragility and growing tensions with the West. It gave rise to a hard-nosed realism expressed by a large degree of alignment toward Moscow (while the nostrums of non-alignment were still at hand for presentational purposes).

Finally, since 1990, the main driver of Indian foreign policy can be seen as support for India's successful break-out from economic stagnation. This largely economic agenda embarrasses those Indians who believe that an emerging power should endow itself with grander aspirations, and a more interesting foreign policy framework. But, for now, most Indians seem content with it.

The second half of the unit examines how evolving economic patterns and relationships have affected India's foreign policy and its ties with major partners. It addresses the impact of economic factors on India's foreign policy through a variety of prisms, for example, country and region specific, and also through cross-cutting factors such as development assistance. The essay concludes that a transition has taken place in Indian foreign policy from the primacy of politics and geo-strategic considerations to a new emphasis on economic interests and ties, although economic factors always influenced Indian leaders in their foreign policy choices from Nehru onward.

14.2 CHANGES IN THE INDIA'S FOREIGN POLICY

The transformation of the Indian economy and the crash of the Soviet Union, along with the changed international structure, have compelled India to overhaul its foreign policy altogether. Many foreign policy initiatives were launched in the 1990s. In 1992, Rao visited the US. For India, the US was 'on occasion friendly, sometimes hostile, but, more often, just estranged' during the Cold War period. That remark might not be an overstatement. After all, India's foreign policy has mirrored its policy toward the US during the last half-century. Rao visited China in 1993 and concluded an Agreement on the Maintenance of Peace and Tranquility concerning the lines of actual control between India and China.

The essence of the agreement can be distilled as normalization of the relationship by shelving the knotty issue of their mutual border. The Look-East Policy has been followed since 1993. This new orientation resulted in India achieving the status of a Dialog Partner of ASEAN in 1994 and becoming an ARF member the next year. This change of status was attributable to a change 1 of perception by ASEAN, enabling it 'to digest the implications of China's rise, not just as an economic power but also as a military power'. During the latter half of the 1990s, India set up its first strategic partnership with South Africa in 1997. Creating strategic partnerships became established as one of India's foreign policy pillars. As of 2015, India has maintained strategic partnerships with 28 countries.

At the end of the 1990s, India conducted atom bomb tests in 1998, for the second time since 1974. These tests were vehemently denounced worldwide, but helped to elevate India's image as a major power. All these policy initiatives impressed the world with a fresh image of India, but they were miscellaneous initiatives without any clear indication of a new objective of India's foreign policy. Naturally, India's foreign policy invited various critiques: 'Even as India's rise in the interstate global hierarchy continues steadily, its policymakers still act in the international arena as if India can continue to afford the luxury of responding to foreign policy challenges on a case-by-case basis with no requirement for a long-term strategic policy framework. The same ad hoc-ism that had characterized Indian foreign policy in the past lingers' . Similarly, Rajiv Sikri said 'India must have a clear grand strategic design'.

14.3 REFORMS OF INDIA ECONOMIC POLICY

At the beginning of 90's the reform process was started by the then Finance Minsiter of India, Manmohan Singh.

14.3.1 THE BACKGROUND

India's economic reforms began in 1991 under the Narsimha Rao Government. By that time the surge in oil prices triggered by the Gulf War in 1990 imposed a severe strain on a balance of payments already made fragile by several years of large fiscal deficits and increasing external debt as was discussed before. Coming at a time of internal political instability, the balance of-payments crises quickly ballooned into a crisis of confidence which intensified in 1991 even though oil prices quickly normalized. Foreign exchange reserves dropped to $1.2 billion in 1991, barely sufficient for two weeks of imports and a default on external payments appeared inevitable. The shortage of foreign exchange forced tightening of import restrictions, which in turn led to a fall in industrial output.

14.3.2 THE REFORMS IN A NUTSHELL

The reforms had two broad objectives. One was the reorientation of the economy from a statist, centrally directed and highly controlled economy to what is referred to in the current jargon as a 'marketfriendly economy'. A reduction direct controls and physical planning was expected to improve the efficiency of the economy. It was to be made more 'open' to trade and external flows through a reduction in trade barriers and liberalization of foreign investment policies. A second objective of the reform measures was macro-economic stabilization.

This was to be achieved by substantially reducing fiscal deficits and the government's draft on society's savings.

14.3.3 IMPACT

Compared with the historical trend, the impact of these policies has been positive and significant. The growth rate of the economy during 1992-93 to 1999-2000 was close to 6.5 per cent per annum. The balance of payments position has also substantially improved. Despite several external developments, including the imposition of sanctions in 1998 and sharp rise in oil prices in 2000-01, foreign exchange reserves are at a record level. Current account deficits have been moderate, and India's external debt (as a percentage of GDP) and the debt servicing burden have actually come down since the early nineties. There is also evidence of considerable restructuring in the corporate sector with attention being given to cost-competitiveness and financial viability. The rate of inflation has also come down sharply.

14.3.4 A CLOSER SCRUTINY

When we talk about GDP growth we talk about the aggregate figures. Let us closely look at the sectoral composition. If we look at the growth rates with respect to different sectors we find that the growth rates of agricultural and industrial production have not increased at all in the nineties, compared with the eighties. The increase in overall growth in the 1990's is overwhelmingly driven by accelerated growth of the 'service' sector. The service sector includes some very dynamic fields, such as uses of information technology and electronic servicing, in both of which India has made remarkable progress. This was largely a result of the liberalization policies initiated by Manmohan Singh. The current restructuring to the Indian economy towards this skill and education-intensive sector reinforces the resources to a certain section of the society. The sectoral and geographic composition of growth is also important, as is the need to redress existing inequalities in human resource development and between rural and urban areas."

14.4 GLOBALIZATION AND GROWING INTERDEPENDENCE: 1990 ONWARDS

After a couple of years of unstable coalition governments, a Congress-led coalition under Prime Minister Narasimha Rao faced a serious financial crisis that required drastic measures. In June 1991, the government launched a series of far-reaching reforms focused on freeing up the investment and trade regime; reforming the financial system; modernizing the tax system and divesting public enterprises.

Over ten years, these reforms, in a controlled way, gradually expanded to other areas such as agriculture, pensions, insurance, capital markets and infrastructure, and came to include full-blown privatization. They thus profoundly, if perhaps not sufficiently, transformed the nature of India's economy.

The reforms did away with import licensing on all but a handful of intermediate inputs and capital goods items. The new Government announced a floating exchange rate regime in March 1992 that served India well, not least during the global financial and economic crisis of 2008-2010, with a falling rupee absorbing much of the shock. Less than three years after the reforms were introduced, foreign direct investment (FDI) started pouring in from American companies such as Pepsi Cola, Coca-Cola, General Motors, General Electric, International Business Machines and McDonald's (several of which had been forced out of India in earlier decades) and from similar companies in Great Britain, Japan, France and Germany. Mutual funds, investment banks, securities firms and commercial banks increasingly invested in Indian securities. Indian companies raised funds in the world capital markets and began merging with each other as well as with foreign competitors. In 1998-99, India faced a challenging international economic situation arising from the financial crisis that hit East and Southeast Asia in 1997.

As an international slowdown spread, investors shied away from the emerging market economies, including India and China. But, due to India's limited external sector and large domestic market, as well as prudent management by the Reserve Bank of India, the direct impact on India was limited. Nevertheless, anxiety arose over India's capacity to sustain its recent export expansion, FDI (and financial inflows), technology transfers and, more broadly, nascent international confidence in the Indian economy. In spite of declining demand for its goods and services in Southeast Asia, serious problems in the Russian economy and in recession-struck Japan, the Indian economy held up well. And, as India started to gain economic strength, the orientation of India's merchandise trade started to change. On the export side, the major shift was away from Russia and Japan toward developing countries in Asia (including, increasingly, China) and the USA. Trade with Western Europe also grew considerably.

Liberalisation of trade in services, ultimately so important to India during an era of Western "outsourcing," started during this period. Unlike growth in the 1980s, which was fuelled by excessive borrowing at home and abroad, this new growth was largely domestic demand-led, driven

by consumption and continuing high levels of savings and investment. Internationally, India came to be ranked the fourth largest economy in terms of purchasing power parity, and current growth rates could well overtake Japan as the third most significant economic power within 10 years.

India's recent more wide-ranging engagement with the rest of the world is also striking: outward FDI by Indian firms, and the rise of Indian multinationals; India's prominence as a platform for R&D with global applications; the cultural influence of books, music and movies from India; and the role of Indian nationals in global corporations, particularly in the fields of science, technology and finance are now taken for granted -- but would not have been 20 years ago. These four aspects of globalized India extend well beyond the traditional notions of trade and capital flows. Moreover, during the last six or seven years, more than 150 major companies from the US and Europe have set up large research, design and development centres in India.

14.5 IMPACT ON THE FOREIGN POLICY

Economic Imperatives Guiding Indian Foreign Policy, on the one hand, economic deprivation and, on the other, inward looking development strategies, independent India early on was not in a position to harness its own potential nor to influence significantly international conditions favourable to its development and economic growth. Nevertheless, Indians, from Nehru on down, were in no doubt, given India's pre-colonial significance at a global level, that India could and should again become a great power. The primary task of independent India's foreign policy, therefore, in the short run, was to assist in the transformation of India's society and economy in a way that would strengthen the cohesion and viability of the nation, with an eye to developing strategic autonomy of choice, and thus, in the longer run, smoothing the path of its emergence as a major global actor.

Economic considerations played a pivotal role in shaping the nation's foreign policy. As emphasised by Nehru when he first articulated his vision of Indian foreign policy in a speech to the Constituent Assembly legislature in December 1947: "It is well for us to say that we stand for peace and freedom and yet that does not convey much to anybody, except a pious hope… What then do we stand for? Well, you have to develop this argument in the economic field." He added, idealistically and altruistically, that India's foreign policy was shaped by its commitment to the development of all developing economies. He had in mind the pursuit of an independent foreign policy that would maximise

its overall freedom of manoeuvre. He understood that India's role in the world was likely to be achieved less by traditional balance of power politics or through strategic alliances and more by the rapid enhancement of its internal economic capabilities.

LET US SUM UP

India also enjoys, almost uniquely, what many Indians think of as a tremendous demographic advantage as the only very large economy wherein the size of working population is expected to grow over the next 20 years (in sharp contrast with China). However, whether this phenomenon turns into a demographic "boon," a demographic dividend, or "bomb" will depend very largely on whether India can radically improve public education at every level. Large numbers of unskilled or poorly educated Indians are unlikely to benefit the wider economy greatly in years ahead and could contribute to social instability. But India's economic future, underpinned by the successful reforms of the 1990s, remains promising, and guarantees it the attention, and indeed the courtship, of the rest of the globe.

CHECK YOUR PROGRESS

1. Assessments of the country's potential are recent and only emerged after India's economic reforms were launched in _____.

2. Rao visited China in 1993 and concluded an Agreement on the Maintenance of _____.

3. India faced a challenging international economic situation arising from the financial crisis that hit _____ Asia in 1997.

GLOSSARY

Decision-making : the process of making choices by identifying a decision

Heritage : an inheritance

Sustainable : able to be maintained at a certain rate or level

ANSWER TO CHECK YOUR PROGRESS

1. 1991

2. Peace and Tranquility

3. East and Southeast

MODEL QUESTION

1.   Critically examine the reforms of the India economic policy.

2.   Explain the globalisation and growing interdependence from 1990 onwards.

3.   Discuss the impact of the foreign policy.

SUGGESTED READINGS

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Unit – 15

SECURITY CHALLENGES

STRUCTURE

OVERVIEW

Security is the primary concern of every state. The first task of foreign policy-makers of every country is to ensure its security which primarily means territorial integrity and sovereignty. There indeed are other aspects of security such as economic well-being. India, like any other country, has been deeply concerned about its security. Explaining the concept of security, V.P. Dutt wrote that the concept "to be fully serviceable, includes a peaceful environment, friendly relations with neighbours and as many countries as possible, the availability of countervailing factors and forces where hostility was inevitable, internal cohesion and stability, economic development and progress, indeed in the final analysis the well-being happiness and prosperity of the people. India's security has been under constant threat from its immediate neighbourhood. Security is largely influenced by international situation and regional equations.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Learn the India's security perspectives and national security.

➢ Know the issues of regional peace and stability.

➢ Understand the strategies for the nation building.

15.1 INTRODUCTION

The profound changes in the world wrought about by the end of the Cold War have made for a fundamental restructuring of international relations. The end of ideological rivalry provided an objective opportunity for evolving a better security environment. However, there is a great deal of uncertainty and fluidity all around, as the new global equilibrium gets in place. Two or three factors would deserve attention in this regard.

(i) The Cold War bipolar structure has been replaced by a "polycentric" world with the United States, Japan, China, the European Union and Russia emerging as the main partners in power.

(ii) Technology and economic power has moved to the forefront of international relations, emerging as a crucial factor in global realignments in the new setting.

The near symmetry in power capabilities and global reach between the two superpowers in a tightly bipolar world has given way to a certain disaggregation in the levels of power and capabilities among the new centres of power, given their uneven spread of techno-economic power, military capabilities and political influence. Even the United States, the most powerful nation today, has neither the will nor the capability to play a global role of the earlier order and magnitude. China, Japan, the European Union and Russia are in a process of defining their role in the new world order. Relationships between and among these centres of power are increasingly marked by elements of both engagement and containment.

(iii) Notwithstanding a broad shift from confrontation to conciliation at the global and regional levels, new points of pressures are unfolding themselves even as some old conflicts remain unresolved. For the developing countries, there is also evidence of new concerted pressures in economic, security and nuclear fields.

It is clear that there are manifold pressures emanating from the international environment which make for a complex and multilayered set of challenges and opportunities for India in the changed world order.

India would have to respond to, if not anticipate, the new challenges and maximise its strategic political options, drawing essentially from its own power potential and bargaining leverages. This would at the least call for proactive strategies in terms of both restructuring old ties and forging new relationships at the regional and global levels.

15.2 INDIA'S SECURITY PERSPECTIVES

India's security perspectives would inevitably be governed by the interplay of its domestic imperatives, regional balance of forces and the global challenges which impinge on its role and capabilities. India with its size, resource potential and strategic location is being increasingly seen as a regional influential poised on the threshold of emerging as a centre of power in the new international order. This is as much a recognition of its credible democratic functioning as the potential of its vast economic resources and political clout.

India is a large multiplural society which has been able to successfully manage the challenges emanating from regional, linguistic and religious diversities without damaging its national cohesiveness. The remarkable resilience of its democratic functioning in a secular federal framework, despite some distortions, has continued to bely the scepticism of its worst critics. India's democracy remains fundamentally secure, underpinned as it is by an active judiciary, free media and a functioning and vigilant Opposition. India's economic development has also remained steady over the years. In the last couple of years, the Indian economy has registered an impressive growth rate of 7 per cent.

The expansion and diversification of its industrial capacity have made important strides. Currently India ranks among the topmost industrialised nations of the world. It has the distinction of having the third largest pool of trained and scientific manpower in the world. Agricultural production has also shown substantial growth resulting in not only self-sufficiency in food grains but also reserves of impressive buffer stocks. Today with its burgeoning middle class, huge untapped markets for trade and industry, and large scale foreign investments, India has emerged as an economic power of some significance on the global scene. India has also built an impressive level defence capability. It has the fourth largest Army in the world with an impeccable professional record. It has a credible and self-reliant defence structure which has been built assiduously over the past three decades. India's missile development programme has also grown apace underlining its indigenous technological capabilities.

It is clear that India is slated to play an increasingly larger role in the coming decades. Its future as a credible power would, however, depend as much on its ability to manage the present stage of transition as on the projection of its strategic perspectives and policy options for the future. Two or three points deserve mention in this regard. First, India's status and power projections remain essentially contingent on its national security in terms of political stability, economic development and military strength. Second, although the asymmetrical power structure in South Asia ensures India's centrality, its regional power and influence tends to get circumscribed by the neighbouring countries' sustained pressure to counter its pre-eminence.

In particular, Pakistan's unceasing search for parity with India makes for a deep-rooted strategic dissonance in the region which effectively reduces its capacity to shape or influence events in its neighbourhood. Third, continued involvement of external powers in the region remains an integral part of South Asian geo-political realities. The end of the Cold War has weakened the inevitable link up between regional conflict and Great Power rivalry. However, the inability of the states of the region to evolve a credible bilateral and regional framework for cooperation would continue to play an important role in reinforcing the pattern of external involvement primarily in pursuance of their own stategic interests in the region. This is bound to impinge on India's security perspectives, both short-term and long-term.

15.3 INDIA'S NATIONAL SECURITY

An overarching framework of India's national security has to take cognisance of military and non-military dimensions in terms of both external threats and internal challenges to its territorial integrity and national unity. Threats to a nation emanate as much from external aggression as from internal strife but at times internal factors can erode national security more critically than any external danger. National power based on political stability, societal cohesion and economic development would thus remain central to the future of India's national security.

India is passing though a crucial period of its post-independence history. Successively fragile coalition governments at both the central and state levels are affecting India's political, social and economic stability at a time when it is facing major challenges to its unity and integrity as a nation. The Indian political system is being subjected to manifold pressures from the progressive collapse of political and public institutions; incipient erosion of democratic norms; social unrest and corruption underlining a growing malaise in Indian polity.

Increasing demands for power by more and more socio-economic groups, on the one hand, and limited resources and capabilities for redistribution of wealth, on the other, make for growing political and social turmoil. Widening economic disparities and growing rate of unemployment pose a major challenge for India's economic development notwithstanding a credible economic performance. It is estimated that by the year 2000, the total number of people living below the poverty line will more than the entire Indian population at the time of independence.

India's growing inability to manage political and economic challenges on the domestic front is a cause of deep concern. Although India's national integrity remains fundamentally secure, pressures from fissiparous cleavages in growing challenges of communalism and religious fanaticism have acquired disturbing dimensions. Political manipulation of religious sentiments for narrow political ends has long-term implications for the future of India's secular federal framework. The incipient threats to Indian federal polity in many parts of the country are putting growing strains on the political structure. Although India has been so far able to manage these challenges with a certain skill and patience, there is growing anxiety about the pressures getting intensified at a time when there is a steady erosion in the state's role in resolving conflict and bringing about social transformation. This is accompanied by a decline in the mediating role of the governing elite and party system. Decline in the state's order and authority has led to greater violence outside the established political channels, compounding the general law and order situation.

Continuing civil strife and incipient secessionism poses a major problem for India's national security. The north-east continues to be characterised by an uneasy peace. Although there is no full scale armed insurrection for secessionism as resorted to by the Nagas and Mizos in the Sixties, the problem of insurgency in Tripura, Manipur and Nagaland continues. Assam which had settled to a period of normal political functioning after the volatile agitation on the influx of foreign nationals in the early Eighties, is once again going although the fire of violence perpetrated by the United Liberation Front of Assam (ULFA) which is committed to armed struggle for the formation of a sovereign "ASOM". Punjab went through the unfortunate agony of sustained armed violence for over a decade before normal political processes were restored after heavy-handed crushing of Khalistan terrorists.

The people of the state have, however, paid a heavy price for the then government's short-sighted policies for narrow political ends which changed what was essentially a party agitation to a Sikh movement encompassing divergent orientation and rationales. This has important lessons for the future of Indian federal polity which can only be ignored at one's own peril.

15.4   CHALLENGES TO NATION BUILDING

It is self-evident that the foremost task for India is to overcome the challenge to its nation building and national security. India's real autonomy in working out its destiny as an independent centre of power would lie in its internal strength and cohesion. There is no getting away from the urgent task of upholding its unity and integrity as a nation state through a credible framework of secular federal democracy.

The need for reinvigorating its democratic functioning and strengthening the role and efficiency of the state remains imperative in this regard. India would also have make sustained efforts to vitalise its economy through optimisation of its vast resources, manpower and technical knowhow. The need for redefining the role of the state in terms of eradication of poverty and greater economic equity remains self-evident. At the same time, India would have to raise itself to a new level of efficiency and competitiveness to acquire necessary leverages to stand up to growing global pressures and to hold its own in a friendly competitive world.

India can also not afford to drop its guard on building an adequate defence capability to counter any vulnerabilities which can be manipulated by external forces. There is some concern regarding growing deficiencies in India's conventional capability due to reduced defence expenditure in recent years. The need for adequate defence expenditure and defence allocation, constant modernisation and updating of its defence acquisitions for its defence preparedness remains imperative in this regard. A credible defence capability would provide an effective guarantee for maintaining its territorial integrity in the face of both external aggression and also externally engineered internal subversion that has emerged as a primary threat in recent years.

In the final analysis, it is only a politically stable, economically prosperous and militarily strong India which can seek to play its legitimate role in the world community, commensurate with its size and vast power potential.

15.5 ISSUES OF REGIONAL PEACE AND STABILITY

Issues of regional peace and stability continue to loom large on India's strategic horizon. South Asia is today on the threshold of a new era of democratisation as the process of evolving democratic structure is under way in almost all the countries of the region. The peaceful electoral transfer of power in Pakistan four times in a brief span of nine years reflects a growing commitment to democratic norms in that country. Bangladesh is firmly back on the track of democratic functioning after a long paralytic spell of negative agitational politics. Notwithstanding ups and downs, Nepal also continues to manage its democratic experiment credibly.

At the same time, there are vested and deeply entrenched authoritarian interests in all these states, particularly the ones which have been under military rule for long years. For instance, the continued dominance of bureaucratic military oligarchy in the political set-up in Pakistan makes for a fundamental dysjunctive in its policy. Given the fragile democratic institutions in all these countries, the democratic process itself is releasing new pressures. It is thus that the domestic environment in South Asia continues to remain generally characterised by political unrest and regime instability.

Pressures from ethno-sectarian conflicts and religious fundamentalism are also rising in all countries of South Asia. Pakistan is sitting atop an ethnic cauldron as pressures simmer, threatening to tear apart the fabric of Islamic identity from below. The challenge in Sindh underscores the disturbing dimensions of large scale violence between ethnic groups. The continued Punjabi domination in the power structure spells a certain uncertainty for the future of Pakistani federal polity. Running feuds between Shias and Sunnis in various parts of Pakistan have become a common feature on the Pakistani scene.

Sri Lanka remains mired in prolonged ethnic conflict as the continued intransigence of the Liberation Tigers of Tamil Eelam (LTTE) makes for a virtual civil war in the strife-torn island. Sinhalese resistance to grant of effective and substantive devolution power to the Tamils only queers the pitch of ethnic politics in the multi-ethnic society of Sri Lanka. Even Bangladesh which has a relatively homogeneous society is facing problems in overcoming difficulties in integrating its small tribal minority. The likelihood of the region remaining in a state of crisis due to rising scale of political and social discontent is thus going to be a part of South Asian realities for quite some time.

This not only poses a threat to state structures within these countries but also has an adverse impact on the matrix of inter-state relationships in the region.

The overlap of a large number of ethnic, linguistic and religious groups across essentially porous borders in South Asia makes for a cross-border spill-over movement of refugees, guns and drugs which generates inter-state tensions. The steady movement of refugees, following prolonged domestic conflict in the countries of origin, has emerged as a multi-dimensional problem which affects regional security. Refugees who tend to settle down in the host countries, given the intractable nature of ethnic conflict, put an intolerable burden on the demographic, financial and social sectors which has long-term implications for national security of the host country. Pakistan is still reeling under the impact of 3.5 million Afghan refugees who sought refuge following the Afghanistan crisis in the Eighties. Thousands of refugees are living in camps in Nepal as a result of ethnic conflict in Bhutan. Bangladesh has also had to cope with the Rohingyyas fleeing from Myanmar.

For India particularly, which has been the host to the largest inflow of refugees with practically no outflow, the magnitude and frequency of refugee movement has been a vexing problem. This has particularly grave implications for the social, economic and political stability of the sensitive north-east. The presence of a large number of Chakmas in Tripura is intensifying tensions among the local inhabitants who are resenting encroachment on limited jobs and resources and scarce land. Thousands of Sri Lankans who sought refuge in Tamil Nadu in the Eighties are continuing to stay on, creating pressures with the attendant problem of anti-social and criminal activities. Induction of arms and anarchy with refugees is becoming a growing political liability. Internecine conflict among militant refugees groups and their continued links with trans-border militant groups intensifies social unrest and level of violence with grave implications for the future of civil society in these regions.

Growing linkages between drug trafficking and organised violence and the magnitude of the proliferation of small arms are also becoming major sources of instability in the region. In India there is growing concern regarding inter-state linkages between militant organisations, on the one hand, and between states and militant organisations on the other, adding to the complexity of secessionist movements. The crucial link-up between hostile external forces and

domestic forces of political subversion poses a serious challenge to India's national security by giving impetus to secessionist forces. Terrorism in Kashmir since the Nineties, and earlier in Punjab in the Eighties, has acquired disturbing proportions with Pakistan's unabashed manipulation and support through planning and coordination, training of militants, and unlimited supply of arms and finances. The supply of sophisticated weaponry in particular including rockets and explosive devices has undeniably helped to raise the level of conflict to a new high.

By some accounts, the number of men lost in combatting the low intensity conflict in the sensitive state of Kashmir has outstripped the number of casualties in all the full scale Indo-Pak Wars put together. It may be mentioned here that internal political dynamics in Pakistan would continue to make for increasing domestic compulsions to keep the pot boiling in Kashmir, both in terms of diverting attention from pressing domestic problems as well as the inherent stakes of the military establishment in retaining the primacy of calling the shots in Pakistan. In the strategic north-east ringed as it is by Myanmar, China and Bangladesh, incipient secessionism remains vulnerable to external manipulation.

Although China which had offered arms and sanctuaries in the Sixties is no longer doing so, its unchanged stand on recognising the grant of statehood to Arunachal Pradesh and its military presence in Myanmar underscores its potential to foment trouble at a time of its own choosing. Bangladesh's involvement albeit low key is well-documented. Pakistan's Inter-Services Intelligence (ISI) is also carrying out anti-India activities from Nepal and Bangladesh adding to India's security concerns in view of persistently unsettled conditions in the north-east. Today the growing incidence of insurgency, fomented and abetted by hostile external forces has in some way emerged as a major problem for India's security establishment. The statement of the former Chief of Army, terming the low-intensity conflict as the foremost challenge for India's national security only serves to underline the growing intensity of the problem.

15.6   SECURITY ENVIRONMENT

An important challenge to India's security lies in the unfolding security environment in its adjacent neighbourhood which has a vital bearing on its geo-political interests. The volatile situation in Afghanistan is of major concern to India. Afghanistan seems set to witness a fierce and long drawn struggle among the main contenders for power which, if

unresolved, will lead to grave destabilisation in the trouble-torn country. Although India does not share any borders with Afghanistan, it has fundamental geo-political stakes in the unfolding events there which can be detrimental to its own long-term security interests in the region. India, therefore, has a major stake in any outcome of the protracted Afghanistan crisis. India rightly views any fundamentalist regime in Afghanistan as an insidious threat to its own secularism as well as a potentially destabilising factor in the region.

An important dimension of Indian policy is the inevitable antagonism of such a regime to India which has traditionally enjoyed close links with Afghanistan based on a shared perception of regional interests. The possible spillover of a Taliban style fundamentalist regime, in terms of impact of ideology, violence and narco-terrorism, into Kashmir makes for deep concern for India's internal security. India has, therefore, a stake in seeing the evolution of a broad based government in Afghanistan which takes care of the legitimate interests of all major groups to enable it to emerge as a stable and non- fundamentalist nation. It is in this context that India is keeping contacts with major groups within Afghanistan and supporting all broad regional initiatives from outside to solve the problem. A growing understanding with Iran and other likeminded countries is emerging as an important dimension of India's policy not only towards Afghanistan but also the politically sensitive Central Asia.

Of late, Central Asia has emerged as an area of major concern for India in view of India's long-term interest in this strategic area. This is because the situation in the region which continues to be fluid because of political instability and challenges of Islamic fundamentalism has wider implications for India's own vicinity. Central Asia has also emerged as a major strategic region in view of its vast untapped reserves of oil, natural gas and other precious resources. This has made the region a focus of sharp interest and struggle among most major powers, notably the United States, Russia, China, Iran and Turkey, who want to exploit the tremendous economic potential of the area. Although India can do little to influence the interplay of Great Power rivalry in the region, it has a stake in deepening and broadening its own interaction with the region. This would call for a more energised policy in building upon existing economic and cultural ties with the Central Asian countries making for its reinforced presence in this vital area.

India is already engaged in an exercise of exploring the avenues for extending support in the field of infrastructure and technology. India has to continue to take into account in its larger security perspectives the region's great strategic, economic and political importance in terms of its energy reserves, strategic location and emerging political dynamics that are attracting wide attention and will have major implications for this whole region.

India also has vital interests in the emerging political and strategic dynamics in the Indian Ocean region. This is so because of its vital need for uninterrupted energy supplies and maritime trade through its strategic waterways. India is vitally interested in keeping the major sea lanes of communication in the Indian Ocean free for the movement of substantial portion of its trade, particularly in terms of access to vital oil supplies. Its objections to superpower presence in the Indian Ocean in the Cold War days was also a function of its concerns over escalation of tensions in its vital strategic vicinity. India's positive role in the newly formed Indian Ocean Rim Community also underlines its desire to evolve a cooperative framework of relations among the littoral countries of the Indian Ocean without undue interference of outside powers.

15.7 STRATEGIC POWERS

Given the external powers' continued quest for power and influence in the South Asian region, the need for diversification of strategic political options remains imperative for India as there is also evidence of new pressures in economic, security and nuclear fields. This calls for both restructuring the old ties and forging new relationships. India's policy towards the United States, Russia and China would have to be thus increasingly informed by the changing needs of national security and economic development as also the logic of its own role in the region.

Strategic and geo-political considerations had been critical for Indo-Soviet ties in the Cold War period. But it was essentially the mutuality of interests that sustained those ties lending them a certain autonomous structure, irrespective of extraneous inputs. Mutual convergence between the two countries rested on the basic premise of Soviet endorsement of India's pre-eminence in the region. The Soviet support was critical for India in coping with its problems with both Pakistan and China, singly and together. More important, it helped India to build a credible and self-sufficient defence structure at a time when there was visible reluctance from the West to do so.

In the post-Cold War world, India and Russia have been able to credibly rework their relationship despite the initial hitches in the transitional phase in a qualitatively altered framework. Although there has been some reduction in the volume of trade and economic interaction between the two countries, the question of repayment of loan and currency adjustment has been settled to mutual satisfaction. The new treaty of friendship and cooperation between the two countries is a reaffirmation of the abiding mutuality of the interests between them. India and Russia would continue to have a convergence of interests in the developments in their proximate regions Afghanistan and Central Asia where both have vital geo-political interests in promoting peace and stability. There is also mutuality of interest on the need of averting internal destabilisation from ethnic conflict and trans-border terrorism in large multiplural societies.

This has particular significance for India which faces a simmering problem in the sensitive state of Kashmir. India also has a continued stake in strengthened defence relations with Russia, given its large scale dependence for Russian modern military hardware at reasonable prices and advanced civilian technology in space and nuclear fields. India has been able to procure military equipment with provision for technology transfer, joint production and export to third countries. Recently, India and Russia have set up a joint working group to address the operative elements of a long-term military technological programme the only such programme Russia has signed with any foreign country which has been extended for another ten years beyond 2000. Russia has also offered to India the latest and advanced technology in all areas of the defence field.

At the same time, any talk of "strategic partnership" is still premature, given Russia's strategic alliance with China and its continued dependence on the West. There are also difficulties in the supply of sensitive technology underlined by the problems in the cyrogenic deal and differences over nuclear disarmament, particularly after Russia's signing of the Comprehensive Test Ban Treaty (CTBT) and India's own position on it. There is, of course, some satisfaction in India that Russia has now re-endorsed its stand on India's pre-eminence in South Asia and moved back from the projection of equidistance between India and Pakistan. Moscow has now reaffirmed its support for India's stand on Kashmir and its firm commitment not to supply arms to Pakistan. Indo-Russian relations, although qualitatively altered in the changed world context, would have continued relevance for India's long-term strategic perspectives.

Given the inevitability of India's search for its own place in the global community, in view of its large size and power potential, and the growing complexity of its security challenges, India's nuclear policy would continue to have primacy in its national security agenda in the new world order. While nuclear disarmament must needs be India's long-term security goal, its nuclear policy has to take into account the given realities of the nuclear weapons having come to stay as an important bargaining leverage in international relations. There is a growing recognition in India that given the current international realities and the situation of nuclear asymmetry in the region, mere retention of the nuclear option may not hold unconditionally in the altered scenario. India would have to give more sustained and serious thought to the timing of the exercise or non-exercise of its option in the days ahead.

Developing a full-fledged nuclear weapon capability while continuing to press for total elimination of nuclear weapons will, of course, be the foremost challenge for India's future security perspectives. Three or four factors deserve attention in this regard. First, time remains of the essence for India as domestic costs grow and international pressures mount on India to abandon its nuclear option and missile programme at a time when the nuclear powers are engaged in updating and refining their capabilities. Second, India has to reckon with the prospects of undeniable pressures from the US, China and Russia, should it operationalise its nuclear option. It may also find itself under increased Chinese nuclear threat in view of its unquestioned nuclear might today. Third, exercise of the nuclear option would bring to the fore the classic dilemma of development versus defence at a time when India's developmental goals require the greatest attention for sustaining its economic growth. Fourth, the goals of national security, short-term, as well as India's own aspirations, in the long-term, to play a global role of some significance, remain compelling for India's strategic perspectives.

Last, can India afford to remain locked in continued confrontation with the nuclear powers in the post-CTBT phase and pay the inevitably high costs economic, technological and political without having actually exercised its nuclear option? It is clear that the whole range of possibilities retaining the present ambiguity, opting for recessed nuclear deterrence and operationalising its nuclear option would hold the centre-stage of the national security agenda demanding a well coordinated and well thought out nuclear strategy that would sustain India's long-term security projections.

15.8 CONCLUSION

It is clear from the foregoing that India has to resolutely address itself to the emerging set of challenges and opportunites in the changed world order in a coordinated and comprehensive framework of paramount importance would be its ability to project its (long-term strategic perspectives and interests in responding to the interplay of domestic imperatives, regional balance of forces and global dynamics in the coming decades. The overarching reality of India as a large independent nation which is destined to play an important role on the global stage would undoubtedly prevail over the present difficulties and obstacles.

LET US SUM UP

The need for India to come to grips with the complexities of the rapidly changing configuration of forces at the domestic, regional and global levels, however, remains self-evident. India's long-term strategic perspectives would have to show greater dynamism and flexibility in responding to the increasingly complex demands of national security, regional aspirations and global commitments. This would at the least call for clearly defining India's security interests and evolving a coherent and multi-layered framework of its security policy and perspectives. In the final analysis, India's own strengths and capabilities political, economic and military would alone add substance to India's future projections as a power of some consequence in the emerging global order.

CHECK YOUR PROGRESS

1. The Cold War bipolar structure has been replaced by a "_____" world.

2. India has the _____ largest Army in the world with an impeccable professional record.

3. The incipient threats to Indian federal polity in many parts of the country are putting growing strains on the _____ structure.

4. The fire of violence perpetrated by the _____ is committed to armed struggle for the formation of a sovereign "ASOM"

GLOSSARY

Security : the state of being free from danger or threat.

Peace : freedom from disturbance; tranquillity.

| Enforcement | : the act of compelling observance of or compliance with a law, rule, or obligation. |

ANSWER TO CHECK YOUR PROGRESS

1.   Polycentric

2.   Fourth

3.   Political

4.   United Liberation Front of Assam (ULFA)

MODEL QUESTION

1.   What are the strategic powers for the security?

2.   Explain the security environment.

3.   Discuss the issues of the regional peace and stability.

4.   Analyse the India's security perspectives and national security.

SUGGESTED READINGS

1.   Rajan, M.S, (1993), *Studies in India's Foreign Policy*, New Delhi, ABC Publishing House.
2.   Dutt, V.P. (2002), *India's Foreign Policy in a Changing World*, New Delhi, Vikas.
3.   V.N. Khanna (2010), *Foreign Policy of India*, New Delhi, Vikas.

Unit – 16

STRUCTURE

OVERVIEW

India's External Affairs Minister has addressed the High-Level Segment of the 46th Session of Human Rights Council (HRC) and highlighted India's commitment to human rights and its fight against terrorism. India's approach to the UN Human Rights Council is guided by the spirit of engagement, dialogue and consultation. It believes that equal emphasis should be placed on both the promotion and protection of human rights as both are best pursued through dialogue, consultation and cooperation among States as well as technical assistance and capacity building.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢   Learn the meaning of terrorism.

➢   Study the impact and global efforts of terrorism.

➢   Know the steps taken by India for Counter terrorism.

16.1   INTRODUCTION

Most people have a vague idea or impression of what terrorism is, but lack a more precise, concrete and truly explanatory definition of the word. This imprecision has been abetted partly by the modern media, whose efforts to communicate an often complex and convoluted message in the briefest amount of airtime or print space possible have led to the labeling of a range of violent acts as 'terrorism'. Pick up a newspaper or turn on the television and even within the same broadcast or on the same page one can find such disparate acts as the bombing of a building, the assassination of a head of state, the massacre of civilians by a military unit, the poisoning of produce on supermarket shelves or the deliberate contamination of over-the-counter medication in a chemist's shop all described as incidents of terrorism. Indeed, virtually any especially abhorrent act of violence that is perceived as directed against society whether it involves the activities of anti-government dissidents or governments themselves, organized crime syndicates or common criminals, rioting mobs or persons engaged in militant protest, individual psychotics or lone extortionists is often labeled `terrorism'.

The international community has never succeeded in developing an accepted comprehensive definition of terrorism. During the 1970s and 1980s, the United Nation's attempts to define the term foundered mainly due to differences of opinion between various members about the use of violence in the context of conflicts over national liberation and self-determination. These divergences have made it impossible to conclude a Comprehensive Convention on International Terrorism that incorporates a single, all-encompassing, legally binding, criminal law definition of terrorism.

16.2   MEANING OF TERRORISM

UN resolutions: Eighteen universal instruments (fourteen instruments and four amendments) against international terrorism have been elaborated within the framework of the United Nations system relating to specific terrorist activities.

European Union uses a definition of terrorism for legal/official purposes which provides that terrorist offences are certain criminal offences set out in a list comprised largely of serious offences against persons and property which, "given their nature or context, may seriously damage a country or an international organisation where committed with the aim of: seriously intimidating a population or unduly compelling a Government or international organisation to perform or abstain from performing any act, or seriously destabilizing or destroying the fundamental political,

constitutional, economic or social structures of a country or an international organisation."

India: In India the 8th report of ARC-2 uses the following working definition of terrorism, same as one widely used by Western nations as well as the United Nations, proposed by Schmid and Jongman in 1988. Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat and violence-based communication processes between terrorist organization, victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought.

16.3   IMPACTS OF TERRORISM

Terrorism poses a major threat to international peace and security and undermines the core values of humanity, peace and growth. In addition to the devastating human cost of terrorism, in terms of lives lost or permanently altered, terrorist acts destabilise governments and undermine economic and social development. Terrorist acts often defy national borders. Terrorist attacks using CBRNE materials (Chemical, Biological, Radiological, Nuclear and Explosives) have catastrophic consequences on communities and infrastructure.

16.4   GLOBAL EFFORTS

❖   Across the globe, the United Nations Office of Counter-Terrorism (UNOCT) leads and coordinates an all-of-UN approach to prevent and counter-terrorism and violent extremism.

❖   UN Counter-Terrorism Centre (UNCCT) under UNOCT, promotes international cooperation in the fight against terrorism and supports the Member States in implementing the Global Counter-Terrorism Strategy.

❖   The Terrorism Prevention Branch (TPB) of the United Nations Office on Drugs and Crime (UNODC) plays a significant role in international efforts. It works to assist the Member States, upon request, with the ratification, legislative incorporation and implementation of the universal legal framework against terrorism.

❖ The Financial Action Task Force (FATF) which is a global money laundering and terrorist financing watchdog, sets international standards that aim to prevent these illegal activities and the harm they cause to society.

16.5 INDIA'S RESOLUTION IN UN AGAINST INTERNATIONAL TERRORISM

In 1996 India had moved a Resolution in the UN by the name of Comprehensive Convention on International Terrorism (UN CCIT). After 19 year, it still remains inconclusive. Recently during the visit of the External Affairs Minister Sushma Swaraj to China, India finally got the support of both China and Russia for this very significant resolution. At the 13th Russia, India, China (RIC) summit the three foreign ministers called for early conclusion of negotiations on the Comprehensive Convention on International Terrorism. "The ministers reiterated that there can be no ideological, religious, political, racial, ethnic, or any other justification for acts of terrorism," the resolution said. The communique at the 13th RIC summit also stressed the need "to bring to justice perpetrators, organizers, financiers and sponsors" of terror, an inclusion India has ensured in the communiqué in part to bring global pressure on Pakistan to crack down on terror financing. This is a major foreign policy achievement in quick succession after the recent isolation of Pakistan both by President Barrack Obama and US Secretary of State John Kerry.

16.6 STEPS TAKEN BY INDIA

❖ India has been at the forefront of global action against terrorism and has always played an active role in the global promotion and protection of human rights. India, which has been a victim of cross-border terrorism, took cognizance of the threat long before the major world powers. It is a crime against humanity and violates the most Fundamental Human Right, namely the Right to Life (Article 21).

❖ India has taken steps for setting up Joint Working Groups (JWGs) on counter-terrorism/security matters with countries. Bilateral treaties on Mutual Legal Assistance (MLATs) in Criminal matters to facilitate the investigation, collection of evidence, transfer of witnesses, location and action against proceeds of crime, etc. have been signed with other countries.

❖ In 2018, India highlighted its demand for a Comprehensive Convention on International Terrorism (CCIT) at the 73rd session of the UN General Assembly (UNGA).

- ❖ In 1996, with the objective of providing a comprehensible legal framework to counter-terrorism, India proposed to the UNGA the adoption of CCIT. It included the following major objectives: To have a universal definition of terrorism that all members would adopt into their own criminal laws, to ban all terror groups and shut down terror camps, to prosecute all terrorists under special laws, to make cross-border terrorism an extraditable offence worldwide.
- ❖ Addressing the UN High-Level Conference on Heads of Counter-Terrorism (2018), India extended a five-point formula.
- ❖ In January 2021, at the 20th anniversary of the UN Security Council (UNSC) Resolution 1373, India presented an eight-point action plan to deal with the scourge of terrorism.
    - i. Summoning the political will to unhesitatingly combat terrorism.
    - ii. Decrying double standards in the fight against terrorism.
    - iii. Reform of the working methods of the Committees dealing with Sanctions and Counter-Terrorism.
    - iv. Firmly discouraging exclusivist thinking that divides the world and harms social fabric.
    - v. Enlisting and delisting individuals and entities under the UN sanctions regimes objectively not for political or religious considerations.
    - vi. Fully recognising and addressing the link between terrorism and transnational organized crime.
    - vii. Combating terrorist financing.
    - viii. Immediate attention to adequate funding to UN Counter-Terrorism bodies from the UN regular budget.
- ❖ Comprehensive Integrated Border Management System: It vastly improves the capability of Border Security Force (BSF) in detecting and controlling the cross border crimes like illegal infiltration, smuggling of contraband goods, human trafficking and cross border terrorism, etc.
- ❖ Unlawful Activities (Prevention) Act, 1967: It enables more effective prevention of certain unlawful activities of individuals and associations and for dealing with terrorist activities, and other related matters.
- ❖ National Investigation Agency: It is India's counter-terrorist task force and is empowered to deal with terror related crimes across states without special permission from the states.

- ❖ Policy of Zero-Tolerance Against Terrorism: India calls for zero-tolerance agianst terrorism and focuses on developing a common strategy to curb it.
- ❖ Various Counter-Terrorism Operations
    i. Operation Rakshak: Counter-insurgency and counter-terrorism operation in Jammu and Kashmir in 1990.
    ii. Operation Sarp Vinash: Undertaken by Indian army to flush out terrorists in the areas of the Pir Panjal range in Jammu and Kashmir in 2003.
    iii. Operation All Out: Joint offensive launched by Indian security forces to flush out militants and terrorists in Kashmir in 2017.

LET US SUM UP

There is a need to reassess our policies on number of issues pertaining to the management of India's international borders such as intelligence apparatus, internal security and border management. Technical solutions are necessary to augment and complement the traditional methods of border guarding. They not only enhance the surveillance and detection capabilities of the border guarding forces but also improve the impact of the border guarding personnel against infiltration and trans-border crimes. India should move in the direction of specialisation of military to fight cross-border terrorism. War against terrorism is a low intensity conflict or localized war and cannot be waged without the full and unstinted support of the society and can be lost easily if the morale and resolve of the society to fight against terrorism falters.

CHECK YOUR PROGRESS

1. The _____ has never succeeded in developing an accepted comprehensive definition of terrorism.

2. _____ universal instruments against international terrorism have been elaborated within the framework of the United Nations system.

3. In India the _____ of ARC-2 uses the following working definition of terrorism

GLOSSARY

Resistance   : the refusal to accept or comply with something.

Awareness   : knowledge or perception of a situation or fact.

Implementation	: The process of putting a decision or plan into effect.
Sustainable	: able to be maintained at a certain rate or level.

ANSWER TO CHECK YOUR PROGRESS

1. International community

2. Eighteen

3. 8th report

MODEL QUESTION

1. Describe the meaning of terrorism.

2. What are the impacts of the terrorism?

3. Explain the India resolution in UN against International terrorism

4. Discuss the steps taken by India in terrorism.

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3. V.N. Khanna (2010), *Foreign Policy of India*, New Delhi, Vikas.

Unit – 17

STRUCTURE

OVERVIEW

India has had a bumpy relationship with nuclear weapons. In the initial years after independence, Indian leaders like Jawaharlal Nehru were very public and vocal about his opinion against nuclear weapons. However, Pandit Nehru, being a modernist was also aware of the role nuclear technology could play in nation-building. He was also convinced albeit to a lesser extent of the role nuclear weapons could play in national defence if efforts at nuclear disarmament fail to bear results. These ambivalent and opposing shades are still visible in the current nuclear policy of India. In this unit, we will study on the nuclear issues and policies in India.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢   Know the nuclear history of India.

➢   Study the purpose of the India's Nuclear weapons.

17.1 INTRODUCTION

India's first successful nuclear weapon test was in 1974. Due to this test conducted by India, the nuclear suppliers group (NSG) was formed in 1974 to prevent nuclear proliferation and to curb export of materials and technology that could be used to build nuclear weapons. In 1998, India further conducted a series of 5 nuclear tests and after its successful completion it declared itself a de facto nuclear weapon state.

Eventually, in the year 1999, India adopted a draft nuclear doctrine based on "NO FIRST USE" (NFU) policy. Certain key aspects of the draft were: India would not initiate a nuclear attack on any country. India would not use nuclear weapons on non-nuclear states. India's nuclear arsenal was for the sole purpose of defence and would serve as a deterrent against external nuclear attacks. India would adopt the nuclear triad model. As per this model a nuclear weapon state should have capability of launching nuclear attacks on 3 fronts i.e. land, air, and water. In this model the Submarine Launched Ballistic Missiles (SLBM) would act as the ace in the hole if the other two were to fail However, this draft did not receive official recognition.

In 2003, India officially accepted a Nuclear Doctrine based on NFU policy. Certain key features of this are: Nuclear weapons will only be kept as a credible minimum deterrence against nuclear attacks. NFU policy would be followed and India would use nuclear attack only as retaliation against a nuclear attack on India or on Indian forces anywhere.

India would not launch a nuclear weapon attack against any non-nuclear state. However, in the event of a major attack on India or on Indian forces anywhere by chemical or biological weapon, India will have the option of retaliating with nuclear weapons. The retaliatory 2nd strike to a first nuclear attack would be massive and would inflict unacceptable damage on opponent. Presently India follows the 2003 Nuclear Doctrine. India's policy is based on nuclear deterrence and 2nd strike ability plays a vital role in deterrent policy.

17.2 NUCLEAR HISTORY OF INDIA

India built its first research reactor in 1956 and its first plutonium reprocessing plant by 1964. India's nuclear programme can trace its origins to March 1944 and its three-stage efforts in technology were established by Homi Jehangir Bhabha when he founded the nuclear research centre, the Tata Institute of Fundamental Research. India's loss to China in a brief Himalayan border war in October 1962, provided

the Indian government impetus for developing nuclear weapons as a means of deterring potential Chinese aggression. By 1964 India was in a position to develop nuclear weapons. India first tested a nuclear device in 1974 (code-named "Smiling Buddha"), under Prime Minister Indira Gandhi, which it called a "peaceful nuclear explosion."

17.3 NUCLEAR POLICY OF INDIA

Having said the above, let us be clear that India's nuclear policy is determined not just by Nehru's perspective. Other factors that influenced it were the domestic variables like the uncertain political climate of the country and the influence of the bureaucracy.

- The decision to build a nuclear force was taken only in the late eighties after evidence surfaced that Pakistan, with Chinese help, had made huge advancements in the nuclear weapons program.

- Bureaucratic influence came from some defence scientists who played a key part in keeping the nuclear weapons program alive even without political support, and facing opposition as well.

- Other bureaucrats developed political awareness about the country's dwindling nuclear options. Nevertheless, these variables suggest a moderate Indian approach to nuclear weapons and thus reinforce the dominant tendency towards a political rather a military approach to looking at nuclear weapons.

- They neither suggest any dramatic changes nor rapid advances in India's nuclear weapons programme.

17.4 THE PURPOSE OF INDIA'S NUCLEAR WEAPONS

Indian leaders have traditionally deemed nuclear weapons at best a necessary evil.

1. Former Prime Ministers Lal Bahadur Shastri and Rajiv Gandhi sought international solutions to avoid committing to nuclear weapons; former Prime Minister Morarji Desai shut down the weapons program for a while.

2. Even Prime Minister A B Vajpayee, who ordered the nuclear tests in 1998, was more ambivalent earlier, supporting Morarji Desai in voting against restarting the nuclear weapons program in 1979.

3. Increasing nuclear threats and a progressively unaccommodating global nuclear order forced GOI to shift towards a declared nuclear arsenal in the 1990s. This discomfort with nuclear

weapons has defined the manner in which India has viewed nuclear weapons.

In the 1960s and 1990s, the debate was more about whether India should have nuclear weapons or not, not what she should do with them. It was only in the 1980s that some Indian strategists such as K. Subrahmanyam and General K. Sundarji started writing about what nuclear weapons might be useful for. This also coincided with greater attention among decision-makers to such questions.

1. Both Sundarji and Subrahmanyam argued that the kind of bloated nuclear arsenals that the US and the Soviet Union developed during the Cold War were needless and inefficient.

2. Nuclear deterrence could be had at a far cheaper cost, with a relatively small arsenal. In essence, as Tellis has argued, what Sundarji and Subrahmanyam were suggesting was a view of nuclear weapons that emphasized its political rather than military utility, its deterrence rather than war-fighting capability.

3. This view of the political utility of nuclear weapons is also reflected in arguments about nuclear weapons offering political space and strategic autonomy, arguments that former Indian Foreign Minister Jaswant Singh has made.

4. Predictably, the eventual Indian nuclear deterrent emphasized small numbers and a capability to retaliate, instead of developing a restraining force that would have parity with other nuclear powers.

But the idea that nuclear weapons are political tools is chiefly about how India views the usability of nuclear weapons. It does not extend to India's views about how other states, particularly Pakistan, might view nuclear weapons.

1. In fact, Indian views about what nuclear weapons in another power's control might do are highly cynical, supposing tacitly that other states might not be as responsible as India is or has been.

2. India's view on nuclear proliferation is one pointer of this acutely pessimistic opinion that India has of the probability of nuclear weapons use by other states.

3. Though India objected to the Nuclear Non-proliferation Treaty (NPT), it has seen proliferation itself as a danger to international peace and stability and has time and again flaunted its "exemplary non-proliferation record of four decades and more."

4. Thus the Indian view of the spread of nuclear weapons is essentially unalike the 'more may be better' arguments of proliferation optimists like Kenneth Waltz, or even the drastic rejection of the non-proliferation concept by China before 1991.

5. Indian officials do not think that nuclear weapons have stabilized the region; rather they believe that nuclear weapons in Pakistani hands increase the nuclear risk in the region because Pakistan is seen as irresponsible. This fits a larger pattern of contradiction which assumes that other powers, Pakistan in particular, will not be as responsible as India has been.

17.5 INDIA'S NUCLEAR DOCTRINE

India's Nuclear Doctrine is founded on the idea that it will only use nuclear weapons in reprisal for a country's effort to use nuclear weapons against India, its states, or its army. India became the first country to achieve nuclear power without signing the Non-Proliferation Treaty. The following are the pillars of India's Doctrine Treaty:

i. Building and maintaining a credible minimum deterrent;

ii. A posture of "No First Use" nuclear weapons will only be used in retaliation against a nuclear attack on Indian territory or on Indian forces anywhere;

iii. Nuclear retaliation to a first strike will be massive and designed to inflict unacceptable damage.

iv. Nuclear retaliatory attacks can only be authorized by the civilian political leadership through the Nuclear Command Authority.

v. Non-use of nuclear weapons against non-nuclear-weapon states;

vi. However, in the event of a major attack against India, or Indian forces anywhere, by biological or chemical weapons, India will retain the option of retaliating with nuclear weapons;

vii. A continuance of strict controls on the export of nuclear and missile-related materials and technologies, participation in the Fissile Material Cutoff Treaty negotiations, and continued observance of the moratorium on nuclear tests.

viii. Continued commitment to the goal of a nuclear-weapon-free world, through global, verifiable and non-discriminatory nuclear disarmament.

ix. Nuclear Command Authority (NCA)- India established a three-tier Nuclear Command Authority (NCA) to oversee its nuclear weapons on January 4, 2003.

17.6   NUCLEAR COMMAND AUTHORITY (NCA)

The NCA is made up of the following members:

- political council
- executive council
- strategic forces command

The Prime Minister heads the political council. It is the body that gives the go-ahead to use nuclear weapons. The prime minister's National Security Adviser leads the executive council. Its job is to provide input to the NCA's decision-making process and to carry out the political council's directions. The strategic forces command (SFC) would be in charge of the nuclear forces' administration and would be in charge of firing nuclear weapons. The establishment of the NCA will give India's nuclear posture more credibility. The NCA stands out for its unwavering commitment to nuclear deterrence through civilian management of nuclear weapons.

17.7   NON-PROLIFERATION TREATY

When Communist China conducted nuclear tests in October 1964, the five nuclear weapon powers – the United States, the Soviet Union, the United Kingdom, France, and China (Taiwan then represented China) attempted to impose the Nuclear Non-Proliferation Treaty (NPT) in 1968 on the rest of the world. Nonproliferation, disarmament, and the right to peacefully use nuclear technology are the three fundamental goals of the pact.

India is one of only five countries that either did not sign the NPT or signed but later withdrew, joining Pakistan, Israel, North Korea, and South Sudan on the list. The NPT has long been viewed as discriminatory by India, which has refused to sign it. India has resisted international non-proliferation treaties because they apply selectively to non-nuclear powers and legitimize the monopoly of the five nuclear-armed states. India's first nuclear test was dubbed a "peaceful explosion" at the time. India said that it was dedicated to harnessing nuclear energy only for peaceful purposes. In 1995, India opposed the NPT's indefinite renewal and refused to sign the Comprehensive Test Ban Treaty (CTBT). In May 1998, India carried out a series of nuclear tests to demonstrate its ability to harness nuclear energy for military reasons.

LET US SUM UP

The evolution of India's nuclear policy has been steady rather than dramatic. This is unlikely to change in the near future. The Indian political and administrative structure, as well as its leaders, are conservative and risk-averse. India, on the other hand, has no existential fears and is a relatively confident and secure country that dominates its region. As a result, there are few grounds to expect India's nuclear strategy to shift quickly, either domestically or internationally.

CHECK YOUR PROGRESS

1. India's first successful nuclear weapon test was in _____.

2. In _____ , India officially accepted a Nuclear Doctrine based on NFU policy.

3. India first tested a nuclear device in 1974, code-named "Smiling Buddha" which it called a " _____ "

4. India established a _____ Nuclear Command Authority (NCA) to oversee its nuclear weapons.

GLOSSARY

Disagreement	: lack of consensus or approval.
Armament	: military weapons and equipment.
Atomic energy	: The energy that is released through a nuclear reaction or radioactive decay process.
Nuclear energy	: the energy released during nuclear fission or fusion

ANSWER TO CHECK YOUR PROGRESS

1. 1974

2. 2003

3. Peaceful nuclear explosion

4. three-tier

MODEL QUESTION

1. Brief the Nuclear history of India.

2. Discuss the purpose of India's Nuclear weapons.

3. Explain the Non – proliferation treaty.

4. What are the functions of the Nuclear Command Authority (NCA)

SUGGESTED READINGS

1.   Rajan, M.S, (1993), *Studies in India's Foreign Policy*, New Delhi, ABC Publishing House.

2.   Dutt, V.P. (2002), *India's Foreign Policy in a Changing World*, New Delhi, Vikas.

3.   V.N. Khanna (2010), *Foreign Policy of India*, New Delhi, Vikas.

TAMILNADU OPEN UNIVERSITY

M.A Political Science (MPSS – 24)

INDIA'S FOREIGN POLICY

Model Question Paper

Time: 3 Hrs   **Max Marks: 70**

PART – A (5 x 5 = 25)

Answer any FIVE questions in 300 words each. Each

question carries 5 marks

1.   Describe the India – US dialogues architecture.

2.   Write an essay on arbitration and international law.

3.   Write an essay on United Nations environment programme.

4.   Discuss the evolution of Non-Alignment Movement.

5.   What was the various cooperation of India Russia relations?

6.   Evaluate the issues between India and Bangladesh.

7.   Explain the major agreement of WTO.

8.   Discuss the steps taken by India in terrorism.

PART- B (3 x 15 = 45)

Answer any THREE questions in 1000 words each. Each

question carries 15 marks

9.   Elaborate the functions of Economic and Social Council

10.   Examine the Gulf war and post-gulf war experience.

11.   Critically examine the reformative measures of the United

        Nations.

12.   Analyse the global challenges of the security.

13.   Critically examine the structure and functions of UNESCO.

Curiginal

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W	URL: https://en-academic.com/dic.nsf/enwiki/8743 Fetched: 2021-08-05T08:30:59.6200000	17
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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 (English and Tamil Medium)
- B.A. Public Administration (English and Tamil Medium)
- B.A. Human Rights (English and Tamil Medium)

Post Graduate:

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- 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)

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- 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.

Tamil Nadu Open University
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எல்லோருக்கும் எப்போதும் கல்வி

M.A., POLITICAL SCIENCE
FIRST YEAR – 2ND SEMESTER

POLICE ADMINISTRATION

SCHOOL OF POLITICS AND PUBLIC ADMINISTRATION
TAMIL NADU OPEN UNIVERSITY
577, ANNA SALAI, SAIDAPET, CHENNAI - 600 015

தமிழ்நாடு திறந்தநிலைப் பல்கலைக்கழகம்

M.A., Political Science

First Year – 2nd Semester

MPSS - 25

POLICE ADMINISTRATION

SCHOOL OF POLITICS AND PUBLIC ADMINISTRATION

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

APRIL 2022

MPSS – 25 POLICE ADMINISTRATION
Syllabus

BLOCK I   POLICE ADMINISTRATION

Unit - 1   Nature and Scope of Police Administration

Unit - 2   Police in Traditional and Modern Societies

BLOCK II   POLICE ORGANISATION

Unit - 3   Central Police system - Armed - Unarmed and Auxiliary in Police
              Administration

Unit - 4   State Police System - Role of State Home Ministry – Special Police
              Structure

Unit - 5   District Police System

BLOCK III   POLICE OPERATIONS

Unit - 6   Working of the Police Station - Patrol, Beats, and Outposts

Unit - 7   Investigation of Cases – Prosecution of cases-Supervision and
              control

Unit - 8   Commissioner of Police System

BLOCK IV   POLICE PERSONNEL ADMINISTRATION

Unit - 9   Recruitment, Promotion, Training, and Conditions of Service

Unit - 10   Rights of the Police Personnel

Unit - 11   Public Grievance and Police Public Relations

BLOCK V   SPECIALISED UNITS

Unit - 12   Crime Records Bureau

Unit - 13   Dog squad - Modus operandi Bureau - Forensic Science Laboratory
              - Finger Print Bureau – Mounted Police

Unit - 14   Juvenile Aid Units

Unit – 15   Women Police Wing

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1. O. W. Wilson and Roy Clinton-Police Administration, Mc Craw Hill, 1977

2. J.C. Curry- Indian Police, New Delhi, Manu Publications, 1976

3. David Arnold- Police Power and Colonial Rule, New Delhi, Oxford Press, 1986.

MPSS – 25 POLICE ADMINISTRATION
Scheme of Lesson

Professor K.Parthasarathy
Vice Chancellor

21.04.2022

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.

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

With warm regards,

(K. PARTHASARATHY)

Block I

Unit - 1   Nature and Scope of Police Administration

Unit - 2   Police in Traditional and Modern Societies

UNIT - 1

NATURE AND SCOPE OF POLICE ADMINISTRATION

STRUCTURE

OVERVIEW

Police officers protect the lives and property of citizens. They maintain order, catch law breakers, and work to prevent crimes. In small towns they perform many duties. Many police departments require that applicants be high school graduates; an increasing number expect some college education. Police protection is provided twenty-four hours a day, so officers may work outdoors in all kinds of weather. This unit deals with the nature and importance of police administration. In this Unit, an attempt will be made to study the organisation of police at various levels; and Significance that confront to the study of Police Administration.

LEARNING OBJECTIVES

After learning this unit, students will be able to

➢ Study the nature of work of police.

➢ Learn about the administrative structure of police department.

➢ Know the roles and functions of the police officials.

1.1 INTRODUCTION

In the field of administration, police have an important role to play. In India, Police is the coercive arm of the State, which is entrusted to perform the basic duty of the State that is maintenance of law and order. Therefore, law and order administration has acquired significance at the Central, State, Range, District and Sub-District level in rural and urban areas.

Rapid growth of population, industrialisation, urbanisation, and growing political consciousness led to law and order problems. Agrarian and tribal revolts, political caste and communal violence, labour and student unrest and terrorism are indications of law and order problems. In all societies, particularly in developing societies, these conflicts and tensions are inevitable and many manifest in different forms. Freedom and independence will not have meaning unless these basic issues are properly attended.

Police are one of the most ubiquitous organizations of the society. The policemen, therefore, happen to be the most visible representatives of the government. In an hour of need, danger, crisis and difficulty, when a citizen does not know, what to do and whom to approach, the police station and a policeman happen to be the most appropriate and approachable unit and person for him. The police are expected to be the most accessible, interactive and dynamic organization of any society.

Their roles, functions and duties in the society are natural to be varied and multifarious on the one hand; and complicated, knotty and complex on the other. Broadly speaking the twin roles, which the police are expected to play in a society are maintenance of law and maintenance of order. However, the ramifications of these two duties are numerous, which result in making a large inventory of duties, functions, powers, roles and responsibilities of the police organisation.

1.2 POLICE ADMINISTRATION

The nature of police work includes police crime control, order maintenance, social service roles and also Police discretion. The role of police inside the station is leadership, management and discharging the duties whereas outside the police need to maintain the political, labour relations, media relations, community, and inter-agency. They are mostly executive in nature and executive. Police tasks are identified for the operations, administration, and auxiliary service subsystems.

Leadership in the police organization relay on the functions, sources of influence, and leadership styles and leadership theories associated to it. Police patrol, call response, and investigatory strategies and operational and problem specific such as the hostage negotiation, domestic violence, riot control duty also falls under their duty. The organizational communication, police decision-making, and police information systems also play a vital role in police functioning.

The evolution and nature of police work are discussed, including police crime control, order maintenance, and social service roles. Police discretion also is considered. The internal (management and leadership) and external (political, labour relations, media relations, community, and interagency) roles of the police executive are described; executive styles are characterized; and executive qualifications (e.g., skills, knowledge, experience) are discussed.

Police tasks are identified for the operations, administration, and auxiliary service subsystems. Aspects of group behaviour and social systems are examined, and emergent system development and its consequences are delineated. Leadership in the police organization is discussed in terms of functions, sources, of influence, and leadership styles; and leadership theories are outlined.

Police patrol, call-response, and investigatory strategies are considered, and operational and problem-specific (e.g., hostage negotiation, domestic violence, riot control) tactics are discussed. Also examined are organizational communication, police decision making, data analysis, and police information systems. An overview of policies and procedures is provided. Individual, program, and organizational evaluation goals and methods are presented, together with descriptions of human development, structural design, and work process approaches to organizational improvements.

1.3   MEANING

Police officers protect the lives and property of citizens. They maintain order, catch lawbreakers, and work to prevent crimes. In small towns they perform many duties. Larger cities have a more structured division of responsibility. Police officers may patrol the streets on foot or in squad cars; control traffic; or work as detectives investigating crimes. At the police station officers may be assigned to work in the crime laboratory or the records department. All officers file reports of incidents, and many testify at trials and hearings.

Police officers are supervised by senior officers. The chain of command is modelled after that of the armed services. In larger cities sergeants, lieutenants, and captains direct the work of squads or companies of officers.

Police officers in large cities may work as patrol officers assigned to either traffic control or crime prevention, as detectives who investigate crimes, or as officers in the crime laboratory, generally report to police chiefs or commissioners. In small towns the chief of police may be the only ranking officer.

1.4   ROLE, FUNCTIONS AND DUTIES OF THE POLICE IN GENERAL

The role and functions of the police in general are:

(a)   To uphold and enforce the law impartially, and to protect life, liberty, property, human rights, and dignity of the members of the public;

(b)   To promote and preserve public order;

(c)   To protect internal security, to prevent and control terrorist activities, breaches of communal harmony, militant activities and other situations affecting Internal Security;

(d)   To protect public properties including roads, railways, bridges, vital installations and establishments etc. against acts of vandalism, violence or any kind of attack;

(e)   To prevent crimes, and reduce the opportunities for the commission of crimes through their own preventive action and measures as well as by aiding and cooperating with other relevant agencies in implementing due measures for prevention of crimes;

(f)   To accurately register all complaints brought to them by a complainant or his representative, in person or received by post, e-

mail or other means, and take prompt follow-up action thereon, after duly acknowledging the receipt of the complaint;

(g) To register and investigate all cognizable offences coming to their notice through such complaints or otherwise, duly supplying a copy of the First Information Report to the complainant, and where appropriate, to apprehend offenders, and extend requisite assistance in the prosecution of offenders;

(h) To create and maintain a feeling of security in the community, and as far as possible prevent conflicts and promote amity;

(i) To provide, as first responders, all possible help to people in situations arising out of natural or man-made disasters, and to provide active assistance to other agencies in relief and rehabilitation measures;

(j) To aid individual, who are in danger of physical harm to their person or property, and to provide necessary help and afford relief to people in distress situations;

(k) To facilitate orderly movement of people and vehicles, and to control and regulate traffic on roads and highways;

(l) To collect intelligence relating to matters affecting public peace, and all kind of crimes including social offences, communalism, extremism, terrorism and other matters relating to national security, and disseminate the same to all concerned agencies, besides acting, as appropriate on it themselves.

(m) To take charge, as a police officer on duty, of all unclaimed property and take action for their safe custody and disposal in accordance with the procedure prescribed.

(n) To train, motivate and ensure welfare of police personnel

1.5   REQUIREMENTS

Many police departments require that applicants be high school graduates; an increasing number expect some college education. Applicants usually must be at least twenty-one years of age and U.S. citizens. In many communities, applicants must meet minimum requirements for height, weight, eyesight, and hearing.

Because most police departments fall under civil service regulations, applicants must pass written tests that measure their analytical skills. Rigorous physical examinations and background checks are also required. Senior officers screen applicants.

New recruits often participate in formal classroom training in police academies. After graduating they continue to train on the job with experienced officers for three to twelve months. In small communities there may be no formal training program. Officers are usually encouraged to continue their education by taking college courses in criminal justice.

Those who want to be police officers must first take the civil service test. Many departments allow high school graduates and college students studying criminal justice to start out as cadets or trainees while still in their teens. If they meet all the requirements, cadets may be appointed to regular police work when they turn twenty-one.

For promotion to higher rank, officers must take civil service tests. Good work records and special honours help officers get ahead. Police officers who have investigation abilities may advance to detective. Other positions include sergeant, lieutenant, captain, and inspector. The employment of police officers is expected to grow as fast the average for all jobs through 2014. Openings will depend on government funding and the number of experienced officers who retire or leave the profession. Competition for jobs will be stiff. The best opportunities will be found in urban areas.

Police work can be dangerous and stressful. Officers often deal with violent criminals and may be injured or killed. They must make quick decisions while on duty, yet be tactful and patient with people who are in trouble or have been victims of terrible crimes and abuse. Police protection is provided twenty-four hours a day, so officers may work outdoors in all kinds of weather. Work shifts are usually rotated; however, officers are on call at all times for emergencies. Overtime may be required. Most police departments provide uniforms or uniform allowances. Many officers belong to labour unions.

1.6 THE NATURE OF POLICE WORK

The myth of police as crime-fighters has been conveyed to the American people through television dramas, comic strips, and newspaper articles. It conjures up in one's mind an image of a police officer doing a dangerous job that requires him or her to outshoot, outpunch, and outwit dangerous criminals. For most American police, there is little correspondence between this image and reality. In a major metropolitan area (where crime rates are the highest), half of the officers in the local department will not make a felony arrest during a given year. The total annual rate of weapon discharges per hundred police officers is in the range of two to six.

1.7 MAJOR FUNCTIONS OF THE POLICE OFFICIALS

Even though we refer to the police as law enforcement officers, the enforcement of criminal law (in other words, investigating crime and apprehending criminals) is only one of several functions that the police perform. The functions of the American police include providing basic social services, maintaining order, and controlling crime.

❖ In the area of **social service,** the police help people who need emergency assistance, whether it is giving first aid or finding lost children. Typically, over 50 per cent of the telephone calls to the police requesting assistance involve social service as compared with less than 20 per cent relating to crime.

❖ Among the **order-maintenance** activities are traffic control, crowd control, resolving domestic disputes, and moving prostitutes from the streets. The focus of order maintenance is on handling situations to preserve the peace rather than enforcing the letter of the law. The appropriate order-maintenance solution may be making an arrest but it often consists of some less formal action.

❖ In the area of **crime control,** the police engage in a range of activities, such as patrol and criminal investigation.

1.7.1 MAJOR RESPONSIBILITIES

❖ To identify criminal offenders and criminal activity and, when appropriate, to apprehend offenders and participate in later court proceedings.

❖ To reduce the opportunities for the commission of some crimes through preventive patrol and other measures.

❖ To aid individuals who are in danger of physical harm.

❖ To protect constitutional guarantees.

❖ To facilitate the movement of people and vehicles.

❖ To assist those who cannot care for themselves.

❖ To resolve conflict.

❖ To identify problems that is potentially serious law enforcement or government problems.

❖ To create and maintain a feeling of security in the community.

❖ To promote and preserve civil order.

❖ To provide other services on an emergency basis.

1.7.2 FACTORS INFLUENCING DISCRETIONARY DECISIONS

The seriousness of the crime and the strength of the evidence affect an officer's decision to arrest. The more serious the crime and the stronger the evidence, the more likely an officer is to make an arrest. A suspect's demeanour also makes a difference. The more disrespectful and the less different a suspect act toward an officer, the more likely that officer is to use force.

1.8 SCOPE OF POLICE ADMINISTRATION

The police administration in its present form was established long back. Through the decades, the system has not undergone any significant change. The Indian police Act of 1861 continues to be the basis for police system in India. There are several Suggestions for its replacement by new legislation. The Police Administration is a top-heavy administration and there is a change of political leadership has created a serious credibility gap in this police leadership.

Constitutionally, law and order is a State subject. But over the years the central police organisations like Central Reserve Police Force and Border Security Force have increased. Deployment of the police force in the States on occasions without informing them has created tensions in Centre-State relations. So, the study of Police Administration can lead to the address these gaps.

In recent years terrorism and violence in different parts of the country are on the increase. The community expects the police to take steps to control the problem. .Police Commissions at the National and State levels have made several suggestions to make the police efficient, responsive and responsible.

The reforms are required not only in organisation, personnel, procedures but also in the attitudes of the people and the police officials. Whatever reforms were implemented they were done half-heartedly without understanding the socio-political milieu within which the police has to operate. Because of the adhoc and piecemeal nature of the reforms they did not have the intended effect. Reform should be continuous because no adhoc approach will give the intended results. By addressing all these factors, the study in police administration has wide scope in the present scenario.

LET US SUM UP

In India police system has a long history, though in its present form it came into existence during the British rule. In a developing society, police has an important and a positive role. Its functions are many and varied ranging from maintenance of law and order to society defence. It is considered as an instrument of change in a modern society. Policing in India is a state subject. However, the central government has some role to play in the areas of legislation and also in the provision of police force in the states. This organisation has been a highly centralised one and it has not been able to imbibe the spirit of democracy as a way of institutional life. The organisational accountability via higher-level supervision is no substitute for public accountability. There is a need to reorganise the police organisation.

CHECK YOUR PROGRESS

1. The twin roles, which the police are expected to play in a society, are maintenance of _____ and _____.

2. The head constables form the main strength of _____team.

3. The ultimate authority in a police department lies with the _____.

GLOSSARY

Dandi net   : It is the law of regulating human conduct of punishment

Interface   : a point where two systems, subjects, organizations, etc. meet and interact.

Unity of command   : It is an importance principle of organisation, which implies that employees should receive orders only from one superior.

ANSWERS TO CHECK YOUR PROGRESS

1. law and order

2. Investigating

3. DGP

MODEL QUESTIONS

1. What are the educational and training requirements of Police?

2. Discuss the major role of the Police in Administration

3. Explain the functions of the Police at State level and District level

SUGGESTED READINGS

1. Gupta, K.N, (2002), *Indian Police and Vigilance in the 21st Century*, Anmol, New Delhi.

2. Kamal Mishra, (2009), *Police Administration in India*, Mittal Publications

UNIT- 2

POLICE IN TRADITIONAL AND MODERN SOCIETIES

STRUCTURE

OVERVIEW

The new police system under the Drogas was an alien element in the countryside and it was not entirely independent of the powerful local-landed magnates. The revolt of 1857 had shaken the foundations of British Empire and made them more conscious of the need to have effective machinery for collection of information and for policing the Empire's territories. In this unit, we will discuss about the evolution of police system in India and various other models in the police administration.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Know the evolution of Police Administration
➢ Understand the functions of the police system in India.
➢ Explain the Police administration at various levels.

2.1 INTRODUCTION

The contribution of the administration of justice to the restriction of liberty varied historically. During the Stalinist terror, courts served as theatres of repression and injustice. In less dramatic times, the administration of justice promoted statism and protected the interests of the communist party. Most administrative decisions could not be appealed in court, although in Hungary and Poland, as a rule, there was the possibility of appeal against administrative decisions, except those involving the more sensitive issues of military and police administration. To assist police officials to assess project effectiveness and develop information that can be used in the competition for dollars, the National Advisory Commission on Law Enforcement Standards and Goals, in its report, "A National Strategy to Reduce Crime," urged that evaluation be made an integral part of all projects. The commission further pointed out that the use of this concept would identify what works and what does not in dealing with crime problems.

2.2 EVOLUTION OF THE POLICE

When the East India Company established its control over Bengal, after acquiring the Diwani rights in 1765, the Mughal police system prevailed. Under this system:

• Faujdars were in charge of the rural districts.

• The Kotwals were in charge of towns.

• The villages were looked after by the village watchmen. The village policing was under the control of the Zamindars who paid and controlled the watchmen.

2.3 CORNWALLIS SYSTEM

With the rise of the Company's authority, a need was felt for the creation of a police force which maintained the law and order. The growing crime rates were perceived by the Company as an affront to its authority. It began by replacing the Faujdars with English Magistrates in charge of the police functions in the district while the Zamindars retained their police functions, though they were made subservient to the magistrates.

The new system proved to be inadequate in bringing down the crime rate, while the Zamindars abused the system by taking advantage of its weaknesses. Lord Cornwallis realized the need for police reforms and he made many changes in the police organization. He divested the Zamindars of their policing powers, divided the district into thanas or units of police jurisdiction of twenty to thirty miles. Each unit was under an officer known as the Dargo who was appointed by the magistrates and placed under their supervision. Dragas came to be seen as the instrument of the Company's power and control over the rural areas. This came to be known as the **Cornwallis system.**

2.4 FUNCTIONING OF THE POLICE

The new police system under the Drogas was an alien element in the countryside and it was not entirely independent of the powerful local-landed magnates. The latter still retained much of their extra-legal coercive powers and in many cases, there was an alliance between the Dragas and the Zamindars. The Caroga-Zamindar nexus emerged as the new instrument of coercion and oppression in the rural life of Bengal in the nineteenth century. The Dargo system was extended to Madras in 1802 and to the Ceded and Conquered Upper Provinces in 1803 and 1804 respectively.

The Cornwallis system could not produce the desired results in maintaining law and order. One of the main reasons for its failure was that the system was "not founded in the usages of the country". Whenever there was a large-scale failure of law and order, the colonial authorities looked for reasons and made the native subordinate officers the easy scapegoats. They were blamed for lack of integrity and morality which was, more often than not, based on their stereotyping as such. This soon led to the scrapping of the Cornwallis system.

2.4.1 CHANGES MADE IN THE 19TH CENTURY

The Dargo system was formally abolished in 1812. The Tehsildars were divested of their police duties much earlier in 1807. The District Collector was made in charge of the village police. This led to an extreme concentration of power in the office of Collector since he was responsible for revenue, police, and magisterial functions at the same time. The subordinate officials in the revenue department, who were then in charge of revenue collection as well as supervision of rural policing, became the new agents of oppression and coercion.

2.4.2 SINDH MODEL

The existing system hardly produced satisfactory results in terms of upholding law and order throughout the empire. A new model was then experimented with in Sindh after it was conquered by Sir Charles Napier in 1843. The previous practice of trying to adopt the indigenous systems to the needs of the colonial state was discarded. A separate police department with its own officers was established on the lines of Royal Irish Constabulary which was found to be ideally suited for colonial conditions.

- The whole territory was placed under the supervision of an Inspector General (IG).

- Under him, there were Superintendents of Police (SP) who were made in charge of the district. The SP was made answerable to both the IG and the District Collector, representing the civilian authority.

While the rank and file of the police department were to be Indians, the officers were to be invariably Europeans.

The Sindh model was extended to Punjab in 1849 when it was conquered, and later to Bombay in 1853 and Madras in 1859, albeit with various modifications. This model was found to be adequately suited to tackle any political agitation. The Madras system provided for military police and a civilian unarmed force, both subservient to the civilian authority of the District Collector/Magistrate.

2.5   INDIAN POLICE AFTER 1857

The revolt of 1857 had shaken the foundations of British Empire and made them more conscious of the need to have effective machinery for collection of information and for policing the Empire's territories. The Police Commission appointed in 1860 had provided a basic structure for the police establishment needed by the Empire. It led the enactment of the Police Act of 1861.

In the new organization,

- Military police were eliminated and the civilian police were organized on a provincial basis

- The inspector generals were answerable to the provincial governments and the district superintendents to the collector.

- The entire police organization was placed under the control of the civilian authorities, and for a long time, the positions of the inspector general were filled by civil servants.

- The district superintendents were to be in charge of rural police, the Dargo became the sub-inspector.

- The new system had solved the age-old problem of integrating the rural police into the imperial structure.

- The Police Commission of 1902 had provisions for the appointment of educated Indians to the position of officers in the police but they stopped in rank where the European officer began.

- The police under the colonial rule gradually became successful in reducing major crimes such as dacoit. They were also able to prevent the organization of a large-scale conspiracy against the colonial rule. The police were frequently used to suppress the rising national movement. A Committee of British Parliament had observed in 1813 that the police in India committed depredations on the peaceable inhabitants of the same nature as those practised by the dacoits.

- Thus, distrustful of the Indian subordinates and subservient to the civilian authorities, the Indian police system was tellingly reflective of its colonial nature. Faced with recurrent peasant rebellions and mounting political resistance, the police became the foremost tool of repression in India, with the colonial state retaining a total monopoly over its coercive power.

2.6   POLICE ADMINISTRATION IN INDIA

In all societies, organizations were established to protect the life and liberties of people since the dawn of civilization. With the passage of time, complexities in the nature of societies have led to the creation of modem police. In the European context the term 'police' refer to a 'force for the city' and the police officer was known as Nagar pal, which means protector of the city and governance based on Dharma and Dandi. Dandiness was an important ingredient of Statecraft. Manu talked about the prevention and detection 'of crime and also a system of collecting intelligence during the Vedic period. Vedas refer to different kinds of crimes and punishments for the criminals.

During the Mauryan and Gupta periods, policing was undertaken systematically. Kausalya's Natyashastra gives a vivid picture of the nature of police organisation and their functions. During Mughal period,

law and order administration was under the charge of Faujdars. They were assisted by Thanadars who were in charge of Police Stations. He was also responsible for revenue functions. The office of the Kotwal was fairly important, as he was the chief of city police. His functions included patrolling the city at night, collection of intelligence, prevention of crime and social abuses and regulation of jails. During the British period, the police system that existed under the Mughals was allowed to continue with certain reforms to meet the changing needs.

The present Indian police system is based on the Police Act of 1861. Under this act the police were made subordinate to the Executive Government. Later, several changes were brought about in the structure as well as functioning of the police system. But the basic structure and characteristics as enshrined in the police act of 186 1 continued to dominate over the police system in the country. By the time India attained independence in 1947; the Police Administration had developed into one of the best systems. After independence, the Government of India felt that the system was capable of facing new challenges and was also well developed to help the new Government to maintain stability.

2.7   POLICE ADMINISTRATION AT STATE AND DISTRICT LEVEL

In the field of administration, police men have an important role to play. In India, Police force is the coercive arm of the State, which is entrusted to perform the basic duty of the State, that is, maintenance of law and order. Therefore, law and order administration has acquired significance at the Central, State, Range, District and Sub-District level in rural and urban areas. Rapid growth of population, industrialization, urbanization and growing political consciousness led to law-and-order problems. Agrarian and tribal revolts, political, caste and communal violence, labour and student unrest and terrorism are indications of law-and-order problems. In all societies, particularly in developing societies, these conflicts and tensions are inevitable and many manifests in different forms. Freedom and independence will not have meant unless these basic issues are properly attended.

An attempt will be made to study the organization of police at various levels; and critical issues that confront the Police Administration. Police are one of the most ubiquitous organizations of the society. The policemen, therefore, happen to be the most visible representatives of the government. In an hour of need, danger, crisis, and difficulty, when a citizen does not know, what to do and whom to approach, the police station and a policeman happen to be the most appropriate and approachable unit and person for him.

The police are expected to be the most accessible, interactive, and dynamic organization of any society. Their roles, functions and duties in the society are natural to be varied and multifarious on the one hand; and complicated, knotty, and complex on the other. Broadly speaking the twin roles, which the police are expected to play in a society are maintenance of law and maintenance of order. However, the ramifications of these two duties are numerous, which result in making a large inventory of duties, functions, powers, roles, and responsibilities of the police organization.

2.8   ORGANIZATION AT DISTRICT AND SUB- DISTRICT LEVEL

District is an important unit of the public administrative structured in the country. Almost all the State Government offices are located in the district. In Police Administration also district plays a pivotal role. All the laws and rules passed by the police are transformed into action at this level. District Police Organization is responsible for the effective maintenance of law and order and control of crime.

Police Administration at the district level is carried out by the chief of the district police, called Superintendent of Police, who is responsible for the maintenance of law and order, and other law enforcement activities. Technically, Superintendent of Police functions under the overall control of the Collector. He and his subordinate officers, in practice, enjoy operational autonomy in the discharge of their functions. The Collector as a District Magistrate is broadly responsible for preventive aspects; and the police are responsible for the control of crime, maintenance of law and order, etc. Police Administration below the district level is organized into divisions; divisions into circles; and circle into Police Stations. The organization and working of Police Stations, marginally, varies between urban and rural areas.

District Police work under the Superintendent of Police. He is always a member of the Indian Police Service and wields a great amount of power and prestige in the district. He is accountable to the Head of the range police that is Deputy Inspector General of Police for the maintenance of law and order in his district. He is also responsible to the Director General of Police at the State Headquarters. The Superintendent of Police (S.P) is responsible for the efficiency, morale, and discipline of the police force in the district. He collects information about various aspects from the entire district and communicates the same to the State Government along with his own assessment.

The Superintendent of Police is primarily responsible for the maintenance of law and order, and prevention of crime. He is empowered to take preventive measures to ensure peace in the district. He has to make adequate police arrangements during fairs and festivals as well as elections and agitations. If he apprehends untoward situations, he can advise the Collector to promulgate prohibitor orders and even to clamp curfew. He controls crime by patrolling, investigating, and taking preventive measures. He also supervises the operations of crime and special branches working under him. He has many personnel and organizational responsibilities like adequate Supply of arms, vehicles, uniform etc. He also has responsibilities regarding matters of training, promotion, and discipline of the staff, maintaining financial property etc. He is the link between police organization and people's representatives at the district level. He maintains cordial and friendly relations with people.

In the district where important urban centres are located, he has responsibilities of regulating traffic and receiving VIPs. Thus, the SP occupies a pivotal and a powerful position not only in the district police organization but also in the District Administration itself. The Additional Superintendent of Police assists him. The later helps him in his day-today general administration. Deputy Superintendents of Police, Circle Inspectors of Police, Sub Inspectors of Police, and Head Constables and Police Constables assist him in the enticement of law and order at various levels. To assist him in undertaking his functions professionals and technical units are also placed at his disposal.

The organization at the district level broadly consists of two wings namely the District Police Office (DPO) and the Field Organization. The general administration of the entire police in the district is carried by the DPO. It works under the SP or ASP, who is in-charge of the office administration and also exercises general control and supervision. The office administration is carried out by several sections like crime and statistics, crime bureau, audit and accounts, equipment, and stores, etc. The DPO can be considered as the secretariat of the police and the nerve centre of the Police Administration in the district.

Generally, the accommodation and facilities at the DPO are not adequate. One finds ill-equipped and overstaffed office; insufficient accommodation; and inadequate lighting and ventilation in these offices. To provide special assistance to the police, a number of field units function at the district level. The district armed reserve, the home

guards, the women police, crime bureau, special branch finger print unit, dog squad, transport unit are some of the field units supporting the district Police Administration

2.8.1 SUB-DIVISION

For operational convenience, the district police organization is divided into a number of sub-divisions. Police sub-division is a unit where police work is coordinated and controlled. It is an intermediary link between police circles, Police Stations, and the district police office. The police sub-division is under the charge of a Deputy Superintendent of Police or Additional Superintendent of Police. They are generally called Sub-Divisional Police Officers. The main work of the sub-division is to look into law-and-order matters, and discipline among the police force and other related matters at the sub-divisional level.

A number of reports and registers relating to crime, security and other administrative aspects are maintained in the Sub-divisional office. The Sub-Divisional Officers are responsible primarily for the maintenance of law and order and crime control; collection and communication of intelligence; submission of periodic reports to the Superintendent of Police, Inspection of Police Stations and Circle Offices. They also have an important public relations role to perform. They act as a link between the Superintendent of Police and the Sub-Inspectors and Inspectors.

2.8.2 CIRCLES

Sub-Divisions are further divided into police circles, which is a link between Police Stations and subdivision. This is the third tier in the district police organization. Sometimes, the police circles are coterminous with taluka; sometimes with blocks; and sometimes they may not be in conformity with either of them. As there are no rules governing the formation of police circles, they vary size from State to State and even in the State from circle to circle. The number of Police Stations in each police circle is determined on the basis of crime, population, area, topography, etc. Each circle may have 3 to 10 Police Stations. The Circle office facilitates smooth administration at the field level.

Inspector of Police is the Head of police circle. He is responsible for the maintenance of law and order, and control of crime. He has to promote discipline among the policemen. He guides, advises, and supervises the work of Police Stations and the men working there. He also investigates grave crimes with the assistance of supporting staff. As

is the case with the divisional office, several registers and records are maintained at the circle level. They include communication register, case diary, circle information book, annual review of crime, crime charts, criminal intelligence file, etc.

The Police Station is the lowest tier in the police organization. It is here that the actual work of the police is undertaken. It is the basic and primary unit, which is responsible for the maintenance of Law and order, prevention and control of crime and protection of life and property of the community.

2.8.3   HEAD CONSTABLE

Head Constables are mainly employed to be in charge of general duty in police stations, as station writer, as officer in charge of outpost and guards, armed reserves, in charge of beat areas in rural and town police stations. He acts as SHO in the absence of Sub-Inspector and Asst. Sub-Inspector. He is authorized to hold inquests and make investigation when asked by the Sub Inspector to do so. He will work with Constables and help them to understand instructions, catechism and drill and help them, to perform duties allotted by SHO. He will be in charge of guard or escort when deputed.

He will visit villages in the station jurisdiction when deputed for a specific purpose and will work as HC in charge of a particular beat area. He will attend to court work under the orders of SHO, and will investigate cases when deputed by the SHO and to assist the IO in investigation. He will conduct enquiries into petty complaints and will take care of arrested persons kept in police station. He will take care of reception and proper behaviour with the persons coming to police station and to attend telephone calls. He will remain present in the police station in the absence of Sub-Inspector unless called away in an emergency

2.8.4   CONSTABLES

A Constable has maximum interface with public. As the most accessible person for public, he is expected to protect the needy, rescue people from danger, apprehend offenders and assist in securing prompt help and justice. Some of the important roles assigned to him are organizing and securing community participation, activating him in prevention and detection of crime and maintenance of law and order. Another main role of the Constable is, performance of all tasks connected with beat area and thereby help in prevention of offence and breach of peace.

The constable on traffic duty has the task of regulating traffic. All constables in their dealings with public should inspire confidence in the efficacy of police to protect them. The police image is directly proportionate to their good conduct and behaviour in the public as they are the persons who are basically and directly in touch with them. At all costs they must avoid ill treatment either to the victims or to the accused as a first step to build the better police image.

LET US SUM UP

When the East India Company established its control over Bengal, after acquiring the Diwani rights in 1765, the Mughal police system prevailed. The new police system under the Drogas was an alien element in the countryside and it was not entirely independent of the powerful local-landed magnates. Military police were eliminated and the civilian police were organized on a provincial basis. The inspector generals were answerable to the provincial governments and the district superintendents to the collector. The entire police organization was placed under the control of the civilian authorities, and for a long time, the positions of the inspector general were filled by civil servants.

CHECK YOUR PROGRESS

1. The village policing was under the control of the _____ who paid and controlled the watchmen.
2. The Dargo system was formally abolished in_____.
3. Thiruvalluvar also gives _____ kurals under the adhikaram "Ortradal". It gives a brief description of how a spy should be and qualities and functions of spies.

GLOSSARY

Civilian authorities : The practical implementation of a state on behalf of its citizens.

Provinces : A principal administrative division of a country or empire.

Subservient : Obey others unquestioningly.

ANSWERS TO CHECK YOUR PROGRESS

1. Zamindars
2. 10
3. 1812

MODEL QUESTIONS

1. Discuss the role and functions of police.
2. Describe its organizational structure at various levels.
3. Explain the critical issues in police Administration.

SUGGESTED READINGS

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Block II

POLICE ORGANISATION

UNIT- 3

CENTRAL POLICE SYSTEM - ARMED - UNARMED AND AUXILIARY IN POLICE ADMINISTRATION

STRUCTURE

OVERVIEW

Central police forces can assist a state's police force if requested by a state government. During the 1975-77 Emergency, the constitution was amended on 1 February 1976 to permit the central government to deploy its armed police forces without state permission. The Ministry of Home affairs is responsible for many functions and is highly heterogeneous in nature-personnel matters, internal law and order including political matters, jails, police, explosives, petroleum, education, public health, hospitals, municipalities and local boards, etc. The Central Government as well as the State Government are in charge of the functioning of the police. They man the various organizations which are indirectly associated with the maintenance of law and order, detection and prevention of crimes.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Study the role of the Ministry of Home Affairs.

➢ Understand the functions of the Central Police organizations and forces.

➢ Discuss the armed and the unarmed in the Central Police System.

➢ Learn the Auxiliary in Police Administration

3.1   INTRODUCTION

The central agencies are controlled by the central government. Most federal law-enforcement agencies are under the Ministry of Home Affairs. The head of each agency is an IPS officer. The constitution assigns responsibility for maintaining law and order to the states and territories, and almost all routine policing including the apprehension of criminals is done by state-level police forces. The constitution also permits the central government to participate in police operations and organization by authorizing the creation of the Indian Police Service.

Central police forces can assist a state's police force if requested by a state government. During the 1975-77 Emergency, the constitution was amended on 1 February 1976 to permit the central government to deploy its armed police forces without state permission. The amendment was unpopular, and use of the central police forces was controversial. After the Emergency was lifted, the constitution was again amended in December 1978 to restore the status quo.

3.2   MINISTRY OF HOME AFFAIRS

The Ministry of Home Affairs traces its origin to 1843 when the Secretariat of the 'Supreme Government' was separated from that of the Government of Bengal. Known as the Home Department, it had a secretary and was organized into six branches:

1.   General Branch

2.   Revenue Branch

3.   Marine Branch

4.   Judicial Branch

5.   Legislative Branch

6.   Ecclesiastical Branch

It was deliberately conceived to be a residuary legatee in the Government of India that did not belong to any other department inhered in the Home department.

They were responsible for many functions and were highly heterogeneous nature-personnel matters, internal law and order including political matters, jails, police, explosives, petroleum, education, public health, hospitals, municipalities and local boards, etc. As subjects grew in importance, new departments began to be formed and these subjects were hived off from the Home department. The first subject to be transferred from the Home department was public works. This occurred in 1855 when a separate Public works department was created in the Government of India.

The Ministry of Home Affairs is of key importance in India. It is the nodal ministry for law and orders which under the Constitution of India, is a State subject and constitutes the direct responsibility of State Governments. As the primary responsibility for law and order lies with the States, the Ministry of Home Affairs acts as an advisory and coordinating agency. It receives a stream of information from all over the country, puts it together and advises the various State Governments from time to time on various developments of all-India interest in problems of security.

The Ministry of Home Affairs keeps a continuous watch on the law and order situation of the country and notes the trends and developments affecting the law and order in its various parts. However, in the case of the Union territories this ministry is directly responsible for law and order. The Ministry also keeps a watch on the communal situation in the

country. Agitations by industrial workers and students are also its concern. It looks after matters relating to foreigners and foreign citizenships, wherein civil defence also falls within its purview. It is responsible for census-taking in the country as well as holding of elections to State and Central legislatures. Centre-State relations are subjects of deep concern to the country and are dealt with by the Home Ministry. It watches the relations between the Centre and the States and is responsible for the introduction of President's rule in the States.

The Ministry administers the Indian Police Service and is its cadre controlling authority. The Ministry also administers the several paramilitary forces such as the Indo- Tibetan Border Police, the Border Security Police, the Central Industrial Security Force, the Assam Rifles and the Central Reserve Police Force.

3.2.1 VARIOUS DEPARTMENTS OF THE MINISTRY OF HOME AFFAIRS

The Ministry of Home Affairs was responsible for regulating all matters of general applicability to all the services and for the maintenance of common standards of recruitment, discipline and conditions of service generally.

Department Of Border Management: Department of Border Management, dealing with the management of borders, including coastal borders, strengthening of border guarding and creation of related infrastructure, border areas development, etc

Department Of Internal Security: Department of Internal Security, dealing with the Indian Police Service, Central Police Forces, internal security and law & order, insurgency, terrorism, Naxalism, activities of inimical foreign agencies, terrorist financing, rehabilitation, grant of visa and other immigration matters, security clearances," Protection of Human Rights Act and also matters relating to National integration and Communal Harmony and Ayodhya", etc

Department Of Jammu, Kashmir and Ladakh Affairs: This Department deals with the UTs of Jammu, Kashmir & Ladakh, administration of the Armed Forces(J&K) Special Powers Act,1990 (21 of 1990) and all matters relating to the UTs of Jammu, Kashmir & Ladakh, including Counter-terrorism within Jammu and Kashmir and coordination in respect of subjects/matters specifically allotted to any other Ministry/Department like coordination with Ministry of Defence as regards manning and managing the line of control between India and Pakistan, but excluding those with which the Ministry of External Affairs

is concerned. The Department also coordinates with various Ministries/Departments, primarily concerned with development and welfare activities in Jammu, Kashmir & Ladakh.

Department Of Home: Dealing with the notification of assumption of office by the President and Vice-President, notification of appointment/resignation of the Prime Minister, Ministers, Governors, nomination to Rajya Sabha/Lok Sabha, Census of the population, registration of births and deaths, etc

Department Of Official Language: Dealing with the implementation of the provisions of the Constitution relating to official languages and the provisions of the Official Languages Act, 1963.

Department Of States: Dealing with Centre-State relations, Inter-State relations, administration of Union Territories, Freedom Fighters' pension, Human rights, Prison Reforms, Police Reforms, etc.

The Department of Internal Security, Department of States, Department of Home, Department of Jammu and Kashmir Affairs and Department of Border Management do not function in watertight compartments. They all function under the Union Home Secretary and are inter-linked. There is a designated Secretary for Department of Border Management and Internal Security also.

3.2.2 CONSTITUTIONAL MANDATE

The annual report of the ministry notes that while 'public order' and 'police are in the State list of the seventh schedule of the constitution, Art 355, entrusts the Union Government with the over-riding task of protecting the states against external aggression and internal disturbance, and of ensuring that governance in every state is carried on in accordance with the constitutional provisions.

The role of the Government of India in the arena of 'public order' must be inferred from the entire scheme of the Constitution of India. Guidance and coordination from the Union Government becomes necessary to maintain law and order at the state level. Specific provisions in List I of the seventh schedule of the Constitution allow the Central Government to maintain specific police institutions and render assistance to the states. The Centre is to maintain armed forces, Central Bureau of Investigation (CBI) and the Intelligence Bureau (IB), training institutions, institutions for scientific and technical assistance for investigation and detection of crime and the All India Services. Under these provisions, the Centre has created and maintained numerous organizations , bodies and institutions.

Further the Central Government has at its disposal considerable financial resources to assist the states in police matters. The Seventh schedule also provides to states, guarding borders and the maintenance of CPFs. The Union List also includes the subjects of training of police officers, scientific and technical assistance to states in the investigation and detection of crime, and the extension of powers and jurisdiction of members of the police forces of any state to any other area outside the state.

The Central Government also has a responsibility for coordination among states in investigation by the CBI and ion intelligence operations. The Bureau of Police Research and Development (BPR & D), a central agency attached to the Home Ministry, coordinates the training and modernization of police forces. The bureau undertakes research into police problems and promotes science and technology. The Intelligence Bureau and attached office of the Ministry of Home Affairs, is in charge of secret and political intelligence and provides the ministry with regular law and order updates and political analysis on the situation in different parts of the country.

3.2.3 ACTIVITIES OF THE MINISTRY

Apart from 'internal security, the ministry deals with matters relating to centre-state relations;   central police organizations (CPOs), including the Intelligence Bureau, Human Rights, National Integration, Communal   Harmony, Policy Planning and Intelligence Evaluation, Security Policies in the northeast and the Indian Police Service. The subjects are divided among 21 functional divisions. The Union Home Minister is assisted by two ministers of the state, home secretary, two special secretaries and an array of joint secretaries, directors and other staff.

Apart from being the nodal agency for law and order management and for policy formulation on socio- political violence the Ministry is the 'cadre controlling' authority of the powerful All India Service, the IPS. It is responsible for all policy decisions related to the service, including recruitment, training, cadre structure, allocation of cadre to officers, confirmation in the service, pay and allowances, postings on central deputation and disciplinary matters. The Sardar Vallabhai Patel National Police Academy under the ministry conducts training programmes for IPS officers at various levels. Further, the union home ministry exercise ultimate control over the postings, promotion and transfer of the officers of the Indian Police Service.

The Policy Planning Division, earlier known as the Research and Policy Division is currently restricted to 'matters relating to policy formulation in respect of counter terrorism, international covenants, bilateral assistance treaties and related items of work. 'Emerging concerns' include human rights and the criminal justice system. 'Centre-State relations' include the crime scenario, National Crime Records Bureau and the modernization of state police forces. 'Other concerns' include the communal situation, the comprehensive law on communal violence and the National Integration Council.

3.3 CENTRAL POLICE ORGANISATIONS (CPOS)

Central Police Organisations under the MHA are classified under three heads: law and order and security forces; criminal investigation and intelligence agencies; and agencies for communication, training, research and scientific support. The Central Police Forces (CPFs) fall under the first category; Central Bureau of Investigation (CBI), Intelligence Bureau (IB), Narcotics Control Bureau (NCB), ad Serious Frauds Investigation Office (SFIO) fall under the second; and National Police Academy (NPA), Bureau of Police Research and Development (BPR&D), National Crimes Records Bureau (NCRB), Directorate of Forensic Sciences and others fall under the third.

The National Police Commission specified the police functions of the Union Home Ministry as recruitment and management of the Indian Police Service (IPS) which provides top personnel for police administration at the central, state and district levels; administration and control of the IB and the CBI; police assistance to states against internal subversion and external aggression; maintenance of the Directorate of Coordination of Police Wireless (DCPW) for use by the state and Central Governments; the National Crime Records Bureau (NCRB); the Bureau of Police Research and Development (BPR&D), Central Forensic Science Laboratories and Central Detective Training Schools; a uniform criminal justice system; coordination of activities of various state and central police agencies including conferences of senior police functionaries; and financial assistance to states for police modernization and other similar purposes.

Other organizations are the 'Central Police Organisations' (CPOs). The Coast Guard looking after the security of coastal areas is under the Ministry of Defence and Serious Fraud Investigation Office (SFIO) is under the Ministry of Company Affairs also considered CPOs, though they do not function under the Union Home Ministry.

As the nationalist movement widened, the British found it necessary to make centralized arrangements for certain aspects of police work such as collection of political intelligence, investigation of cases and for the management of public order. This led to the creation of institutions such as the CBI and the IB and the Crown Representative Police (CRP) and Assam Rifles.

3.4 CENTRAL POLICE FORCES

There are seven Central Police Forces under MHA. They are Assam Rifles, Border Security Force, Central Industrial Security Force, Central Reserve Police Force, Indo- Tibetan Border Police, National Security Guard, and Sashastra Seema Bal , also known as Special Service Bureau. CRPF is the main force to assist the states in matters relating to law and order and internal security management. The Rapid Action Force (RAF) is a specialized wing of the CRPF, which deals with the riots. The AR performs the dual role of managing the Indo-Myanmar border and counter insurgency operations in the north eastern states. The operational control of AR is with the Indian Army.

The BSF, the ITBP and the SSB are regarded as Border Guarding Forces assigned to manage international borders with Pakistan and Bangladesh and also the Line of Actual Control with China and the border with Nepal and Bhutan. The CISF provides security to vital central installations, public sector undertakings, airports, industries, museums, government buildings and so on. Its charter has been expanded to provide security cover to VIPs. NSG is a specialized force for counter terrorism and anti- hijacking operations. It also looks after the security of high risk VIPs.

3.4.1 THE CENTRAL RESERVE POLICE FORCE (CRPF)

The CRPF is the main force which assists the state governments in matters of law and order and internal security management. Initially raised as Crown Representative Police, the force was rechristened as Central Reserve Police Force (CRPF) after independence. With 191 battalions, 35 group centres, 12 training institutions, three base hospitals, it has become the largest central paramilitary force. The force is presently handling a wide range of duties covering law and order, counter insurgency, anti-militancy and anti-terrorism operations. The CRPF personnel also perform guard duties at some vital installations and buildings including various shrines.

The 42nd constitutional amendment authorized the central government to deploy any armed forces of the Union to deal with grave situations of law and order in the states. In such situations, they would work under the directions of the Government of India and not be subject to the control of the state governments.

3.4.2 ASSAM RIFLES

Initially raised as Cachar Levy in 1835, AR is the 'oldest police force' in the country with its headquarters at Shillong. It has 46 battalions, one training school and centre, three maintenance groups and three workshops and other units. The force has a dual role of maintaining internal security in the north-eastern region and guarding the Indo-Myanmar border.

3.4.3 BORDER SECURITY FORCE

The BSF was established in 1965 with 25 battalions in order to avoid multiplicity of forces guarding the Indian borders. Its operational responsibility is spread over the international border with Pakistan and Bangladesh. It is also deployed on the Line of Control (LOC) in Jammu and Kashmir under the operational control of the army.

3.4.4 CENTRAL INDUSTRIAL SECURITY FORCE

CISF is providing security cover to 301 undertakings and fire protection cover to VIPs and to extend technical consultancy services. The Central Industrial Security Force's (CISF) primary task is to provide industrial security. It guards industrial installations nationwide which are owned by the central government, secures seaports and airports, and provides security for certain non-governmental organizations. The CISF provides security for nuclear-power plants, space installations, mints, oil fields and refineries, heavy-engineering and steel plants, barrages, fertilizer units, hydroelectric and thermal power stations, and other installations partially (or wholly) run by the government.

3.4.5 INDO-TIBETAN BORDER POLICE (ITBP)

It was established in 1962 in the wake of India-China conflict. At present there are 25 battalions assisted by four specialized battalions.

3.4.6 SASHASTRA SEEMA BAL (SPECIAL SERVICE BUREAU)

This was set up in 1963 in the wake of Indo-China conflict to build people's morale and spirit of resistance against threat of subversion, infiltration and sabotage from across the border. It has also been given the duties along the Indo-Nepal and Indo- Bhutan borders.

3.4.7   NATIONAL SECURITY GUARD (NSG)

This was set up in 1984 on the pattern of SAS in the United Kingdom. It is a task oriented force with two complementary elements of special action groups and special rangers group. NSG personnel are trained to take high risk to counter hijacking and to counter terrorist operations.

3.5   INDIA RESERVE BATTALIONS

IR battalion scheme has been devised to meet the increasing demands from the states for deployment of Central Police Forces on law and order duties. The Government of India has the authority to ask the state governments to make IR battalions available for deployment elsewhere. The Central Paramilitary Forces have also been in increasing demand for security duties during parliamentary and state assembly elections. The Central Paramilitary Forces and the Intelligence Bureau are the key Central Police Organisations which play a critical role in public order management throughout the country on a day to day basis.

The Union List also includes the subjects of training of police officers, scientific and technical assistance to states in the investigation and detection of crime. The Ministry has a number of organizations under its administrative control, the principal ones being the following:

1.   Sardar Vallabhbhai Patel National Police Academy

2.   National Institute of Criminology and Forensic Science

3.   Bureau of Police Research and Development

4.   National Crime Records Bureau

5.   National Fire Service College

6.   North – Eastern Council

3.5.1   SARDAR   VALLABHBHAI   PATEL   NATIONAL   POLICE ACADEMY

The National Policy Academy named after the former Deputy Prime Minister of India Sardar Vallabhbhai Patel, is the premier police training institution in the country. The National Police Academy trains officers of the Indian Police Service. After selection, IPS officers are sent to the Sardar Vallabhbhai Patel National Police Academy, Hyderabad for professional training.

The training programmes conducted at the Academy are the basic course for IPS Officers; for officers of SP, DIG and IG levels of the Indian Police Service; training of trainers' courses for the trainers of various police training institutions in the country; IPS Induction Training

Course for State Police Service Officers promoted to the IPS and short specialized thematic courses, seminars and workshops on professional subjects for all levels of police officers.

An Academy Board headed by the Union Home Secretary and comprising of senior civil and police officers and eminent educationists as its members periodically review the syllabi and training methodology of various courses conducted in the academy.

3.5.2 NATIONAL INSTITUTE OF CRIMINOLOGY AND FORENSIC SCIENCE

The NICFS was originally set up as a Central Institute of Criminology and Forensic Science by the Government of India in 1973 as a part of the BPR&D. The need for such an institution was recommended by a sub-committee set up by the University Grants Commission in 1969. In 1976, it was separated from the BPR&D and given an independent status under the Ministry of Home Affairs. According to its charter, it has to act towards advancement of knowledge in the field of criminology and forensic, to organize in-service training courses for officers in the police, judiciary and correctional services and to act as a reference body in the field of criminology and forensic science for national as well as international institutions.

3.5.3 BUREAU OF POLICE RESEARCH AND DEVELOPMENT

The BPR&D was set up under the Ministry of Home Affairs in August 1970 to promote a systematic study of police problems in a rapidly changing society and to facilitate application of new developments in science and technology to police work. The BPR&D consists of four divisions:

i.   Research Division

ii.   Development Division

iii. Training Division

iv.   Forensic Science Division

3.5.4 NATIONAL CRIME RECORDS BUREAU

The charter of the NCRB includes the following:

- To function as a clearing-house of information on crime and criminals

- To store, coordinate and disseminate information on inter-state and international crime and criminals

- To collect, compile and publish crime statistics

- To develop and modernize the Crime Records Bureau in the states

- To develop computer based systems for police organizations and to cater to their data processing and training needs for computerization.

3.6   ARMED - UNARMED POLICE ADMINISTRATION

They can be armed and unarmed and they are able to use their weapon in case of a tense situation. In some countries, auxiliary police officers do not receive weapon, because they are supposed to be common people or volunteers who do not have the right to possess arm. Next, an auxiliary police officer does not receive money for his work. Nevertheless, some countries provide their officers with the financial reward for their duty. Special Police officers are able to make arrests if a crime occurs in their presence.

Moreover, they can make arrests if other officers inform them about the personality of a criminal. In simple words, auxiliary police are a reserve of the regular police, but their responsibilities and powers are limited. Most often, such police officers increase the quality of the regular police. Although they are not always armed, they make an impression of omnipresence of the police. Criminals are afraid of committing a crime, because they know that a police officer is always nearby.

When we speak about the USA, the powers of the auxiliary police officers differ from state to state. For example, in Illinois, they have the same duties and responsibilities as the regular police officers. In New York, these officers are unpaid and unarmed. Consequently, their production is not very high. They move with the help of bicycles or police cars and make an impression of the omnipresence of the police.

In Virginia, Special Police officers provide people with security at various local events. In New Jersey, their role is to assist the regular officers and patrol the streets. In some countries, like South Korea, auxiliary police consist of the young men, who decide to serve in the police instead of the army. There is the obligatory military duty is the country, therefore, young people have this choice. In other countries, like Mexico, Special Police officers fulfil the role of the security police who guard public buildings, stations, and airports.

3.7 AUXILIARY IN POLICE ADMINISTRATION

The phenomenon of auxiliary police is quite old. The UK, Germany and Spain introduced their own variants of Special Police in the first of the 20th century. Such countries as Nazi Germany and the USSR had their own types of auxiliary police, which were aimed at the maintenance of security in the streets of every settlement. Their additional task was to find any political opponents who tried to oppose the totalitarian regimes of both countries. It is interesting that the members of this police were common people and spies who tried to collect information about the surrounding people.

Doubtless, auxiliary police were the most dangerous forces of Nazi Germany and the USSR, because they spread fear and suspiciousness in the crowd. The auxiliary police officers are very helpful for the improvement of peace and security in the streets of every city. It is reasonable to involve volunteers and common people into the field of law enforcement. Although their duties and opportunities are limited, they are able to reduce the rates of crimes in their small native towns and big cities.

LET US SUM UP

This chapter elaborates the functions and role of the Ministry of Home Affairs. It is the nodal ministry for law and orders which under the Constitution of India, is a State subject and constitutes the direct responsibility of State Governments. Central Police Organisations under the MHA are classified under three heads: law and order and security forces; criminal investigation and intelligence agencies; and agencies for communication, training, research and scientific support. The Central Paramilitary Forces and the Intelligence Bureau are the key Central Police Organizations which play a critical role in public order management throughout the country on a day to day basis. The Union List also includes the subjects of training of police officers, scientific and technical assistance to states in the investigation and detection of crime.

CHECK YOUR PROGRESS

1. Armed and unarmed and they are able to use their weapon in case of a _____ situation.

2. The Central Reserve Police Force (CRPF) main objective is to assist states and _____ law-enforcement agencies in maintaining law and order and containing insurgency

3. Most federal law-enforcement agencies are under the _____.

GLOSSARY

Industrial Security Force	: Central armed police force, set up by an Act of Parliament.
Central Reserve Police Force	: Primary role lies in assisting the State/Union Territories in police operations
Auxiliary in Police Administration	: Refers to special police, usually the part-time reserves of a regular police force.
Bilateral	: Involving both the parties together or binding the two parties involved in an agreement
Modernisation	: The act of modernizing anything that which is useful for the people or the society or an organization or an institution.

ANSWERS TO CHECK YOUR PROGRESS

1. Tense
2. Union territories
3. Ministry of Home Affairs

MODEL QUESTIONS

1. Explain in detail the Central Armed Force units.
2. Differentiate the Duties of armed police and unarmed police.
3. Name the categories of the Central Police Forces.
4. Which Article in the Constitution mentions about protecting the state from external aggression?

SUGGESTED READINGS

1. Preeth Bharaa, (2019), *Doing Justice: A Prosecutor's Thoughts on Crime, Punishment, and the Rule of Law*

2. Ghanashyam Vaidhya, (2019), *General Practice A Practical Manual*, Bhalani Publishing House.

UNIT- 4

STATE POLICE SYSTEM - ROLE OF STATE HOME MINISTRY-SPECIAL POLICE STRUCTURE

STRUCTURE

Overview

Learning Objectives

4.1   Introduction

4.2   State Police System

4.3   Police - A State Subject

4.4   The Armed Police Battalion

4.5   State Police Formations

4.6   State Home Ministry

    4.6.1   Roles and Responsibilities of the State Governments

4.7   Special Police Structure

    4.7.1   Formation of CBI

    4.7.2   Functions of Special Police Establishment (SPE)

    4.7.3   Legal Powers and Jurisdiction in CBI Constitution

    4.7.4   CBI Relation with the Police Authorities

    4.7.5   Delhi Special Police Establishment Act

4. 8 Traffic Police

Let Us Sum Up

Check Your Progress

Glossary

Answers To Check Your Progress

Model Questions

Suggested Readings

OVERVIEW

Most preventive police work is carried out by constables assigned to police stations. Depending on the number of stations, a district may be subdivided and further divided into police circles to facilitate supervision by district headquarters. This chapter elaborates about the role of the police and the crime investigation. It highlights the features of the Commissionerate system and the importance of computerization and e-administration to a greater extent. It also helps in identifying the other specialized wings of the district police and their role in crime and order management.

LEARNING OBJECTIVES

After learning this Unit, You will be able to

➢ Understand the nature of State Police System, role and their functions.

➢ Learn about the various roles of State Home Ministry.

➢ Know the Special Police Structure and their presence in the society.

4.1 INTRODUCTION

Authority over a state police force is held by the state's home department, led by a chief or principal secretary (generally an Indian Administrative Service officer). Each state and union territory has a state police force (headed by a Director General of Police, who is an IPS officer), which is responsible for maintaining law and order in the state's townships and rural areas.

West Bengal, Kerala, Tamil Nadu and Maharashtra have taken steps to train their law enforcement personnel on modern policing norms. The Tamil Nadu Police Academy is seeking university status, and the Kerala Police is South Asia's first police force to adopt community policing.

The Police Act of 1861 established the principles of organization for police forces in India and, with minor modifications, continues in effect. Although state police forces are separate and may differ in quality of equipment and resources, their patterns of organization and operation are similar. The director (or inspector general) of police reports to the head of the home department of the state, generally an Indian Administrative Service officer at the rank of additional chief secretary or principal secretary to the state government.

Under the inspector general are police ranges composed of three to six districts, headed by deputy inspectors general. District police headquarters are commanded by superintendents of police (SP), who have discretionary powers and oversee subordinate police stations, criminal-investigation detachments, equipment storehouses and armoires, and traffic police.

Most preventive police work is carried out by constables assigned to police stations. Depending on the number of stations, a district may be subdivided and further divided into police circles to facilitate supervision by district headquarters. Most major metropolitan areas, such as Mumbai, Kolkata, and Chennai, have police Commissionerate's under the state police and headed by commissioners. Police in the states and union territories are assisted by units of volunteer Home Guards under guidelines formulated by the Ministry of Home Affairs.

In most states and territories, police forces are divided into civil (unarmed) police and armed contingents. Civil police staff police stations, conduct investigations, answer routine complaints, perform traffic duties, and patrol the streets. They usually carry lathis: bamboo staffs, weighted (or tipped) with iron.

4.2   STATE POLICE SYSTEM

The Constitution of India has distributed vide Article 245 and 255 the respective legislative power between the Union and the States. Parliament may make laws for the whole or any part of India. The Legislative Assembly may make laws for the whole or any part of the State. The subject matters on which the Union Parliament or the State Legislature can make laws are given in the Seventh schedule to the Constitution; the Union List under List I and the State List under List II. There is a List III, the Concurrent List enumerating the subject matters in which the Union or the State may make laws.

According to the Constitution, police are State subjects. States have exclusive power over their control and regulation. The Central Government according to the List of the Seventh Schedule may enter the police field only in connection with establishing and maintaining a "Central Bureau of Intelligence and Investigation". Public order and police comes under List II. Thus, police and maintenance of law and public order come under the State. Neither each State nor a Union territory has its own police. The Central Government however does exert a special form of direction over one part of these forces, the Indian Police Service; their regulation is a central subject. The I.P.S. officers are appointed in the senior positions in the States.

The central government determines the selection and conditions of service of I.P.S. officers. The I.P.S. functions under the immediate direction of state authorities. The States determine the selection and conditions of service for all lower ranks. The Central Government has also the power to amend some of the basic laws connected with police like the Indian Police Act, 1861; the Indian Penal Code, 1860; the code of Criminal Procedure, 1861; the Code of Civil Procedure 1859 as these and other matters like administration of justice, preventive detention and other allied subjects which impinged upon the daily functioning of the State Police as these come under List III, Concurrent List.

Thus, the Constitution creates a flexible situation in which the administration and organisation of police, though they generally come under the jurisdiction of the states, are simultaneously within the purview of the Central Government under special circumstances.

4.3   POLICE - A STATE SUBJECT

The police is a State subject and its organisation and working are governed by rules and regulations framed by the State Governments. These rules and regulations are outlined in the Police Manuals of the State Police, Circular Orders and Standing Orders of the Director General of Police. The State Government exercises superintendence over the Police Force in the state. The head of police in the state is the Director General of Police, who is responsible to the State Government for the administration and for all functioning of the State Police and for advising the government on police matters.

States are divided territorially into administrative units known as districts. An officer of the rank of Superintendent of Police (S.P.) heads the District Police Force. A group of districts form a Range, which is looked after by an officer of the rank of Deputy Inspector General of Police. Some states have Zones comprising two or more Ranges, under the charge of an officer of the rank of an Inspector General of Police (I.G.P.). Every District is divided into Sub-divisions and each Subdivision is under the charge of an officer of the rank of Additional Superintendent of Police (A.S.P.) or Deputy Superintendent of Police (D.S.P.).

Each Sub-division is again further divided into a number of Police Stations, the number depending on its area, population and volume of crime. In some of the states there are Police Circles consisting of a group of Police Stations. Circle headed usually by an Inspector of Police. A Subdivision may have one or more Police Circle. The Police Station is the basic unit of police administration in the district.

Under the Criminal Procedure Code, all crime has to be recorded at the Police Station and all preventive investigative and law and order work is done from there. A police station is divided into a number of Beats, which are assigned to constables for patrolling, surveillance, collection of intelligence and other police works. In larger Police Stations as in cities and metropolitan areas the officer in charge is an Inspector of Police or even a D.S.P., while in rural areas or smaller police stations the officer in charge is usually of the rank of Sub-Inspector of Police. The State Police is divided into the Armed and the Unarmed Police.

The Unarmed Police or the Civil Constabulary is uniformed but unarmed, although the personnel may carry a short baton. It is the police with which the public comes in contact daily. It investigates crimes, patrol streets, regulates traffic, looks for lost children and generally extends police assistance to the people whenever it is called upon to do so. The primary function civil police are to maintain law and order and deal with crime in all aspects like prevention, detection and investigation. Even prosecution was in the hands of the Police earlier in many places but now performed by a separate prosecution staff.

The Civil Police include mainly District Police forces, supervisory structures at the Range, Zone and State Police Headquarters and specialized branches to deal with crime, intelligence and training problems. The District Police force also has armed reserves, which are used mainly to meet the requirement of armed guards and escorts. They are occasionally also deployed to meet any emergency situation, before the state armed police arrive to handle it. The armed reserves are treated as part of the district civil police.

The Armed Police is normally organised into battalions more or less similar to the infantry. There may be one or more battalions in the State. They are quartered at various places in the cantonments established at various places in the state and is, thus, concentrated in a few points. It does not have daily contact with the public. It does not respond to calls of assistance from individuals but orders from superior officers, which are issued when a situation involving public interest has arisen. It usually acts as a group and its personnel hardly exercise any individual discretion. The Armed Police battalions are divided into companies. Generally there are six service companies in a battalion. A company is further subdivided into platoons and platoons into sections. Ordinarily, three sections constitute a platoon and three platoons in a company.

The rank structure of an Armed Police battalion is different from the Civil Police. The head of a battalion is the rank of a Superintendent of Police called the Commanding Officer or Commandant. He has a second in command, called Deputy Commandant. An officer known as Assistant Commandant, commands a company assisted by an Inspector. In some cases an Inspector may command a company. A Sub-inspector commands a platoon and a section is in charge of a Head Constable.

4.4   THE ARMED POLICE BATTALION

The Armed Police battalion is the State reserved armed force. When a situation arises within the State to such a scale that the Civil Police cannot control or when it is likely to spread with wide repercussions the State Armed Police is called to deal with the situation under the control of the Civil Police officers. It may also serve as guards for jails, escort of prisoners, important officials and government buildings usually during emergencies. The State VIPs are normally under their protection. They also perform counter-insurgency duties and even hunting down dangerous criminals. In all these operations they are under the control of the S.P. of the district, D.I.G. etc.

There is also the Criminal Investigation Departments (C.I.D.) which are a specialized branches of the police force. They have two main components - the Crime Branch and the Special Branch. The Officer in Charge of the C.I.D. generally supervises the work of both branches. Now all the states have practically separated the two and separate officer in charge of the Special Branch. The C.I.D. is the most important investigation agency of the State Police. It investigates certain specialised crimes like counterfeiting of currency, professional cheating, activities of criminal gangs, crimes with inter-district or inter-state ramifications, and cases which are for one reason or another especially important.

The Special Branch on the other hand, collects, collates and disseminates intelligence in respect of all political matters and other which are of interest to the public or to the state including security matters, subversive activities of persons, parties and organisations and keep all concerned informed. It is the eyes and ears of the Police and the State Government. The Officer in Charge of the State Special Branch directly reports to the Government with information to the D.G.P. He may directly brief the Home Minister and the Chief Minister. This Branch has, of late become very important in view of increasingly complex political situations in the country.

The head of this Branch is responsible for maintaining cooperation with other intelligence agencies operating in the State. The bulk of police duties are done by the District Police, armed and unarmed, and by the Armed Battalions but there are auxiliary police units also to assist the regular police for specific works or areas. This auxiliary force consist of: The Railway Police or Government Railway Police (G.R.P.) is a branch of the State Police and is administered by an officer of the rank of Additional Director General of Police or Inspector General of Police or others depending on the size of the force. The aim of this force is to prevent and investigate crime committed on railways or within the railway yards and railway stations.

The G.R.P. should not be confused with the Railway Protection Force which is directed and administered by the Railways. In some States there is rural or village police. It is an auxiliary group of the state police. Its personnel are essentially watchmen, responsible for patrolling the village at night and notifying criminal acts, suspicious activities and public unrest to the nearest police authority. They also have the duty to maintain the register of births and deaths in the village and to help in the collection of revenue. The village watchman is paid a paltry sum as salary by the state government. There may also be other auxiliary group of the State Police consisting of various volunteer police organisations. The most important of these are the Home Guards and the Village Volunteer Force which may also know as the Village Defence Party or Village Resistance Group.

The Home Guard was originally raised in 1946 in accordance with the Home Guards Act and Rules of States/Union Territories, under the Ministry of Home Affairs. The Home Guard was reorganised in 1962 after the external aggression by China. The Home Guards are members of the public holding permanent or temporary jobs outside the police organisation and are subject to mobilisation by the State Government in times of local emergency. The nature of organisation of the Home guards may differ in States. They are trained to do auxiliary police work and to become nucleus of emergency aid units. The Home Guards get training at the time of recruitment and periodic refresher courses thereafter. They are paid according to the time put in training and on duty; besides they are supplied with free uniforms and are given travelling allowance while on duty. The Village Defence Party or Village Resistance Group is a small body or locally recruited men, who are given elementary instructions in village defence, trained in drill, and encouraged to take upon themselves the responsibility for the security of the area in which they reside.

The Police organisation in every state is manned by officers selected by the Union Public Service Commission as well as State Public Service Commission. The senior supervising officers like the Director General of Police, Inspector General of Police, Deputy Inspector General of Police, Superintendents of Police and Assistant Superintendents of Police belong to the Indian Police Service (I.P.S.). The I.P.S. officers are recruited as Assistant Superintendents of Police and may attain the highest rank of Director General of Police. The other senior supervising officer, the Deputy Superintendent of Police, belongs to the state cadre and is selected by the State Public Service Commission.

These days it is common in most States to appoint senior State Police Service officers to the rank of Superintendent of Police and posting them to some of such posts. Individual State Police officers are ultimately promoted to I.P.S. depending on efficiency and seniority. The recruitment to the Indian Police Service is done through a written and an oral examination along with other All India and Central Service officers. After selection candidates are allotted to different Services. After their recruitment to the Indian Police Service, the probationers undergo the following training courses: Foundational Course at the Lal Bahadur Shastri National Academy of Administration, Mussoorie; the Civil Defence Course at the National Civil Defence College, Nagpur; and the Indian Police Probationers Course at the Sadar Vallabhai Patel National Academy, Hyderabad. After passing out of the National Police Academy, the probationers are attached to an army unit for a fortnight.

Thereafter, they go back to their respective states where they receive one year practical training in the districts and in the state police training institutions. After completing their training, an I.P.S. officer is normally posted in a district as Assistant Superintendent of Police in charge of a sub-division. Below the I.P.S. officers are the officers of the State Police Service who are directly recruited by the State Civil Service Commission to the rank of D.S.P. and he is the highest ranking officer amongst the non-I.P.S. officers. These officers may be promoted to the ranks of Additional Superintendent of Police or even to that of S.P. and later to I.P.S. Below them are Inspector, Sub - Inspector, Assistant Sub-inspector, Head Constable and Constable. The Inspector is appointed through promotion from amongst the Sub - Inspectors. They may also be promoted as D.S.P. and appointed to the State Police Service. Sub-Inspectors or Assistant Sub-Inspectors are usually recruited in larger States by a Special Police Committees while in other States Police Headquarters may make the selection.

The Head Constable is promoted from amongst the constables. For recruitment to constables, the candidate has to between certain ages; fulfill certain minimum prescribed physical standards in respect of height and chest measurement. The standard of literacy required is normally matriculation but it may vary from state to state. Constables receive training in police work for a period of six to nine months and are generally posted in their home districts, but never, or very rarely, in their homes Police Circles or Stations. Thus, the Indian police have a two-tier structure, some top officers of the state police belong to the I.P.S. and the subordinate officers and men, who form the bulk of the state police, are appointed by the state governments. In addition, the Central Government maintains its own police forces which can be used in the states or on the borders as when emergency arises.

4.5   STATE POLICE FORMATIONS

State Police Organizations in India are structurally organized into various formations. The structural formation of any State Police should be the following as Police Headquarter, Police Zones, Police Divisions, Police Districts, Police Sub-division/Circles, Police Stations and Police Outposts.

Police Headquarter, popularly known as PHQ, is an apex organization of any state police force. PHQ is a large establishment divided into various wings/branches/sections/units. A senior officer, who is of the rank of additional D.G./ I.G. /D.I.G.P heads each of such unit.

Each wing/branch/section of the PHQ should have adequate number of officers and men with requisite resources for smooth and effective functioning and for an efficient discharged of the various functions assigned to the specific unit. For the overall direction and supervision of the police force, the State Government shall appoint a Director General of police, who shall exercise such power, performs such functions and duties, and have such responsibility and such authority as may be prescribed.

The Director General of Police shall be the Chief of the PHQ and shall have the senior most position in the hierarchy of the Police Force of the State and no other officer senior or equivalent in rank to the incumbent Director General of Police shall be posted to any position within the police organization to ensure that the unity of command is maintained at all times. However, there will be no restriction on appointment of an officer of the rank of Director General outside the State Police organization / force.

The State Government may appoint one or more Additional Directors General and as many Inspectors General, Deputy and Assistant Inspectors Generals as necessary for the proper, effective and efficient functioning of the PHQ and the police department. The State Government may, by a general or special order and in consultation with the Director General of Police, direct in what manner and to what extent the Additional Directors General or an Inspectors General or Deputy or Assistant Inspectors General shall assist and aid the Director General of Police in the performance, exercise and discharge of his function, powers, duties and responsibilities.

Police Headquarter, being an apex, high powered and an important level of any police organization is assigned numerous functions, powers, duties and responsibilities. In order to discharge all these jobs efficiently and smoothly every police headquarter is divided into various units, branches, wings, sections and departments. Police Headquarters of various States have the following wings / branches / sections / as per their needs, demands and functional requirements. An officer of the rank of Additional Director General / Inspector General or Deputy Inspector General of Police heads each of such unit.

Establishment and Administration Branch	Crime Branch / C.I.D.
Headquarter Branch	Special/ Intelligence/Security Branch
Personnel Branch	Technical Services Branch
Reorganization, Modernization, Rules and Regulation Branch	Traffic Branch
Planning, Welfare and Housing Branch	Police Training and Research Wing
Law and Order Branch	Provisioning, Logistics and Stores
Armed forces Branch	Legal and Prosecution Wing
Vigilance Branch	Budget and Finance Branch
Police Transport Organization	Government Railway Police
Police Communication and Computer Organization	State Crime Record Bureau

4.5.1 STRUCTURE, FUNCTION AND POWERS OF THE HEADQUARTER BRANCHES / UNITS

Each branch/wing and section of the Police Headquarter should have an adequate structure and sufficient manpower and equipment according to the functional needs and duties assigned to it. The officers of various ranks should be adequately empowered for an effective and efficient execution of the various tasks assigned to the respective branch/wing. Manpower planning should be done in a judicious manner and adequate number of officers and men from all ranks and cadres should be included in the sanctioned strength of each wing/branch of the PHQ.

Functions, duties, powers and responsibilities of each functionary should be specifically spelt out and efforts must be made to ensure that adequate decentralization of powers and functions exists for an effective, efficient and timely disposal of work. Important and significant administrative and management parameters like supervision; command, control, coordination, reward, punishment and motivation should also be clearly spelt out to remove all type of functional and operational confusion and uncertainty. Each of the above units may have the requisite well-stratified and well-articulated structure, sanctioned strength, powers, functions and duties according to the policing requirements of each State.

4.6 STATE HOME MINISTRY

In the Constitution of India, which is a sovereign socialist secular democratic republic, the country has three levels of governments: the Central, the States and the Union Territories, besides the third level of governments, comprising the panchayats in rural areas and municipalities in urban areas. In India, the state governments are the level of government below the central government. Each state of the country is governed by the state government. There are 29 state governments in our country, each of which is headed by the governor and the chief minister. The CM also heads the council of ministers.

4.6.1 ROLES AND RESPONSIBILITIES OF THE STATE GOVERNMENTS

State governments have separate departments for proper functioning of the state. States have jurisdiction over education, agriculture, public health, sanitation, hospitals and dispensaries and many other departments.

- Internal security: The state governments have to maintain the internal security, law, and order in the state. Internal security is managed through state police.

- Public order: States have jurisdiction over police and public order

- Education: Providing a public education system, maintaining school buildings and colleges, employment of teachers, providing help to under privileged students all come under the education department of the state.

- Agriculture: The state governments have to provide support for farmers, funds for best farming practices, disease prevention and aid during disasters such as floods or droughts.

- Finances: State legislature handles the financial powers of the state, which include authorisation of all expenditure, taxation and borrowing by the state government. It has the power to originate money bills. It has control over taxes on entertainment and wealth, and sales tax.

- Reservation of bills: The state governor may reserve any bill for the consideration of the President.

- Transport: State government runs the rains, trams, bus and ferry services and other public transportation in the cities and towns of the States.

- Water supply: Water supply to cities and towns for drinking, including irrigation for farmers, is the responsibility of the State governments.

- Budget: State governments make budget for state.

- Allocation of funds: It has the power to give funds to all its organizations like Zila Parishad, corporation, and other departments

4.7   SPECIAL POLICE STRUCTURE

Special police usually describes a police force or unit within a police force whose duties and responsibilities are significantly different from other forces in the same country or from other police in the same force, although there is no consistent international definition. Every special police-officer so appointed shall have the same powers, privileges and protection, and shall be liable to perform the same duties and shall be amenable to the same penalties, and be subordinate to the same authorities, as the ordinary officers of police.

4.7.1 FORMATION OF CBI

The CBI (Central Bureau of Investigation) was first conceived in 1941 as the Special Police Establishment by the Government of India in accordance with CBI Constitution. The basic purpose for the establishment of this institution was the realization that the massive expenditures incurred by the government on the war had created a situation which allowed both officials and non-official persons to profit from, at the cost of the Indian government and the economy.

The inadequacy of the police to deal with such problems was apparent, since these bodies, functioning under the government, were unable to properly investigate cases involving government officials. Thus, these circumstances warranted the setting up of a new and separate organization which would focus only on the cases of bribery and corruption (which were plaguing the country) which led to CBI Constitution. Since CBI Constitution, the Delhi Special Police Establishment was converted into one of the branches of the CBI and came to be known as 'Investigation and Anti-Corruption' division.

The DSPE, at that time, had over 14 branches across the country, each headed by a Superintendent of Police. There were also two other branches called the Central Investigating Agency (CIA) and the Fraud Squad. Though both of these branches had its offices in Delhi, their jurisdiction stretched all across the territory of our country.

The Central Investigating Agency was in charge of collecting critical information about cases of bribery and corruption. This squad was generally called in for intricate cases which involved complexities that required specialized knowledge and skill.

4.7.2 FUNCTIONS OF SPECIAL POLICE ESTABLISHMENT (SPE)

The main aim and functions of the S.P.E., at the time of its conception, were to investigate such cases of bribery and corruption in transactions with the War and Supply Department of the Government of India. However, later on, the activities of the S.P.E. were extended to include within its ambit the cases of railways as well.

The investigative powers conferred upon the Department of War were challenged in 1942 before a high court. The judgement led to the promulgation of ordinance number 22 of 1943 which conferred the required legal powers on the department of War. This ordinance lapsed in 1946 and was replaced by the Delhi Special Police Establishment Act, which was brought into force on the 19th of November in 1946.

This new act provided the S.P.E to investigate cases where central government employees were involved in different provinces various provinces all over the country. This Act also led to the transfer of the Superintendence to the Ministry of Home Affairs and its powers were further extended to cover all the Departments of the Government under the ambit of its investigatory Jurisdiction.

The final transformation of the Special Police Establishment to the Central Bureau of Investigation happened on the first of April 1963, under the tutelage of D. P. Kohli who became the founding director of the organisation and was late awarded the Padma Bhushan in 1967 for his distinguished services in the field of law and order.

The Fraud Squad mainly deals with cases of cheating, fraud and such which involved government officials. Later, its jurisdiction was expanded to include investigating serious offences under the Companies Act, 1956, which involved Joint Stock Companies.

Presently, the following are the part of CBI Constitution that takes care of the different offences that the CBI currently investigates:

1. Anti-Corruption Division: This division is responsible for the collection of information which regards to cases of bribery and corruption, and tasks related to preventive aspects of corruptions. They investigate cases against public servants under the control of the Central Government and cases against public servants working under state authorities who come under the jurisdiction of the CBI.

2. Special Crimes Division: This division of the CBI investigates cases relating to a wide variety of crimes and offences like murders, kidnappings, rapes, cheating and so on, which are committed by organised criminal families and gangs, who pose a major threat to the public tranquillity and safety. CBI also undertakes investigation and prosecution of other IPC offences as well as offences under local and special laws notified under the DSPE Act.

3. Economic Offences Division: This part of the CBI was instituted on the 29th of April, 1963. It deals with various economy-related offences as mentioned in section 3 of the DSPE Act. These offences include acts like serious frauds in Banks, Stock Exchanges, Joint Stock companies, Public Limited Companies and so on.

4. Directorate of Prosecution: This division deals with the legal actions on people who have been arrested by the other divisions. Its functions include conducting and supervising the cases pending trial, appeal, and revision in courts.

5. Policy and Coordination Division: The Policy Division deals with all those matters which involve policy, procedure, organization, vigilance, and security. Other important tasks include correspondence with ministries, publicity, and the implementation of special programmes regarding vigilance and security in the CBI.

6. Central Forensic laboratory: This division includes a forensic Science laboratory to help out with investigations being conducted by both, the police, and the officers of the CBI.

Nowadays, all these different branches of the CBI are housed in a multi-story headquarters situated in the state of Delhi. The CBI is headed by a director, who has to be an IPS officer with a rank of D.G.P. (Director General of Police).

The director is selected by a committee consisting of the Prime Minister, the Leader of the Opposition, and the Chief Justice of India as per the provisions of the CVC Act of 2003. The director so selected has a term of two years. Other important ranks in the CBI include the Special Director, Additional Director, Joint Director, Deputy Inspector General of Police, Senior Superintendent of Police and so on. All of the abovementioned officers are recruited through SSC or through deputation from the police and Income Tax Department.

4.7.3 LEGAL POWERS AND JURISDICTION IN CBI CONSTITUTION

The legal powers and the jurisdiction mentioned in CBI Constitution are to investigate various cases flows from the Delhi Special Police Establishment Act, 1946. The provisions of the Act not only talk about the power and the jurisdiction of the authority but also enumerate the duties, privileges and liabilities that can be conferred by the officers working under the Central Bureau of Investigation.

Section 3 of the DSPE Act confers upon the CBIs concurrent and co-extensive powers to carry out the investigation of the offences mentioned under the same section. Furthermore, the Central Government has the power to extend the jurisdiction of the CBI to any area, except union territories, that falls within the geographical boundaries of our country, subject to the consent of the state so concerned (Section 6 of the DSPE Act).

Apart from this, all the officers of the CBI who hold the rank of Sub-Inspector and above can exercise, in the relevant territories, all those powers which can be exercised by the officer in charge of the police station in those areas. However, these powers are subject to conditions imposed by the Central and State Governments. Therefore, any officer of the CBI, who holds the position of Sub-inspector or more, has the same powers, duties, and functions in relation to the investigation of offences and arrests as those of the local police under the CrPC, 1973.

An additional power conferred in the CBI Constitution is that CBI can correspond with and demand information from any Ministry or Department of the central or State Government. The information so asked for has to be provided to the CBI even though there is no such statutory provision providing the CBI with such powers. The officers of the CBI also have the added power of being exempt from the provisions of the Right to Information Act of 2005 as per a notification of the Central Government dated June 9th, 2011.

4.7.4 CBI RELATION WITH THE POLICE AUTHORITIES

The relation between the CBI and the state police is a supplementary and complimentary one. There are various functions and spheres of duties where the CBI and the Police require close cooperation and mutual assistance for achieving success. One such situation is where the accusation or allegation regard Central Government employees. In such cases, the investigation has to be held by the CBI as per Section 3 of the DSPE Act, even if there are employees of the state government involved.

The State authorities, when informed of such investigation regarding their employees, are supposed to any assistance and full cooperation as might be required by the investigators. Similarly, in cases which are essentially against a state government irrespective of the involvement of federal employees the case is to be investigated by the state authorities. In such cases, the CBI is to provide full assistance to the state authorities, as per CBI Constitution, in regards to any information they might have on such issues.

Apart from the cases involving the federal Government or its employees, the CBI also has the power under CBI Constitution to take over any case which includes any of the following elements:

1. Offences against the central government employees, or concerning affairs of the central government and employees of central public-sector undertakings and public-sector banks,

2.   Cases involving the financial interests of the central government,

3.   Breaches of central laws enforceable by the Government of India,

4.   Major fraud or embezzlement,

5.   multi-state organised crime,

6.   Multi-agency or international cases.

Even though the above classification of cases falling under the CBI's Jurisdiction is a generally accepted arrangement, it might not be possible for the CBI to investigate all these cases in a judicious manner.

Due to its limited resources and the complex nature of the cases that are investigated by the CBI, it has now become a matter of discretion as to whether a particular case is to be handled by the CBI or by the State Authorities even if the matter is listed in Section 3 of the DSPE Act.

It is also a general practice to allow the state police or anti-corruption authorities to take necessary action in cases involving central employees, given that the action so taken has to be taken immediately and there is no time to contact the Superintendent of the concerned branch in the CBI.

4.7.5   DELHI SPECIAL POLICE ESTABLISHMENT ACT

The act was adopted on 19th November, 1946. An Act to make provision for the constitution of a special police force in Delhi for the investigation of certain offences in the Union territories for the superintendence and administration of the said force and for the extension to other areas of the power and jurisdiction of the members of the said force in regards to the investigation of the said offences.

Whereas it is necessary to constitute a special police force in Delhi for the investigation of certain offences in the Union territories and to make provisions of for the superintendence and administration of the said force and for the extension to other areas of the powers and jurisdiction of the members of the said force in regard to the investigation of the said offences.

The Delhi Special Police Establishment (Amendment) Bill, 2021 was introduced in Lok Sabha on December 3, 2021. It replaces the Delhi Special Police Establishment (Amendment) Ordinance, 2021. The Bill seeks to amend the Delhi Special Police Establishment Act, 1946. The Act provides for the constitution of the Delhi Special Police Establishment for investigation of certain offences, as notified.

The Act provides for the appointment of the Director of the Delhi Special Police Establishment (Central Bureau of Investigation). The Director is appointed by the central government on the recommendation of a Committee consisting of the: (i) Prime Minister (Chairperson), (ii) Leader of Opposition in Lok Sabha, and (iii) Chief Justice of India (CJI) or a judge of the Supreme Court nominated by the CJI. Under the Act, the Director has tenure of minimum two years. The Bill permits extension of the tenure by up to one year at a time, till the completion of five years from the initial date of appointment. Such extensions may be granted in public interest, on the recommendation of the Committee.

4.8   TRAFFIC POLICE

Traffic enforcement is normally referred to, as the supervision of road users' compliance, with the traffic legislation, and punishment for non-compliance. The aim of enforcement is to prevent the occurrence of road traffic violations by means of control and punitive sanctions. In India, the legislation for road traffic rests the responsibility of compliance on the motorized vehicles only. In other words, there is no legislation that affixes the responsibility of desired road usage on non-motorized traffic like the pedestrians, cycle rickshaws, animal and man pulled vehicles, etc.

Furthermore, the enforcement is carried out both by the police and transport officers selectively. The transport officers undertake the enforcement of vehicle standards, overloading, permits, and other administrative issues, leaving the enforcement of other violations for the traffic police. The fundamental issue of undefined authority and responsibility of the traffic police arises from the non-definition of traffic management. There are many areas of work that have been rested upon the traffic police by default which actually should not have been there in the first place.

LET US SUM UP

The police is a State subject and its organisation and working are governed by rules and regulations framed by the State Governments. These rules and regulations are outlined in the Police Manuals of the State Police, Circular Orders and Standing Orders of the Director General of Police. The State Government exercises superintendence over the Police Force in the state. The Armed Police battalion is the State reserved armed force. When a situation arises within the State to such a scale that the Civil Police cannot control or when it is likely to spread with wide repercussions the State Armed Police is called to deal with the situation under the control of the Civil Police officers. There is

also the Criminal Investigation Departments (C.I.D.) which is a specialized branch of the police force. They have two main components - the Crime Branch and the Special Branch. The Police organisation in every state is manned by officers selected by the Union Public Service Commission as well as State Public Service Commission.

CHECK YOUR PROGRESS

1. Uniforms of state and local police vary by _____region, and type of duty.
2. The _____and Inspector General of Police is the head of the police department
3. Civil police staff police stations, conduct investigations, answer routine complaints, perform_____, and_____.
4. The Armed Police battalion is the _____ reserved armed police.
5. The _____ and the _____ are the two specialized branches of the police force.
6. The Railway Police is a branch of the _____ Police.

GLOSSARY

Superintendent of Police : Officers of either State Police Service or Indian Police Service

DSPE Act : The Delhi Special Police Establishment Act

The Fraud Squad : Deals with cases of cheating, fraud and such which involved government officials.

Battalion : An army unit having two or more companies etc. and a headquarters; forming part of a brigade

ANSWERS TO CHECK YOUR PROGRESS

1. Grade
2. Director General Police
3. Traffic duties and patrol the streets
4. State
5. Crime branch, Special Branch
6. State

MODEL QUESTION

1. Discuss the point of Police as State Subject.
2. Explain the Powers and Duties of State Home Ministry.
3. Write in detail about the State Police system.

4.	Explain the role and functions of Armed Force.

5.	Critically examine the role of CBI in the society.

SUGGESTED READINGS

1.	Gupta, K.N, (2002), *Indian Police and Vigilance in the 21st Century*, Anmol, New Delhi.

2.	Kamal Mishra, (2009), *Police Administration in India*, Mittal Publications.

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UNIT- 5

DISTRICT POLICE SYSTEM

STRUCTURE

OVERVIEW

District Superintendent of Police is the head of the district police. He plays a pivotal post in the Police Organization. He has a considerable amount of operational independence, in matters relating to internal management of the police and of Law & Order in the district exercising direct command over policing. Constables are the lowest link in the organisational hierarchy of police administration of a district. As they belong to civil police, they are not armed except on special occasions. When on duty, they wear prescribed uniforms.

LEARNING OBJECTIVES

After studying this unit, you will be able to

➢ Understand the structure of District Police.
➢ Know the functions of the District Police.
➢ Learn the organisational hierarchy of the Police Administration

5.1 INTRODUCTION

Each police range comprises of four or more police districts, which coincide with the boundaries of the revenue districts. Organizationally, the district is further subdivided into police circles and police stations. The police circles are placed under the control of circle inspectors while the police stations are administratively managed by the Inspector of police, which are known by several names in vernacular in different states.

Some police stations also have their police outposts or chowkis within their territorial jurisdiction, which are usually under the charge of head constables or assistant Sis of police depending on the importance of the place where an outpost is located.

For organisational purposes, a police station is the smallest field unit of police administration. Several states have abolished police inspectors in the wake of administrative reorganisation. The Superintendent of Police, who heads the district police office, also coordinates the functions of the heads of the district police lines, district crime bureau, district special branch, district traffic branch and the district prosecution branch.

5.2 ORGANISATIONAL STRUCTURE OF DISTRICT POLICE
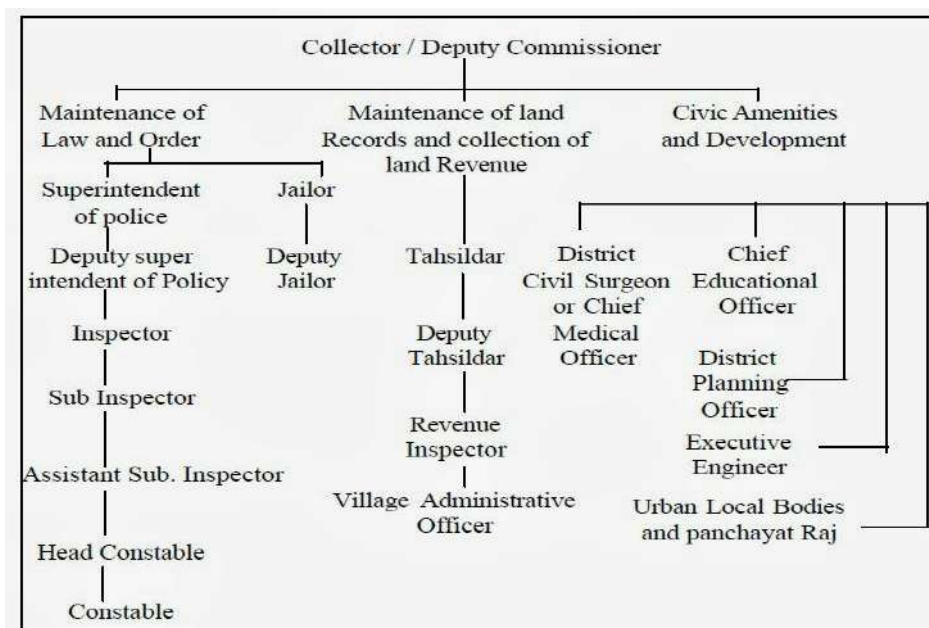
5.3 SUPERINTENDENT OF POLICE

The district police organisation constitutes the hub of the Indian police system. On an average, an Indian district covers about 3,600 sq. miles and a population of over a million and a quarter people. In addition to providing administrative services, the district headquarters have a large jail and store-houses for clothing equipment, arms, and ammunition. Constables for the district are recruited and partly trained here. Armed police and sometimes, mounted police also have their reserve lines or barracks there. The CID organisation operates from its headquarters. Adequate discretion has been vested in the police authorities at this level and this facilitates a happy mediation between general directives and adjustment to specific circumstances.

The district police organisation is represented by its chief, the SP. He is always a member the IPS and wields a great amount of power and prestige in the district. Working under the overall supervision of the DM, he looks after the problems of law and order and that of the administration of crime and vice in the district.

As the chief intelligence officer of the district, he collects information from the lower levels and communicates his assessment of the same to his superiors of the district police personnel system and looks after the service conditions of the junior police employees working under his charge. He is directly responsible for their efficiency, morale, and discipline as policemen. In districts which territorially include big cities, the SPs have additional and special responsibilities such as regulation and control of traffic, collection of special intelligence and handling of political and communal conflicts of violent nature.

The district or the state police organisation controls the network of police stations spread all over the country. The superintendent of police, who presides over this organisation, is the key functionary through whom the state government operates and the police stations below look to him for command, guidance, and action. Hierarchically speaking, the district police in most of the states stand organised into police subdivisions and police circles, which comprise a cluster of police stations.

The additional or deputy superintendents of police look after the work of police subdivisions, while the circle inspectors deal with the supervisory work of police stations falling within their respective circles. A number of staff agencies such as crime bureau, special branch, and special investigating agency, etc., stand converged into the office of the district SP, who, in turn, operates through a network of line units, such as police stations, special squads, prosecuting branch, traffic police and reserve

police. The SP is empowered to take all sorts of preventive measures, if a breach of peace is apprehended in the district. To avoid untoward situations, he may advice the collector to issue prohibitor orders and even to clamp curfew, if the situation so warrants. In the event of actual breach of peace, he is expected to make adequate police arrangements to cope with the situation.

Crowd-control during fairs and religious festivals are his special concerns. If agitations are launched by political parties or other militant groups, the SP is required to take special precautions consistent with the susceptibilities of special groups. Holi, Diwali, Bakra-Id, VIP visits, election campaigns and political meetings, etc., are some of the special occasions when mass congregations threaten to violate public order and as such their management constitutes special responsibilities of the SP.

Deliberate violation of laws is a crime and even where it does not disturb public peace or security in an immediate sense, it has to be detected and plugged-in time in the larger public interests. The SP of a district has special responsibility in this regard.

5.3.1 FUNCTIONS OF THE SUPERINTENDENT OF POLICE

(a) Effective patrol by his fleet;

(b) Investigation of grave crimes and making and receiving special reports about these cases; and

(c) Administrative supervision over his subordinates who keep constant vigilance, take preventive measures, and maintain up-to-date records of criminals in the district.

The function entails a number of subsidiary duties. The SP has to call for reports, supervise in person and visit the scenes of crime soon after their occurrence. This is a major traditional function and the victims involved in these crimes after go to the SP as aggrieved parties in appeal.

The SP also supervises the operations of crime and special branches of his CID. He sends periodic information to the DIG (Intelligence) at regular intervals. He also acts as a line agency on behalf of the state organisation of the CID, which, in turn, may ask him to undertake certain special kinds of intelligence operations on the request of Union agencies like CBI or CIB or SPE. The civil, the political and the senior police officials of the government have to be kept constantly informed about the incriminating activities of the saboteurs of peace and enemies of the state.

The functions of the SP further include various kinds of organisational and personnel responsibilities at the district level. He has to maintain an adequate supply of vehicles, arms, communications, equipment's, and other accessories like uniforms, etc., in a good shape. He inspects police stations within the jurisdictional limits of his district and provides for necessary physical conditions to keep his men working in a satisfactory state of morale and motivation.

As a captain of his team, the SP has a critical say in the policies pertaining to recruitment, promotion, training programmes and disciplinary matters. He evaluates the performance of his administrative subordinates and takes disciplinary actions as and where needed. To affect discipline in the force he attends parades, gives personal interviews, and recommends cases for promotion, punishment, and transfers to his seniors.

He organizes sports, tournaments, annual get-together, and special meets to keep his district force in high spirits. He undertakes police welfare projects and provides incentives to his juniors for better performance. As head of the office, he is personally responsible for the correctness of cash and store accounts of his department.

He maintains financial propriety by observing rules and is expected to affect measures conducive to internal economy for the organisation. He supervises the office work of his civilian officials, who handle the inflows and outflows of all kinds of communications, horizontally as well as vertically.

Democracy in the country has developed a new responsibility upon the SP and that is to evolve and maintain friendly and cordial police-public relations in the district. The aggrieved people are given special audiences and the co-operation of the political leaders of the area is sought. He has to act as a reconciliatory link between his junior police officers and the aggrieved parties, which hurl all sorts of accusations against the former. Some SPs maintain special research cells or police-public relations units in their organisations to keep their fingers on the pulse of the people.

Thus, the functions and duties of a SP in a district are fairly wide, varied, and far-reaching. They make him a central person in the district administration. Sitting in the office of the district police chief, the SP deals with his juniors, seniors, non-colleagues, people, political parties, and an endless variety of political and quasi-political pressure groups.

His main functions are certainly preservation of peace and prevention of crime but the ancillary roles that grow around these major functions like collection of intelligence, traffic control, inculcation of healthy public relations, make him a really powerful district officer who occupies a pivotal position in district administration.

5.4   SUB-INSPECTOR OF POLICE

The office of the sub-inspector of police is one of the living anomalies of the Indian administration. Originating in the Dargo system of mediaeval India, the office of the sub-inspector represents a queer and ingenious grafting of the law-and-order machinery on the district-based and district-biased revenue administration of the country, evolved by the colonial rulers of India.

It was the office around which Sir Charles Napier reorganized his Sindh Constabulary under the district police superintendents in 1853. The later Torture Commission, (1855) and the Police Act, (1861) concentrated their reform zeal primarily on the office of the superintendent and the sub-inspector continued to be a petty functionary with enormous powers and Herculean responsibilities.

The Police Commission of 1902 also lamented a great deal about the organisational contradictions and personnel policy loose-ends at all the levels below the superintendent of police but very little concrete or reformatory action could emerge in the background of the history of the national movement. This one potent factor has kept the Indian police insulated and relatively stagnant for almost the entire 20th century.

It has contributed a great deal to the omnipotence and omnipresence of the sub-inspector in the realm of the law-and-order administration. Being the lowest responsible functionary on the spot, he has been handling the sociology of crime and the politics of mass violence and quasi non-violence with a lot of discretion in the absence of a communication revolution.

Although independence has radically altered the politics, the economics, and the sociology of the country yet the fact remains that, notwithstanding a few ritualistic exhortations in the periodic reports of the State Police Commissions, nothing basic or serious has been attempted or even conceived of to rationalise his position, powers, duties, and relationships in the emerging pattern of administration in the states and at the Centre.

Mass education, adult suffrage, parliamentary system of government, Panchayati Raj, urban patterns of living, liberation of women, labour unionism, communal tensions and increasing youth violence have all added to his predicate meats, but still very much like a Casablanca instinctively trained to obey his seniors, he stands on the burning docks of social upheaval with literally very little mental and professional equipment to combat with.

His recruitment and training have rendered him into a pathetic picture of apparent muscle, mentally insecure and psychologically timid and starving. He is efficient but he does not care what the social and economic costs involved are. Having nothing but crude and blatant power to exhibit and constantly surrounded by all sorts of criminals, delinquents, neurotics and abnormal, he finds his mental equipment and intellect-cultivation too fragile to stand to the strain.

No wonder the psychic needs of his personality tend to make him arrogant and even a slavish flatterer to his seniors. Worse still are the varieties, which become escapists and take an apathetic view of things with mysterious dispositions.

The recruitment and training of sub-inspectors and the constabulary are not only out of tune in them but are not relevantly and gainfully linked with the purpose of the organisation and the new philosophy of the profession. Only skills are being imparted and in the absence of norms and attitude they are working the other way round.

The neglect of the problems of performance evaluation, incentivisation and follow up programmes do not redound to the credit of the training institutions. The trainers of the equitation and musketry age not only need retraining but bring the problems of gerontocracy or generation gap into play.

This breeds professional casteism and generates low morale among those who are yet to launch upon their lifetime careers. Obviously, an ill-equipped recruit militarily trained and brain-washed into the professional skills and physical discipline of the profession by his hierarchical seniors can hardly grow into a dynamic police officer whom the changing police scene in India so sadly needs and so badly demands.

5.5   THE POLICE STATION

'A police station', by definition, "is a place or post generally or specially declared as such by the state government and includes local area specified by the state government on this behalf". It is a primary administrative unit of police investigation which receives and registers information and complaints about cognizable offences.

The jurisdiction of a police station is often changed or recognized by the state government on the recommendations of the DGP, DIG range and the district collector. The average area of a police station in India is about 200 sq. miles, covering about one hundred villages or so and with a population of approximately 1,00,000 persons.

However, the jurisdiction of a police station in northern states tends to be larger than what it is in the southern states. The density of population also makes a difference, so much so that while in West Bengal an average police station stretches to 122.4 sq. miles of territory inhabiting 106,000 people, in the State of Rajasthan the corresponding figures about a 3 police station are 27 sq. miles of territory and 4,210 people only. Normally the personnel of a police station consist of one SI, one head constable and fifteen constables.

5.6   TYPES OF POLICE STATION

(1)   The Rural Police Station

(2)   The Town Police Station

(3)   The Sub-urban Police Station

(4)   The Metropolitan Police Station

(5)   The Railway Police Station

A police station under law is a unit of police activity in terms of total lice functions. Its three-tier hierarchy is headed by a SI, who along with a team of ASIs, head constables and constables look after police jobs in the area. He is also called as SHO or the officer-in-charge of police station. He has numerous duties and immense responsibilities in the field of police administration.

In fact, he is a multipurpose man and the police laws require demanding services from him. His duties and functions are prescribed and enumerated in the police acts and other statutes but additionally he has a number of other informal and discretionary jobs to perform besides his assigned duties.

Some of his major duties as a station house officer can be enumerated are pertaining to law and order, duties pertaining to prevention and control of crime, duties pertaining to detection of crime, duties pertaining to intelligence, duties pertaining to legal matters, duties pertaining to traffic, public assemblies, and processions, duties pertaining to tours and beat in the areas, duties pertaining to police prosecution and duties pertaining to police station management.

The SHO enjoys a fairly large discretion in operating various administrative procedures which the police law entails and the civil law warrants. He maintains a host of legal books, report registers and manuals as required under the procedural laws.

5.6.1   RECORDS OF POLICE STATION

Some of these important records in a typical police station are FIR Book, Case Diaries, Charge sheets, Final reports, Bail bonds, Search lists, Seizure lists, Register of non-FIR cases, Register of unnatural death cases and Inquest reports, especially of the murder cases.

All these basic documents contain fairly detailed information about the 'crime profiles' of the area and have to be filled in daily as well as periodically in addition to the above, the SHO is especially charged with the responsibility of maintenance of several other kinds of useful police records which among others, include A General Diary, A Crime Register, A Conviction Register, History Sheets and Surveillance Register, Village Information Sheet, The Crime Map, The Bad Character Rolls, The Crime Index, Statistics, Property Register, Summon and Warrant Registers and Absconders Register

In addition to the above, there are other registers which are to be maintained in connection with the administration of Arms Act of 1959 such as Arms License Register and Arms Deposit Register. Then, there are other administrative records and legal documents such as Buildings Register, Government Property Register, Cash-Book, Accounts Duty Roster, Correspondence Registers, Village Rosters and Jurisdictional Lists.

The titles of the police station records are self-explanatory and indicate what all these registers contain. Through these registers the police station keeps an up-to-date record of information about public order, grave crimes, useful intelligence, and measures taken by the administration in the past and the present. They also indicate the future course of police action. The SI of police signs all these documents in

person and he and his juniors are personally responsible for the safe custody of significant records.

5.7   THE CONSTABLES

Constables are the lowest link in the organisational hierarchy of police administration of a district. As they belong to civil police, they are not armed except on special occasions. When on duty, they wear prescribed uniforms. They are recruited straightaway from the masses and mostly belong to rural sections of society. The educational qualifications and equipment of the constables are very low.

They generally do odd jobs of manual nature and merely execute such orders which entail little discretion and decision-making. In India, the largest number of police personnel belongs to the rank of constables. His duties and functions, though very significant, are not recognized as basic to police administration by the government and society. Actually, the post of a police constable in India is analogous to that of a chaprassy or a class IV servant.

5.7.1   FUNCTIONS OF THE CONSTABLES

Some of the routine functions of a police constable are:

(1) To perform such guard and escort duties as are assigned to him by his seniors from time to time. (He acts as a sentry at the police station and guards' prisoners in the lock-up, the treasure chests, the makhana and all the property of the police station.)

(2) To patrol the area of his beat during night and to regulate traffic during day, depending upon the nature and volume of work at his police station.

(3) To regulate processions and assemblies, to suppress public disturbances, to enforce orders for search and seizures and to execute summons and warrants as routine duties. (These duties assume importance during emergencies.)

(4) To serve as orderlies and peons in police stations and police offices. They are often employed to do non-police jobs of routine and manual nature inside police stations and in the offices.

(5) To accompany and assist senior police officials in investigational work with regard to crime and on occasions such as those of post-mortem examination, police funerals and hospital operations of the convicts, under trial and police custody.

These functions place police constables at the back and call of the seniors who lay down programmes of action for them. The quasi-military nature of the police organisation does not allow the constable to have advisory or staff functions. Whether they guard public property or serve water to their seniors in the office or even act in the midst of a tumultuous crowd, they always execute laws or rules in a mechanical fashion and never forget to take orders from their seniors before they are really up and doing.

They are petty officials and their duties and functions, howsoever decisive for the efficiency and image of the cops, are deliberately devoid of responsibility, discretion and individual judgement. They represent and symbolise the law and are even called 'the limbs of law'. Yet, they are neither participants nor decision-makers in the administration of law and order of the country.

5.8   RURAL POLICE SYSTEM

The Indian Police Commission 1902 recommended a system of village police which continued for the rest of the period of British regime in India. The village police in a district have two distinct parts, namely, the village watchman and die village voluntary organisations.

The commissions appointed by different state governments in India have strongly condemned the structure and working of village watchmen. However, the Indian Police Commission of 1902 found it relevant and useful in a particular given context of history and rural sociology.

(1) The village, recognised as a unit for revenue and general administration should have a police watchman for the village.

(2) The village police officer, i.e., the SHO, should not be the master or superior of the headman.

(3) The village headman should be a multi-purpose person and must concentrate on one village only.

(4) The district police may control his failures of duty in a limited manner and for all practical purposes he should be answerable to the civilian head of the district or to his subordinates.

(5) The post of the village headman should be stipendiary and may be, as far as possible, hereditary and he should only be a part-time government servant.

Thus, the police organisation at the district level has a wide and complex mixed duties pertaining to the registration and investigation of crimes, patrolling, surveillance, services of processes, collection of intelligence,

arrest of criminals, searches and seizures of property and other detective and preventive measures are undertaken by the police stations located in the field.

The big city police stations are called 'kotwals' and are generally put under the charge of inspectors. Normally, a sub-inspector heads the administration of an urban as well as rural police station. He is assigned a varying number of sub-inspectors, assistant sub-inspectors, head constables and constables to do the job of policing.

The actual number of these functionaries depends upon the size of the police station and the nature of work or crime a police station has to handle. The character and organisation of urban and rural police stations are almost identical and they follow similar procedures of police work in all the states of the Union.

As a repository of information about the area, the police stations maintain daily diaries, cases diaries, FIR registers, crime registers, cashbooks, makhana registers and history sheet records. Together they present the profile of crime and criminals, which obviously differ from state to state, area to area and station to station.

Panchayati Raj, as a developmental mechanism has unleashed all kind of new variables and tensions in the politico-economic system of rural India. It has thrown up new leadership and new threats of public disorder and crimes which the old police-machine finds increasingly difficult to cope with. Thirdly, the pace of social change and gradual modernisation of traditional ways of living are not only eroding the structure of social values but have also introduced quasi rural patterns of community living in medium-class towns.

The mixed situation, marking transition from rural to pen-urban community living, devolves special responsibilities upon the guardians of law and order who find the police organisation in the district too ill-equipped and stagnant to deal with pressures of change.

5.9 POLICE DEPARTMENT IN TAMIL NADU

The Chief Minister controls Administration of Police Department in Tamil Nadu state. It is responsibility of chief minister to handle the folder of Home Minister. Supervision of Police Officers is done by Dept. of Home Affairs ruled by Tamil Nadu Government. Police zone of the state is divided into four sections: North Zone, South Zone, West Zone and Central Zone. Inspector general is appointed as the head of department in every Zone. Every Metropolitan City from the list of seven has a police commissioner to lead police force of the city in Tamil Nadu.

These cities include Chennai, Madurai, Tiruchirapalli, Chennai Sub-Urban, Salem, Coimbatore and Tirunelveli. In total, 30 police forces operate at district level in Tamil Nadu. SP that stands for "Superintendent of Police" manages each police force operating at district level. In addition to SP and Police Commissioner, Personnel of Armed Reserves also operate at district level. DIG or "Deputy Inspector of Police" controls the functioning of two to three districts that comprise Police Range. Over all, twelve ranges that include one Railway Range work in Tamil Nadu.

The changing context presents a bewildering picture of the district police organisation in which an SP is too high and too far away from the actual scene of police operations and an SI is too inadequately qualified and ill-trained to handle growing complex situations of changing India.

Thus, the police men in district level are discussed in this chapter. It concludes that the illiterate policeman at the lowest rank of the organisational ladder is fast becoming an anachronism even for the rural police and if the democratic system continues to move with speed, the organisation and officials of the police station will be too frail and too inadequate to live up to their minimal duties.

There is over centralisation in organisation and working and the entire organisation is saddled with multitudinous and multipurpose functions. The old structures have yielded little room for specialisation and stratification and still less, for innovation and reform. The organisational functioning of the police has been adversely affected by compulsions of political awakening and new socio-cultural ethos of the post-independence era.

The need for decentralisation and autonomous flat structures at state and district level police administration is increasingly being realised and a thorough overhaul and radical re-organisation of the police machine, at all levels of hierarchy, especially at the district is more than overdue.

LET US SUM UP

In sum, it can be stated that the structure and mechanism of district police administration has been too static to face the dynamism of change. The lower rungs of the hierarchy are neither recruited from amongst the qualified strata nor are they empowered to do jobs according to the changing needs of the community.

CHECK YOUR PROGRESS

1.   The _____who heads the district police office, also coordinates the functions of the heads of the district police lines, district crime bureau, district special branch, district traffic branch and the district prosecution branch.
2.   The district police organisation constitutes the hub of the_____.
3.   The _____ police organisation controls the network of police stations spread all over the country.

GLOSSARY

Decentralisation	: The transfer of control of an activity or organization to several local offices
Jurisdiction	: The official power to make legal decisions and judgements.
Personnel	: People employed in an organization or engaged in an organized undertaking such as military service.

ANSWERS TO CHECK YOUR PROGRESS

1.   SP
2.   Indian police system
3.   district or the state

MODEL QUESTIONS

1.   Discuss the hierarchy of police administration in district level.
2.   Explain different types of Police stations and records.
3.   Describe the police department in Tamil Nadu.

SUGGESTED READINGS

1.   Roy, Jay tilak Guha (ed.), (1999), *Policing in Twenty First Century*, Indian Institute of Public Administration, New Delhi.

2.   Kamal Mishra, (2009), *Police Administration in India*, Mittal Publications.

3.   M.B.Chande, (1997), *The Police in India,* Atlantic Publishers and Dist.

Block III

POLICE OPERATIONS

WORKING OF POLICE STATION

- PATROL, BEATS, AND OUTPOSTS

STRUCTURE

OVERVIEW

Functions of the police are necessary as that governs the society as a whole in maintaining the law and order. The duties include crime prevention, conflict resolution, and crime detection work. The functionaries of police and their working at the ranges, zones and districts, etc., help one to know the police force establishment. Commissionerate system is practiced at the metropolitan cities in order to make the police functions effective at a greater level.

LEARNING OBJECTIVES

After studying this unit, you will be able

➢ Know the duties and functions of the police.

➢ Learn the Responsibilities of the police.

➢ Understand the organizational structure and police stations.

6.1 INTRODUCTION

Police are one of the most ubiquitous organizations of the society. The policemen, therefore, happen to be the most visible representatives of the government. In an hour of need, danger, crisis and difficulty, when a citizen does not know, what to do and whom to approach, the police station and a policeman happen to be the most appropriate and approachable unit and person for him. The police are expected to be the most accessible, interactive and dynamic organization of any society. Their roles, functions and duties in the society are natural to be varied and multifarious on the one hand; and complicated, knotty and complex on the other. Broadly speaking the twin roles, which the police are expected to play in a society are maintenance of law and maintenance of order. However, the ramifications of these two duties are numerous, which result in making a large inventory of duties, functions, powers, roles and responsibilities of the police organisation.

6.2 ROLE, FUNCTIONS AND DUTIES OF THE POLICE IN GENERAL

The role and functions of the police in general are:

(a) To uphold and enforce the law impartially, and to protect life, liberty, property, human rights, and dignity of the members of the public;

(b) To promote and preserve public order;

(c) To protect internal security, to prevent and control terrorist activities, breaches of communal harmony, militant activities and other situations affecting Internal Security;

(d) To protect public properties including roads, railways, bridges, vital installations and establishments etc. against acts of vandalism, violence or any kind of attack;

(e) To prevent crimes, and reduce the opportunities for the commission of crimes through their own preventive action and measures as well as by aiding and cooperating with other

relevant agencies in implementing due measures for prevention of crimes;

(f)   To accurately register all complaints brought to them by a complainant or his representative, in person or received by post, e-mail or other means, and take prompt follow-up action thereon, after duly acknowledging the receipt of the complaint;

(g)   To register and investigate all cognizable offences coming to their notice through such complaints or otherwise, duly supplying a copy of the First Information Report to the complainant, and where appropriate, to apprehend offenders, and extend requisite assistance in the prosecution of offenders;

(h)   To create and maintain a feeling of security in the community, and as far as possible prevent conflicts and promote amity;

(i)   To provide, as first responders, all possible help to people in situations arising out of natural or man-made disasters, and to provide active assistance to other agencies in relief and rehabilitation measures;

(j)   To aid individual, who are in danger of physical harm to their person or property, and to provide necessary help and afford relief to people in distress situations;

(k)   To facilitate orderly movement of people and vehicles, and to control and regulate traffic on roads and highways;

(l)   To collect intelligence relating to matters affecting public peace, and all kind of crimes including social offences, communalism, extremism, terrorism and other matters relating to national security, and disseminate the same to all concerned agencies, besides acting, as appropriate on it themselves.

(m)   To take charge, as a police officer on duty, of all unclaimed property and take action for their safe custody and disposal in accordance with the procedure prescribed.

(n)   To train, motivate and ensure welfare of police personnel

6.3   SOCIAL RESPONSIBILITIES OF THE POLICE

Every police officer shall:

(a)   Behave with the members of the public with due courtesy and decorum, particularly so in dealing with senior citizens, women, and children; Sec (57), Model Police Act 2006 3

(b)   Guide and assist members of the public, particularly senior citizen, women, children, the poor and indigent and the physically or mentally challenged individuals, who are found in helpless

condition on the streets or other public places or otherwise need help and protection;

(c) Provide all requisite assistance to victims of crime and of road accidents, and in particular ensure that they are given prompt medical aid, irrespective of medico-legal formalities, and facilities their compensation and other legal claims;

(d) Ensure that in all situations, especially during conflict between communities, classes, castes and political groups, the conduct of the police is always governed by the principles of impartiality and human rights norms, with special attention to protection of weaker sections including minorities;

(e) Prevent harassment of women and children in public places and public transport, including stalking, making objectionable gestures, signs, remarks or harassment caused in any way;

(f) Render all requisite assistance to the members of the public, particularly women, children, and the poor and indigent persons, against criminal exploitation by any person or organised group; and

(g) Arrange for legally permissible sustenance and shelter to every person in custody and making known to all such persons provisions of legal aid schemes available from the Government and also inform the authorities concerned in this regard.

(h) Preserve, promote and protect human rights and interests of weaker sections, backward classes, poor, weak and the downtrodden.

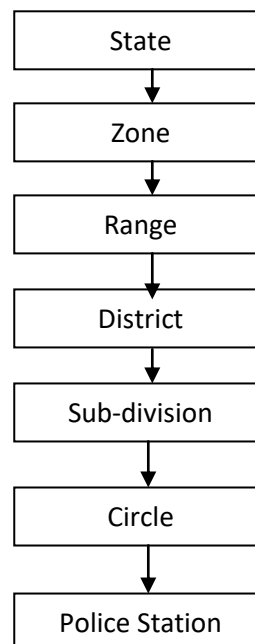## 6.4 CRIME PREVENTION AND PRESERVATION OF PEACE AND SECURITY

This would include:

(a) Gast and patrolling, including nakabandi, performing picket and ambush jobs, checking vehicles and frisking passengers
(b) Surveillance and checking of bad characters
(c) Preventive arrests
(d) Collection and transmission of criminal intelligence

6.5 POLICE PERSONNEL

Superintendence over the police force in the state is exercised by the State Government. The head of the police force in the state is the Director General of Police who is responsible to the state government for the administration of the police force in the state and for advising the government on police matters.

States are divided territorially into administrative units known as districts. An officer of the rank of Superintendent of Police heads the district police force. A group of districts form a range, which is looked after by an officer of the rank of Deputy Inspector General of Police. Some states have zones comprising of two or more ranges, under the charge of an officer of the rank of an Inspector General of Police.

Every district is divided into sub-divisions. A sub-division is under the charge of an officer of the rank of ASP/Dy.SP. Every sub-division is divided into a number of police stations, depending on its area, population and volume of crime. Between the police station and the sub-division, there are police circles in some states and each circle is headed by an Inspector of Police. The police station is the basic unit of police administrative in a district. Under the Criminal Procedure Code, all crime has to be recorded at the police station and all preventive, investigative and law and order work is done from there. A police station is divided into a number of seats, which are assigned to constables for patrolling, surveillance, collection of intelligence, etc. The officer in charge of a police station is an Inspector of Police, particularly in cities and metropolitan areas. Even in other places, the bigger police stations, in terms of area, population, crime or law and order problems, are placed under the charge of an Inspector of Police. In rural areas or smaller police stations, the officer in charge is usually a Sub-Inspector of Police.

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6.6   PATROL

A highway patrol is either a police unit created primarily for the purpose of overseeing and enforcing traffic safety compliance on roads and highways, or a detail within an existing local or regional police agency that is primarily concerned with such duties. They are also referred to in many countries as traffic police, although in other countries this term is more commonly used to refer to foot officers on point duty who control traffic at junctions.

6.6.1   FUNCTIONS OF PATROL POLICE

❖   Accident investigation: Gathering evidence to determine the cause of a roadway accident.

❖   Commercial vehicle enforcement: Enforcing highway laws related to commercial transport, including weight limits and hazardous materials rules.

❖   Education: Providing public information, handouts, and displays to encourage safe driving and usage of the roads.

❖   Emergency response: Securing the scene of a traffic accident by using cones and flares as well as providing first aid to the injured.

❖   Law enforcement: Assisting local police in rural areas, and keeping an eye out for non-traffic violations.

❖   Maintenance: Observing and reporting damage to the roadways, and conducting hasty road surveys after disasters or the passage of inclement weather.

❖   Traffic enforcement: Enforcing laws and regulations intended to improve traffic safety, such as speed limits.

6.7   BEAT POLICE

Beat police typically patrol on foot or bicycle which provides more interaction between police and community members. Before the advent of personal radio communications, beats were organised in towns and cities to cover specific areas, usually shown on a map in the police station and given some sort of name or number. Officers reporting on duty would be allocated a beat by their sergeant and sometimes given a card indicating that the officer should be at a particular point at set times, usually half an hour, or forty-five minutes apart. The points would usually be telephone kiosks, police pillars or boxes, or perhaps public houses where it would be possible to phone the officer should he be needed to respond to an incident. The officer would remain at the point for five minutes and then patrol the area, gradually making his way to the next point.

Beats in town centers would be relatively small areas but in the suburbs much larger. A shortfall in manpower would mean that one or more beats would be left unpatrolled at the discretion of the duty sergeant. Sometime during an officer's shift, he could expect a supervisory officer to meet him at one of the points. This ensured the beat patrol was being correctly carried out and was an opportunity to discuss problems. The supervisory officer would sign the officer or constable's pocket book, ensuring that it was up to date.

It was expected that a constable would learn all about each beat he covered, even though they would not necessarily be the same one each shift. A new constable would usually be shown around the beats by an experienced constable who would point out important considerations. These would include vulnerable premises such as banks and post offices, perhaps showing the officer where a peephole would give a view of a safe. A constable was expected to learn where known criminals resided or resorted and which public houses might be the source of problems or keeping late hours.

The same principles extended to beats patrolled on bicycles or in motor vehicles. Even with radio communication, the patrol vehicle would be expected to visit and remain at certain points at particular times, enabling supervisors to meet up with the patrolling officer or to give a visible police presence at times when this was deemed particularly needed. Missing a point without good reason was regarded very seriously and was often the cause of disciplinary action against an officer. Beat officers were commonly used in the 1800s.

6.8   OUTPOST

The state government may declare one or more Police outposts to be attached to a mother Police Station. An officer in charge of out-post will be in the rank of Head Constable or Asst. Sub-Inspector of Police. Presently, the following (ten) outposts function in this territory. The duty of the officer-in-charge of the outpost, either Head Constable or Asst. Sub-Inspector is to supervise the work of his men, maintain the prescribed records and submit the daily general diary to the mother Police Station.

The HC or ASI, in charge of the outpost is not an officer in charge of a Police Station and is not empowered to record a "First Information", within the meaning of section 154 Cr.P.C., of a cognizable offence or to enter its substance in the First Information Report form. If information of a cognizable offence, therefore is lodged with the officer in charge of the outpost, he shall record the facts in his outpost, 'general

diary' and report them as expeditiously as the circumstances of the case may require, to the Station House Officer (mother station).

The information referred to in section 154 Cr.P.C., the substance of which should be entered in the first information report form in such a case in the information first received by the Station House Officer which in many cases be the outpost Head Constable report. Head Constables or ASIs in charge of out posts have been empowered to hold investigation under section 174 (1) Criminal Procedure Code, 41 Cr.P.C. and simple investigation cases that occurred within the limits of the OPs. But, this will, however, not absolve the Station House Officer from any responsibility. When the Sub-Inspector cannot arrive in time, the scene of crime in the OP limit should be preserved and protected by the HC / ASI who would also make certain ascertainment about the occurrence till the arrival of the Station House Officer.

LET US SUM UP

This chapter focuses on the general roles and functions of the police which help in the protection of the public's life. Moreover, these functions also help in protecting the public properties and in upholding and enforcing the law impartially. There are also the social responsibilities which help in guiding and assisting the people who require assistance in case of road accidents wherein proper medical aid is necessary. Apart from maintaining the law and order, the police are also incharge of the inventory related duties, democratic and election related duties and natural calamities, disaster management and emergency duties. The police force is also involved in the conflict resolution and this chapter provides the seven dimensional mechanism to resolve. Section 3 of the Police Act, 1861 vested the superintendence of the state police force in the state government.

CHECK YOUR PROGRESS

1. The Indian Police Service is an All India Service, which is recruited, trained and managed by the _____ .
2. Range is looked after by an officer of the rank of _____ .
3. _____ resolution thus becomes an essential part of overall police functioning.

GLOSSARY

Administration   : The Government of public affairs which renders services and duties.

Borstal   : Any institution which provides education to young offenders.

Gast   : to frighten. In this context the role of the police to frighten people away during chaos or riots.

ANSWERS TO CHECK YOUR PROGRESS

1.   Central Government
2.   Deputy Inspector General of Police
3.   Conflict

MODEL QUESTIONS

1.   What are the various police forces that come under the control of the Union Government?
2.   What are the seven dimensional mechanisms adopted by the police to resolve conflicts?
3.   Who are the senior supervising police officers who are from the Union Public Service Commission?

SUGGESTED READINGS

1.   Roy, Jay tilak Guha (ed.), (1999), *Policing in Twenty First Century*, Indian Institute of Public Administration, New Delhi.
2.   Kamal Mishra, (2009), *Police Administration in India*, Mittal Publications.
3.   M.B.Chande, (1997), *The Police in India,* Atlantic Publishers and Dist.

UNIT - 7

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INVESTIGATION OF CASES -

PROSECUTION OF CASES -

SUPERVISION AND CONTROL

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STRUCTURE

OVERVIEW

The standard of investigation is a state of worry in many cases. The fault investigation leads to incorrect acquittals and justice being denied to the victims. This article explains the process of investigation, lapses that occur during the process, and improvements that can be made to ensure that standard of investigation is no longer a state of worry. In this unit, we will discuss on the various investigation procedure of the police system.

LEARNING OBJECTIVES

After studying this unit, you will be able

➢ Know the duties and functions of the police.

➢ Learn the Responsibilities of the police.

➢ Understand the organizational structure and police stations.

7.1 INTRODUCTION

Clause 2(h) of the Criminal Procedure Code (CrPC) defines the term 'Investigation' as all proceedings under the CrPC for collection of evidence conducted by a police officer. It is different from an inquiry which is conducted by a Magistrate. The investigation in criminal law is the foundation on which the case revolves. A proper investigation is essential to ensure that an accused gets a fair trial. If the procedural safeguards in the investigation are not followed from the time police obtain information about the commission of an offence, then the case can be severely affected at a later stage.

7.2 PROCEDURE OF INVESTIGATION UNDER THE CRIMINAL PROCEDURE CODE

When information in cognizable cases is received by the officer in charge at the police station, he shall reduce it in writing. All such information reduced to writing shall be read over orally to the informant and then signed by him as per Section 154 of the Criminal Procedure Code (CrPC). This information sets the investigation in motion and thus should be recorded with due care and caution. In non-cognizable cases as per Section 155 of CrPC, the information needs to be recorded by the police officer but the investigation can commence only after the order of the Magistrate.

On receipt of information or knowledge regarding the commission of a cognizable offence, the police officer has to take steps to investigate the facts and circumstances of the case and arrest the culprit. In case of an alleged offence of rape/sexual assault, the victim's statement needs to be recorded at the home of the victim by a female police officer in charge in presence of a family member/relative/supporter of the victim. It is important to note that as per Section 157 of CrPC which prescribes the procedure of investigation, a duty is cast on the investigating officer to send the report on cognizable offence to the concerned Magistrate immediately after the registration of the FIR to ensure transparency and free trial.

7.3 FAULTY INVESTIGATION IN INDIA WHICH LEADS TO THE WRONG ACQUITTAL

It is alarming that the rate of conviction is less as compared to the increasing crime rate. The investigating system has to be improved to avoid the wrong acquittal. In the Indian Criminal Justice System, the police have to take notice of the violation of the law and then proceed with the ascertainment of facts including the discovery and identity of the offender. This is called 'Investigation'. It becomes faulty when the Investigating Officer does not promptly make the investigation and leads to inordinate delay in locating incriminating materials against the accused.

There are many factors that have an impact on the investigation such as delay in filing of charge sheets, improper recording of witness statements, illegal search and seizure, fake encounters, evidence and so on. The faulty investigation leads to the loss of cases and the collapse of the criminal justice system. The police should be trained to collect proper and correct evidence and not inadmissible evidence. The investigating officer has to promptly make the investigation to find relevant material in favour of or against the accused. The course of the investigation has to be smooth without any disruptions.

7.4 LAPSES THAT OCCUR DURING THE INVESTIGATION PROCESS

➢ An investigation is an inquiry into the facts of the commission of an offence. It is conducted by police officers as per the procedures and principles established by law. In India, we follow the adversarial system, where evidence plays a very crucial role in the administration of justice. The function of collating evidence is assigned to the police. In most of the criminal cases prosecuted, an improper investigation leads to wrong acquittals.

➢ The police officer in charge delayed in registering the FIR.

➢ The crime scene is often disturbed by the general public by the time police officers reach the crime scene which leads to loss of evidence like hair strands, fingerprints, footprints, and other evidence.

➢ The case diaries in police stations are not maintained diligently due to the dearth of time which affects the outcome of the case.

➢ Forensic experts are less in number and they send the medical reports after an inordinate delay. As a consequence, charge sheets are submitted after a long delay which affects the case drastically.

- Scientific investigation is not developed which leads to the loss of much crucial evidence. The branches of forensic science include but are not limited to fingerprinting, toxicology, odontology, polygraph (lie detection), blood identification, DNA fingerprinting. The in-depth knowledge of these branches is required for investigating officers to fulfil their responsibilities of collecting evidence to be used by the prosecution.

- Witnesses become hostile and change their statements during the trial. They do not cooperate with the police.

- The accused cannot be a witness against himself as per Article 20(3) of the Constitution. The accused must be presumed to be innocent until proven guilty. The accused need not give answers to those questions which would tend to prove a criminal charge against him. [Section 161(2) of CrPC]. The police should not harass the accused during the investigation as this fact can affect the prosecution case during the trial.

- There is a lack of human resources to completely focus on the investigation of crimes.

- It is seen that the police officers are not aware of the intricacies of the law of evidence and the case fails before the stringent cross-examination by the defence counsel.

- Most of the cases are also lost because of improper recording of witness statements under Section 161 of CrPC.

- There is a dearth of resources in police stations such as stationery, jeeps, guns, mobile phones, etc.

- There is unwarranted media interference especially in high profile cases which hampers the process of investigation.

7.5 SUPREME COURT CASES RELATED TO THE INVESTIGATION PROCESS

A few cases where the factors which impact the investigation process were discussed are given as below:

In Director, CBI v. Niyamavedi rep. by its Member K. Nandini, Advocate, [1995], it was laid down that courts should not interfere in the investigation process when it is in progress in a case. The observations/comments of the Court may derail the investigation and should be avoided.

In Hussainara Khatoon v. Home Secretary, State of Bihar, [1979] it was held that Section 167(5) of CrPC is to be mandatorily complied with. The provision prescribes that a case which is triable by a Magistrate as a summons case, and the investigation is not completed within 6 months

from the date of arrest of accused, the Magistrate will have to make an order stopping a further investigation into the offence. However, if the investigating officer satisfies the Magistrate that the continuation of investigation beyond 6 months is necessary for the interest of justice, then it shall be continued. The Supreme Court observed that since many under-trial prisoners are languishing in jail, in these kinds of cases, Section 167(5) should be strictly complied with. This provision enables the police to not be lethargic during the investigation process and safeguards the interests of the under-trial prisoners who should not suffer in jail more than their maximum punishment for their offence.

In CBI v. R.S. Pai, [2002], it was noted by the Supreme Court that if there is a mistake in not producing all relevant materials at the time of submission of the charge sheet, then additional documents can be allowed to be produced after the charge sheet with the permission of the Court.

In Rotash v. State of Rajasthan, [2006] the truthfulness of FIR was in question as it did not contain all the details in respect of the number of accused at the time of the registration. Another accused was named later which can be allowed only when there is a satisfactory reason for mentioning it in the first instance.

Delay in lodging of the FIR can prove fatal to the case as held by the Apex Court in Dilawar Singh v. State of Delhi, [2007]. Delay can leave room for the complainant to make fabrications upon the complaint. As a consequence, courts view the delay with suspicion and examine the evidence adduced with a greater degree of caution and diligence.

In Ramesh Baburao v. State of Maharashtra, [2008], there were issues in the FIR as it was stated to be antedated and did not contain all details as known to the informant. The question was whether the second report lodged can be treated as the first FIR. The Court held that FIR in a murder case has to be filed at the first instance without delay with all the information in respect of the names of all the accused, names of eye-witnesses, weapons used etc.

In Hari Yadav v. State of Bihar, [2008], it was observed by the Apex Court that case diary has to be maintained with due care and caution otherwise it may lead to the wrong acquittal of the accused.

Section 167 deals with procedures when the investigation is not completed within 24 hours of custody of the accused. The Magistrate has the power to detain the accused for a longer period for the investigation to be completed by the officer in charge of the police

station. In Dinesh Dalmia v. Central Bureau of Investigation, [2008], it was noted that the object of the aforesaid provision is to ensure that the police are vigilant in investigation and do not unnecessarily delay the process. Sufficient incriminating material has to be collected within a reasonable time. This provision is beneficial for the accused as after the expiry of the stipulated period of custody or detention, the accused is entitled to file for bail on merits.

In Motilal v. State of Rajasthan, [2009], the investigation was remarked to be "Faulty" as the inquest report had the date and time as 11th Nov 1993 at 10:30 and the FIR had the date as 11th Nov at 10:50 AM. The FIR was antedated and the Magistrate received the report only after an unexplained delay of 5 days on 16th Nov.

In Zindar Ali v. State of West Bengal, [2009], the victim was allegedly raped by the accused Zindar Ali. The victim woman went to the police station to file the complaint, however, the police officer in charge refused to lodge the FIR and advised the victim to settle the matter. Later, the Chief Judicial Magistrate ordered the police to register the case. Despite the order, the police took 5 months to commence the investigation. This delay by the police officer was extremely fatal as the quality of medical evidence has deteriorated after 6 months of the incident. This investigation process was highly criticized by the court.

7.6 IMPROVEMENTS THAT CAN BE MADE IN THE STATE OF INVESTIGATION PROCESS

1. The timely lodging of FIR will improve the rate of conviction.
2. Negating the gravity of offences or false implications should be strictly penalized.
3. Inordinate delay in visiting the crime scene should be avoided. The reconstruction of the crime scene should be done immediately after the registration of FIR.
4. Genuine and regular entries should be made in General Diaries maintained during the investigation under Section 172 of the Criminal Procedure Code.
5. Scientific experts should be increased in the clues team for a better and faster investigation process.
6. Intensive and practical training needs to be regularly imparted on police personnel in respect of procedures and law.
7. Improving the infrastructure and updating the technology in the police stations is the need of the hour.

8.   Section 164 of CrPC deals with the procedure of recording confessions and statements. Confession must lead to some discovery of material to make it admissible in court.

9.   Separating other duties of police from the investigation will reduce the burden of too many tasks on a limited number of police officers.

10. The media's interference should be restricted since it has the potential to hamper the investigation.

11. The statements of witnesses should be recorded through audio-visual means and should be submitted to court immediately to minimize manipulations and alterations.

12. Video graphing can prove to be useful in proving that there was no use of threat/coercion to record the statements.

13. Police accountability has to be made stricter and any lapse on their part should not be excused.

14. A legal officer should be appointed to assist the police during the investigation process. It can help the police officers to know the intricacies of the law of evidence.

15. Witnesses can be given a travel allowance which will act as an incentive to come forward and prove evidence.

16. Salaries of the police personnel should be increased as per their burden of work.

17. The investigating officer should be present throughout the trial to give necessary inputs to the judge as and when required.

7.7   PROSECUTION WING

It is the duty of the state to prosecute cases in the courts of law. The state governments have constituted cadres of public prosecutors to prosecute cases at various levels in the subordinate courts and the High Court. As stated above, the police is a state subject in our constitutional scheme. The primary investigative unit is the police station in India. After due investigation, charge-sheets are filed in the courts concerned as per the provisions of the Code. The cases are prosecuted by the public prosecutors appointed by the state governments. Prior to the enactment of the Criminal Procedure Code of 1973, public prosecutors were attached to the police department and they were responsible to the District Superintendent of Police. However, after the new Code of Criminal Procedure came into force in 1973, the prosecution wing has been totally detached from the police department. The prosecution wing in a state is now headed by an officer designated as the Director of Prosecutions.

In some of the states, he is a senior police officer and in others, he is a judicial officer of the rank of District and Sessions Judge. He is assisted by a number of Additional Directors, Deputy Directors and Assistant Directors, etc.

In Sessions Courts, the cases are prosecuted by Public Prosecutors. The District Magistrate prepares a panel of suitable lawyers in consultation with the Sessions Judge to be appointed as public prosecutors. The state government appoints public prosecutors out of the panel prepared by the District Magistrate and the Sessions Judge. It is important to mention that public prosecutors who prosecute cases in the Sessions Courts do not fall under the jurisdiction and control of the Director of Prosecutions. The state government also appoints public prosecutors in the High Court. The appointments are made in consultation with the High Court as per section 24 of the Code.

The most senior law officer in a state is the Advocate General who is a constitutional authority. He is appointed by the governor of a state under Article 165. He has the authority to address any court in the state. Under section 24 of the Cr.P.C., the central government may also appoint one or more public prosecutors in the High Court or in the district courts for the purpose of conducting any case or class of cases in any district or local area. The most senior law officer of the Government of India is the Attorney General for India, who is a presidential appointee under Article 76. He has the authority to address any court in the country.

The Central Bureau of Investigation has a Legal Division which plays an advisory and prosecutory role in the organisation. It is headed by a Legal Advisor, who is a deputationist from the Ministry of Law of the central government. This arrangement ensures objectivity of his office. He is assisted by a number of Law officers who are permanent employees of the CBI, namely, Additional Legal Advisor, Deputy Legal Advisors, Senior Public Prosecutors Public Prosecutors, Assistant Public Prosecutors, etc. These are indicated in descending order of seniority and rank. These officers render legal advice to the investigating officers during the course of investigations as to the viability of proposed prosecutions. Their advice is taken seriously, but they can be over-ruled by the executive CBI officers.

Multiple and hierarchical systems of legal advice prevails in the CBI. Legal advice is taken at least at three levels before deciding the fate of a case. After a decision has been taken to prosecute a case, the law officers conduct the prosecution of cases in the courts. The level of a

law officer to prosecute a case is directly related to the level of the court, i.e., the higher the court, the higher the rank of a law officer to prosecute it. Besides, the CBI also engages Special Public Prosecutors from the bar on a daily fee basis in important and sensational cases.

LET US SUM UP

The investigation includes finding the guilty, gathering evidence, identifying witnesses, and ascertaining if the crime has happened. It is crucial that this entire process is not interfered with and is conducted with proper means and assistance. Otherwise, justice will be denied at the hands of our legal system to many victims.

CHECK YOUR PROGRESS

1. During the period of _____, the pay and allowances will be regulated in accordance with Rule.
2. _____and _____are two essential tools of administration and management.
3. When a Police Officer is placed under suspension at the instance of the _____he should not be reinstated before completion of the inquiry without consulting the Commission.
4. The most senior law officer of the Government of India is the _____

GLOSSARY

Gallantry : courage or a courtliness behaviour shown towards women

Cardinal : A principle of a crucial importance

Citations : An official summons or notice given to a person to appear

Dereliction : The act of abandoning something

ANSWER TO CHECK YOUR POGRESS

1. Suspension
2. Reward, Punishment
3. Lokayukta
4. Attorney General for India

MODEL QUESTIONS

1. Explain the prosecution wing of the police station.
2. Discuss the improvements made in the investigation process.
3. Analyse the Procedure of Investigation under the Criminal Procedure Code.

SUGGESTED READINGS

1. Roy, Jay tilak Guha (ed.), (1999), *Policing in Twenty First Century*, Indian Institute of Public Administration, New Delhi.
2. Kamal Mishra, (2009), *Police Administration in India*, Mittal Publications.
3. M.B.Chande, (1997), *The Police in India,* Atlantic Publishers and Dist.

UNIT - 8

COMMISSIONER OF POLICE SYSTEM

STRUCTURE

OVERVIEW

The Commissioner of police under the commissionerate system exercises the powers and duties of a District Magistrate. These powers are also available to any officer under the commissioner who is not below the rank of an Assistant Commissioner of Police. This essentially means that such police officers now have powers of preventive arrest, imposing Section 144 of the CrPC Act and also to initiate chapter proceedings which include issuing showcause notices to persons asking them to execute a bond with or without sureties for good behaviour in interest of the public. The police are also empowered to conduct externment proceedings and issue written orders to remove a person from their jurisdiction of the commissionerate for a maximum of two years.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Understand the police commisionerate system.
➢ Learn the difference between dual and commisonerate system.

8.1 INTRODUCTION

In recent times protests against the government have risen quite significantly. Protests are hallmarks of a democractic nation, but protest needs to be peaceful and in concurrence with the ethos of the constitution. In a district, the Dual command structure, whereby the both police headed by SP (head of district police) and the District Magistrate (executive), has the responsibility of maintenance of public order. However, there have been cases where the dithering by magistrates have led to law and order situations getting out of hand with serious consequences flowing on to the citizenry. This has led to the demand for establishing a Police Commissionerates System in India's Urban Spaces. Establishing a police commissionerate system in urban areas may help in improving response time, set clear accountability for Police and eventually improve public order. However, merits and demerits of both systems need to be analysed.

8.2 POLICE COMMISSIONERATES SYSTEM

This system essentially splits a district in two parts from the point of view of policing. The part of the city that forms the large urbanised settlement becomes a geographical area where the police responsibilities of District Superintendent of Police get transferred to the Commissioner of Police.

Along with this, the powers of the District Magistrate (DM), the Sub-divisional Magistrates (SDM) and the Executive Magistrates in the area of crime and law and order also get transferred to the Police Commissioner. For the rest of the District, however, both the District Magistrate, his subordinate magistrates and the District Superintendent of Police retain their police powers.

8.3 ISSUES RELATED TO DUAL SYSTEM

Delay in Reaction Time: Under the Dual system, before conducting any operation pertaining to maintenance of public order, police is required to obtain permissions from the magistrates. This adversely impacts efficiency.

Diversion of Attention: Through a vast array of government schemes, the governments envisages to provide developmental thrust to the remotest corners of the country.

The District Magistrate carries a huge workload on account of implementation of these schemes. Therefore the requirement of DM in maintenance of public order leads to diversion of attention from its developmental obligations.

Issues of Accountability: It is difficult to set accountability in event of any mismanagement of law and order situations like some protest or riots, as a blame game emanates from this dual system of policing.

8.4   ISSUES RELATED TO COMMISSIONERATE SYSTEM

Lack of Public Confidence in Police: Since the colonial times, the Police have not had the image of a pro-poor and pro-people institution. The police do not inspire public confidence and people generally bring their grievances to the magistrates.

Therefore, the police commissionerate system will further strengthen the narrative of a "police raj".

Giving More Power to Police: In absence of clear norms of transparency and accountability imposed on an autonomous police machinery may leave the Police as the handmaidens of the ruling political dispensation on the one hand and repressive governmental machinery on the other.

Overlapping Jurisdiction: Even though the Supreme Court has made a distinction between law and order (pertaining to police) and public order (responsibility of District Magistrate). However, these two fields are overlapping i.e. any matter which is linked to individual crime can easily become a public order issue.

8.5   SUPREME COURT OBSERVATION ON LAW & ORDER AND PUBLIC ORDER

The Court held that the two concepts have different objectives and legal standards. Law and order consists of the analysis made by police of the situation in an area and their commitment to firm action and penalties under criminal law.

Public order is a duty imposed on the District Magistrate to assess whether it is necessary to rush to the spot where law and order has been breached to prevent violence spreading and ease tension. Balancing Right to Protest and Public Order: Right to Protest emanates from freedom of speech and expression and as a democratic nation it is expected to consider protest as legitimate. Therefore, District Magistrate having a say in public order acts as checks on the raw power of the police force.

8.6 DIFFERENCE BETWEEN DUAL AND COMMISSIONAERATE SYSTEM

Dual system	Commissionerate system
Dual command structure over the district police means that control and direction over the police vests with the SP (head of district police) and the District Magistrate (executive).	Unified command structure with the Commissioner of Police (rank of the Deputy Inspector General or above) as the sole head of the force within the city. Allows for quicker responses to law and order situations.
Separation of powers of the DM (e.g., issues arrest warrants and licenses) and the police (e.g., investigate crimes and make arrests).	Powers of policing and **magistracy** concentrated in Commissioner. **Directly accountable** to the state government and state police chief.
Less concentration of power in the police, and accountability to DM at the district level.	**Lesser accountability** to the local administration.
SP is assisted by Additional/Assistant/ Deputy SPs, Inspectors and constabulary.	Commissioner is assisted by Special/Joint/ Additional/ Deputy Commissioners, etc. Inspector downwards rank structure is the same.

8.7 CONCLUSION

Only the establishment of a police commissionerate is not likely to deliver safer and better-policed cities, much more reforms are required in this regard. For Example:

Development of Civil Society: There is a need to develop a vibrant civil society with a high degree of activism and participation by non-governmental organisations. It can act as an effective check on police forces.

States Needs to Take the Lead: As public order and police are part of the State List in the Seventh Schedule of the Constitution, it is required on part of states to carry out necessary police reforms.

Need for Strong Municipal Architecture: Technological advancements pose new challenges to administration. Therefore, the planning, governance and delivery of many municipal services to a large population necessitates the setting up of a stronger municipal architecture.

Indian urban spaces can emulate the commissionerate system of the western democratic world, which operates under the directly elected Mayor and the City Council with a high degree of openness and public sharing of police actions and performance.

LET US SUM UP

India's existing police system suffers a series of deficiencies from problems relating to a police organization, environment, infrastructure, and understaffing, to obsolete weaponry and intelligence gathering techniques to a shortage of manpower to corruption, the police force in the country is not in good shape. Therefore, there is an urgent need for holistic police reforms. Since, Police, Law and Order are subjects of state list, the government can start by urging all states to implement the recommendations given by the supreme court in Prakash Singh case.

CHECK YOUR PROGRESS

1.   Establishing a police commissionerate system in _____ may help in improving response time, set clear accountability for Police.
2.   The powers of the _____ (DM), the Sub-divisional Magistrates (SDM) and the Executive Magistrates in the area of crime and law and order.
3.   Technological advancements pose new challenges to _____.

GLOSSARY

Bilateral   : Involving both the parties together or binding the two parties involved in an agreement

Modernisation   : The act of modernizing anything that which is useful for the people or the society or an organization or an institution.

ANSWER TO CHCEK YOUR PROGRESS

1.   Urban areas
2.   District Magistrate
3.   Administration

MODEL QUESTION

1.   Elucidate the difference between Dual system and Commiserate system.
2.   Explain the Police Commisionerate System.

SUGGESTED READINGS

1.   Roy, Jay tilak Guha (ed.), (1999), *Policing in Twenty First Century*, Indian Institute of Public Administration, New Delhi.
2.   Kamal Mishra, (2009), *Police Administration in India*, Mittal Publications.

Block IV

POLICE PERSONNEL ADMINISTRATION

Unit - 9   Recruitment, Promotion, Training, and Conditions of Service

Unit - 10   Rights of the Police Personnel

Unit - 11   Public Grievance and Police Public Relations

UNIT - 9

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RECRUITMENT, PROMOTION, TRAINING,

AND CONDITIONS OF SERVICE

</div>

STRUCTURE

OVERVIEW

The police are one of the biggest employers of manpower and the recruitment at the state police is done generally at three levels. The minimum educational qualification is required for their recruitment. This chapter also mentions about the recruitment process for each rank of the police force. Training is another effective process which brings about professional skills, competence, attitude and behavioural orientation to improve employee effectiveness. Most central police organisations have established their own training institutions which organise not just the basic training but also specialized courses.

LEARNING OBJECTIVES

After reading this unit, you will be able to

➢ Study about the classification of Police.

➢ Learn the recruitment, promotion, and retirement process of Police.

➢ Know about the Pay and Compensation.

9.1 INTRODUCTION

Every police department is faced with the necessity of recruiting and selecting personnel to fill the complex roles discussed in previous chapters. Personnel must be recruited and selected to fill positions at three different levels: the entry level, the supervisory level, and the chief's level. "With the prolonged economic downturn, there are a greater number of high-calibre candidates who are seeking employment opportunities". This finding is a reversal from recent years when police agencies struggled to locate qualified recruits.

Most agree that this increase is based on the downturn in the economy and the employee reduction in corporate organizations. And police chiefs expect that those victims of corporate reductions should be well suited for public safety positions since many have experience in the workforce, were a part of a team, and are more mature about the world of work. Because recruitment and selection are critical to the success of any agency, and virtually all promotions in police agencies are internal, it is imperative that police administrators attract qualified applicants. This is particularly true with respect to women and minorities, an issue that is addressed in detail as we begin this chapter, several questions come to mind.

9.2 POLICE ADMINISTRATION IN INDIA

India is a 'Federal Democracy', which means a system of government in which power is constitutionally divided between a central governing authority (central government) and constituent political units (state governments). As mentioned in the 'Seventh Schedule' of the Constitution of India, 'Law & Order' is a state subject. Therefore all 28 State Police Departments in India (like Assam Police, Bihar Police, Haryana Police, Karnataka Police, Maharashtra Police, etc) reports to their respective State Governments. Whereas the police departments of all 9 Union Territories of India (including National Capital Territory of Delhi) are under the control of the Central Government through the respective Governors or Administrators.

Recruitment in the Indian police force is done at Four different levels ie at Constabulary, Upper Sub-ordinate, S.P.S. (State level) and I.P.S. (Central level). The I.P.S. officers are central government employees who provide senior-level leadership to police forces, both in the States and at the Centre. They are recruited Directly or by promotion from the State Police Service (S.P.S.). As of March 2021, the total sanctioned cadre strength of I.P.S. is 4,982 (including direct recruits & promotees). Deputy Superintendent of Police (D.S.P.) or Assistant Commissioner of Police (A.C.P.) is the junior-most Police officers. There are several 'Federal' Police Agencies like, "IB, NSG, RPF, BSF, CRPF, CISF, ITBP, SSB" etc, which are under the direct control of the Ministry of Home Affairs, Government of India. All the officers of the Central Armed Police Forces (CAPF) are appointed through UPSC. It should be clear that there is NO such thing called 'Indian Police' and secondly, I.P.S. is a service and NOT a department.

Now, let us have a look at the hierarchy of cops in India. This ranking is followed in all the state governments, except Madhya Pradesh and Maharashtra which have slight variations. The Central Forces do not have a general hierarchy system, therefore it differs from one department to another.

9.3 GENERAL HIERARCHY OF COPS IN INDIA

I.P.S. Officers or Indian Police Service Officers:

1. Director General of Police (D.G.P.)
2. Additional Director General of Police
3. Inspector General of Police (I.G.P.)
4. Deputy Inspector General of Police
5. Senior Superintendent of Police (S.S.P.)
6. Superintendent of Police (S.P.)
7. Additional Superintendent of Police
8. Assistant Superintendent of Police

P.P.S./ S.P.S. or Provincial/ State Police Service Officers:

1. Senior Superintendent of Police
2. Superintendent of Police
3. Additional Superintendent of Police
4. Deputy Superintendent of Police (D.S.P.)

Upper Subordinate:

1. Inspector of Police (P.I.)

2. Sub-Inspector of Police (S.I.)

3. Assistant Sub-Inspector of Police (A.S.I.)

Constabulary:

1. Head Constable (H.C.)

2. Constable (C.T.)

3. Home Guards.

9.4   IMPORTANCE OF RECRUITMENT AND SELECTION

The importance of productive recruitment and selection procedures cannot be overemphasized, regardless of the level involved. Poor recruitment and selection procedures result in hiring or promoting personnel who cannot or will not communicate effectively with diverse populations, exercise discretion properly, or perform the multitude of functions required of the police. Even in the twenty-first century, questions still exist "about whether or not current pre-employment screening techniques are capable of identifying that police candidate who can successfully complete the training academy and perform in an admirable manner on police patrol" (Wright, Dai & Greenback, presents a list of the traits necessary to be an effective police officer. Recognizing the need for candidates with such traits, most departments expend considerable time and money in the process. The extent to which such recruitment efforts are successful largely determines the effectiveness and efficiency of any department.

9.5   PROCESS OF RECRUITMENT AND SELECTION

It must be pointed out that in many cases the recruitment, selection and promotion of officers, chiefs, and supervisors is done in large part by those outside of policing. That is, police and fire commissioners, personnel departments, or civil service board members often determine who is eligible for hiring and promotion, and assessment teams, city managers, mayors, and council members typically determine the selection of chief. In the former case, police officials may select officers from among those on the eligibility list and, in the case of promotions, have a good deal of input as we shall see later. Still, much of the recruitment and selection of police personnel is done by civilians with varying degrees of input from police administrators.

9.6   SELECTION PROCESS & RECRUITMENT

It is important to note that some form of the recruitment and selection process recurs throughout the career of an officer. Once selected for an entry-level position by a specific department, the officer is likely to be involved in selection procedures involving appointment to different assignments (detective, juvenile officer, crime technician, patrol officer, etc.), to different ranks (via promotional examinations), to different schools or training programs, and so on. For some, the process ends with their selection as chief; for others, the process continues as they seek the position of chief in other agencies; and for other individuals, the process begins and ends at the rank of patrol officer. Nonetheless, even for the latter, this recruitment/selection process is repeated over and over throughout their careers, even if they are not a direct participant in the process. That is, some officers make a conscious choice to remain patrol officers and to not seek opportunities for training.

9.7   PROMOTION

9.7.1   PROMOTION OF GAZETTE OFFICERS

Deputy Inspector General and Superintendent – Selection Grade: Appointments to the Selection Grade in the Indian Police Service are made strictly by selection. All officers who have rendered meritorious service as Superintendent of Police will be deemed eligible for appointment, provided that no officer shall be promoted to that grade who is considered unfit for promotion to the rank of Deputy Inspector General of Police. Appointment to the post does not necessarily mean that the Government have finally decided that the officer so appointed is fit for promotion to the rank of Deputy Inspector General when such vacancy arises. Promoting to the rank of Deputy Inspector- General is also made by selection.

9.7.2   REMOVAL FROM SERVICE

The authority competent to remove from service a member of the Indian Police Service who is proved to be unfit for further advancement, shall be the Central Government. No officer shall be removed until he has had full notice of the grounds on which inefficiency is charged against him and an opportunity of making his defence.

The removal of Indian Police Service Officers for unfitness for further advancement also apply to the Tamil Nadu Police Service Officers, except that the power to remove an officer or to order his retirement will be exercised by the State Government.

9.7.3 PROMOTION OF NON GAZETTED OFFICERS

Promotion shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal. Officers responsible for the preparation of promotion lists will regulate the number of officers on each 'C'list to ensure that on each occasion when a list is prepared or revised the number of names in it is not more than the total number of vacancies expected to arise the next year in the category or rank to which officiating promotions from the list is to be made.

The vacancies expected to arise should be calculated on the basis of the total number of permanent and temporary posts in existence in the category or rank, the anticipated sanction of new posts in the next year, the requirement of leave reserve, anticipated vacancies due to retirement and promotion, etc., minus the number of persons already in position on that category of rank. The number to be included each year should be decided and when necessary reviewed by the authority who orders the inclusion of names in the promotion list in question. The authority concerned will also decide the year of seniority above which personnel in each category should be considered for the inclusion in the list. Superintendents of Police and Sub-Divisional Officers will before handing over charge when proceeding on long leave or on transfer leave a note for their successors regarding their subordinate office and men whose cases for promotion should be taken up for consideration.

9.8 PAY AND ALLOWANCES

The pay bands and grade pays admissible to a member of the Service and the dates with effect from which they said pay bands and grade pays shall be deemed to have come into force, shall be as follows:-

A. Junior Scale – Pay-Band – 3: Rs.15600-39100 plus Grade Pay Rs.5400;

B. Senior Scale – (i) Senior Time Scale- Pay-Band – 3: Rs.15600-39100 plus Grade Pay Rs.6600; (ii) Junior Administrative Grade – Pay-Band – 3: Rs.15600-39100; plus Grade Pay Rs.7600; (iii) Selection Grade - Pay-Band – 4: Rs.37400-67000; plus Grade Pay Rs.8700;

C. Super Time Scale – (i) Deputy Inspector General of Police – Pay-Band – 4: Rs.37400-67000; plus Grade Pay Rs.8900; (ii) Inspector General of Police – Pay-Band – 4: Rs.37400-67000; plus Grade Pay Rs.10000;

D. Above Super Time Scale – (i) 7 Additional Director General of Police – HAG Scale Rs. 67,000 (annual increment @3%) -79,000 (ii) HAG + : Rs.75500- (annual increment @ 3%) - 80000 Grade Pay : nil; (iii) Apex Scale : Rs.80000or- (fixed), Grade Pay : nil (by up gradation of one existing post of Director General of Police as head of police force in the each State cadre); (with effect from the date of issue of notification of the Indian Police Service (Pay) Amendment Rules, 2008);

The initial pay of a member of the Service who opts or deemed to have opted in accordance with these rules, to be governed by the revised scale on and from the 1st day of January, 2006 or from a later date, which shall be re-fixed as from that date separately in respect of his substantive pay in the permanent post on which he holds a lien or would have held a lien if it had not been suspended, and in respect of his pay in the officiating post held by him, in the following manner, namely:-

 (A) In the cases of all members of the Service,-

(i)   the pay in the pay band or pay scale shall be determined by multiplying the existing basic pay as on 1st day of January, 2006 by a factor of 1.86 and rounding off the resultant figure to the next multiple of 10;

(ii)   if the minimum of the revised pay band or pay scale is more than the amount arrived at as per above, the pay shall be fixed at the minimum of the revised pay band or pay scale; Provided that – (a) where, in the fixation of pay, the pay of a member of the Service drawing pay at two or more consecutive stages in an existing scale gets bunched, that is to say, gets fixed in the revised pay structure at the same stage in the pay band, then, for every two stages so bunched, benefit of one increment shall be given so as to avoid bunching of more than two stages in the revised running pay bands. For this purpose, the increment shall be calculated on the pay in the pay band and the grade pay would not be taken into account for the purpose of granting increments to alleviate bunching;

(b) If by stepping up of the pay as above, the pay of a member of the Service gets fixed at a stage in the revised pay band or pay scale (wherever applicable) which is higher than the stage in the revised pay band at which the pay of a member of the Service who was drawing pay at the next higher stage or stages in the same existing scale is fixed, the pay of the latter shall also be stepped up only to the extent by which it falls short of that of the former.

9.9   SALARY AND COMPENSATION

Patrolling a specific area to maintain public order, responding to emergencies, protecting people and property and enforcing laws and regulations, Identifying, pursuing and arresting suspects and perpetrators of criminal acts, directing traffic and assuming authority in the event of accidents, providing emergency assistance to victims of accidents, crimes and natural disasters.

The salary details are as follows:

* Salary range for the majority of workers in Police officers - from ₹7,333 to ₹26,831 per month - 2021.

* Police officers typically earns between ₹7,333 and ₹14,046 net per month at the start of the job.

* After 5 years of service, this is between ₹10,477 and ₹24,200 per month for a working week of 48 hours.

* Law enforment officer - ₹29,823

* Patrol Officer - ₹3,41,471

* Security Officer - ₹18,388 per month

* Sheriff - ₹36,670 per month

* Police Sergeant -₹4,624 per day

* Cadet - ₹38,242per month

Package variants as per designation of personnel Police:

* Silver: Net Monthly Salary Rs. 10,000 To Rs. 25,000.

* Gold: Net Monthly Salary Rs. 25,001 To Rs. 50,000.

* Diamond: Net Monthly Salary Rs. 50,001 To Rs. 1,00,000 & Officers of SP And Higher Rank.

* Platinum: Net Monthly Salary Above Rs. 1,00,000 & Officers of DIG and Higher Rank.

Package for Home Guards

Silver: Steno, Clerical Staff, Asst. Grade-2, Driver, Hawaldar, Arakshak, Peon, Sepoy, Aradali, Follower

Gold: Registrar (Lekha Adhikari), MTI, MTO, Asst. Quarter Master, Office Supdt., Asst. Supdt.

Diamond: Junior Staff Officer, District Commandant.

Platinum: DG, IG, Addl. Commandant General, Senior Staff Officer.

9.10   RETIREMENT BENEFITS

A retiring pension and death-cum-retirement gratuity shall be granted to a member of the Service who retires or is required to retire. Amount of Gratuity or Pension:

(a)   In case a member of the Service retires from service in accordance with the provisions of these rules, before completing qualifying service of ten years gratuity shall be admissible at the rate of half month's pay of each completed six monthly period of qualifying service. The dearness allowance admissible on the date of retirement shall also be treated as emoluments

(b)   In case a member of the service retires from service in accordance with the provisions of these rules, after completing qualifying service of not less than ten years, the amount of pension shall be calculated at fifty per cent of emoluments or average emoluments, whichever is more beneficial to him, subject to a minimum of three thousand and five hundred rupees per mensem and a maximum of forty-five thousand rupees per mensem.";

(c)   In addition to pension admissible in accordance with clause (b) of sub-rule (1), after completion of eighty years of age or above, additional pension shall be payable to the retired member of the service in the following manner :-

Age of Pensioner	Additional Pension
From 80 yrs to less than 85 yrs	20% of basic pension
From 85 yrs to less than 90yrs	30% of basic pension
From 90 yrs to less than 95yrs	40% of basic pension
From 95 yrs to less than 100yrs	50% of basic pension
100 years or more	100% of basic pension

A retirement gratuity equal to one fourth of the emoluments for each completed period of six months of service shall be paid to member of the service on his retirement from service who has completed five years' qualifying service, subject to a maximum of sixteen and half times of the emoluments: Provided that the amount of retirement gratuity payable

under this clause shall not exceed rupees 88 rupees ten lakhs. (3)(a)(ii) In the case of the death of a member of the service while in service, death gratuity shall be admissible at the following rates:-

Length of service	Rate of Gratuity
Less than one year	2 times of emoluments
One year or more but less than 5 years	Six times of emoluments
5 years or more but less than 20 years	12 times of emoluments
20 years or more half of emoluments for every completed six monthly period	Maximum 33 times

Therefore, perks are always necessary for any person to get motivated in the job that they perform. Retirement and pension benefits are an added advantage for the employees for them in the future as they help them to survive with dignity.

9.11 TRAINING

In the Year 1896, on the suggestion of the Inspector General of Police the Government ordered the opening of a Training School at Vellore In North Arcot District. It initially conducted training course for Inspectors for 3 months. In the Year 1898, a combined training School for Police Inspectors and Station House Officers Was formed. In October 1905, the training School was made a permanent institution. Then the Courses for Inspectors were abolished and new courses for Sub-Inspectors Were opened. A Training School for recruit constables was also opened in Vellore in April 1908.Both the Police Recruits School and the Police Training College for Officers of and above the rank of Sub-Inspectors were functioning together in Vellore under the charge of Principal, Police Training College, who was of the rank of Superintendent of Police.

The Police Training College, Chennai, is imparting basic training to the Police personnel. A Hi-Tech Computer Centre at the Police Training College was inaugurated in 2001. For the first time in the country, the Police Training College, Ashok Nagar, Chennai, is forging Higher Education Links with the National Police College, Bramshill, UK. The scheme (sponsored by the British Council faculty) envisages exchange visit by members of the two institutions for three years from 2001 to 2003. This step is expected to impact in a big way the quality of Police training in the State.

9.12 CONCLUSION

These officers are important in understanding the recruitment and selection process of promotions because they may become perceived as outside of the pool of candidates to be recruited for such advancement or training. In other words, promoted officers must learn to deal with career patrol persons and vice versa. An examination of the various requirements and strategies employed in the recruitment process reveals some of the difficulties involved in selecting personnel who will both fill the official vacancy and meet the situation-specific needs of various departments. However, we need to understand the legal context in which such processes occur before we turn our attention to recruitment and selection at the various levels.

LET US SUM UP

Poor recruitment and selection procedures result in hiring or promoting personnel who cannot or will not communicate effectively with diverse populations, exercise discretion properly, or perform the multitude of functions required of the police. An examination of the various requirements and strategies employed in the recruitment process reveals some of the difficulties involved in selecting personnel who will both fill the official vacancy and meet the situation-specific needs of various departments.

CHECK YOUR PROGRESS

1. _____ generally encompass major cities that are so designated, such as Kolkata, Mumbai, Delhi, Chennai, Lucknow, Varanasi, Kanpur and Gautam Buddha Nagar.

2. The First Police Commission, appointed on 17 August _____.

3. Recruitment in the Indian police force is done at four different levels such as Constabulary, _____, SPS (State level), and IPS (Central level).

GLOSSARY

Primary governing body : Government of India

Secondary governing body : State / Union Territory Government of the respective States and Union Territories of India

Constituting instrument : Applicable provisions

ANSWERS TO CHECK YOUR PROGRESS

1. Commissionerates

2. 1865

3. Upper Sub-ordinate

MODEL QUESTIONS

1. Discuss the process of Selection and Recruitment.
2. Evaluate the Police Administration in India and its hierarchy.
3. Explain the Salary and Compensation Status in Police Department.

SUGEESTED READINGS

1. M.S. Parmar, (1992), *Problems of Police Administration - Indian Police Administration,* English, Hardcover Reliance Books.

2. Roy, Jay tilak Guha (ed.), (1999), *Policing in Twenty First Century*, Indian Institute of Public Administration, New Delhi.

3. Kamal Mishra, (2009), *Police Administration in India*, Mittal Publications.

Unit – 10

RIGHTS OF THE POLICE PERSONNEL

STRUCTURE

Overview

Learning Objectives

10.1   Introduction

10.2   India Legal System

10.3   Police and Rule of Law

10.4   Police Reform in India

10.5   Rights of a Person to deal with Police

10.6   Accountability of Police in India

10.7   Conclusion

Let us sum up

Check your progress

Glossary

Answers to check your progress

Model questions

Suggested readings

OVERVIEW

Training methods have been outdated and aspects of human rights are largely ignored in training modules. External stressors include frustrations with the criminal justice system, particularly in terms of the apparent leniency of court decisions and the scheduling of court appearances, discontent with unfavorable media coverage, resentment of certain opinions arising out of minority communities and dislike of decisions and interests of government and administrative bodies affecting the performance of police. This chapter highlights the rights of the police personnel.

LEARNING OBJECTIVES

After studying this chapter, you will be able to

➢   Learn the India legal system.
➢   Study the police rules and reforms in India.
➢   Understand the rights of the police personnel.

10.1 INTRODUCTION

The police department is responsible for upholding law and order in communities and preserving public safety as well as protecting its reputation. India's Preamble clearly shows that no-one is above the law. Police officers are also unlikely to exercise excessive control or abuse their authority to threaten people in the garb of undertaking an investigation. Police are one of society's most significant organizations. And the cops happen to be the government's most prominent leaders. In an hour of risk, threat, disaster, and challenge, when a resident does not know what to do and how to contact, it happens that the police department and a policeman are the most appropriate and available unit and individual to him. Police are expected to be any society's most accessible, interactive, and dynamic organization.

On the one hand, their positions, responsibilities and duties within society are normal to be varied; and on the other, difficult. Broadly speaking, police main responsibilities are law-keeping and order-keeping. However, there are numerous ramifications of these two duties, resulting in a large inventory of the police organization's duties, functions, powers, roles, and responsibilities. Vesting varied powers in the hands of police while, on the other hand, it is necessary to carry out their duties leaves the door to misuse and, hence, human rights violations. Police are the first person of contact with the citizens. The police have to preserve order and prevent crime. It is their duty to produce the offenders before the court and deal with it.

10.2 INDIA LEGAL SYSTEM

The Indian legal system gave the people living in the country much control. Not everybody, sadly, is aware of the force. Being an Indian citizen, it is very important that you are aware of the laws and rights that exist within the region. Beyond simple rules and rights, there are other essential rules and rights that must be recognized by all.

Article 21 of the Indian Constitution gives the lives of imprisoned, under-trials, and accused people hope. These citizens ought to be treated humanely and in the way prescribed by the statute. In Maneka Gandhi v. Union of India {AIR 1978 SC 597}, the Supreme Court held that State and, as a matter of fact, the police as its main law enforcement agency have an unquestionable duty to bring in offenders to book. Nevertheless, the law and procedure that the State has adopted to achieve this laudable social objective must conform to civilized norms. Therefore, the method the State has implemented must be lawful, equitable, and rational.

The major objective of police in Indian Society is to maintain public order, prevention and detention crime, respect the rule of law, and to respect the dignity of human beings. Police arrest powers are subject to restrictions and judicial oversight and scrutiny to safeguard the fundamental right to life of all persons under

Article 21 of the Indian Constitution. Imposing such restrictions explicitly reflects an appreciation of the accused person's interests. Chapter-V of the Criminal Procedure Act (CrPC) contains provisions relating to the arrest, restraint and supervision, and scrutiny of persons. Criminal law's main purposes are Deterrence, Retribution, and Protection. Reformation & Rehabilitation are the silent aims of improving social hues. "Once Criminal, Always Criminal," the test of reasonableness, intelligence, and morality can't bear. Not all offences are the same and so they aren't offenders. Weight, design, and presence determine which jurisprudential law norm to apply. The implementation of the yardstick is, however, dependent on discretion to be exercised under the scope of State legislation.

10.3   POLICE AND RULE OF LAW

The fundamental principle of democracy is the rule of law. It says that no person is above law and every person is equal before the law. Rule of law denotes equal protection of the law and the absence of arbitrary powers of law. Police is a subject governed by states, under the Constitution. Hence each of the 29 states has its own security departments. In fact, the centre is authorized to maintain its own security forces and support states in maintaining law and order. Therefore, for specialist activities such as intelligence collection, investigation, research and record-keeping, and teaching, it operates seven regional police forces and several other police organizations. Police departments play a key role in maintaining and executing laws, solving offences and providing security for the country's citizens. In a wide and populated nation such as India, police forces need to be well-equipped to play their function well in terms of manpower, weapons, forensic assistance, connectivity, and transport.

10.4   POLICE REFORM IN INDIA

Police make up about 3 percent of government spending. If the responsibility for maintaining law and order and prosecuting crimes rests with state police services, central powers support them with intelligence and national security problems (e.g., insurgency). Police investment accounts for around 3 percent of the budgets of the federal and state government. State police had 24 percent vacancies in January 2016

(about 5.5 lakh vacancies). And while in 2016 the approved police force was 181 police per lakh citizen, the actual force was 137 police. Note that the standard recommended by the UN is 222 policemen per lakh person. The constabulary constitutes 86 percent of the state police.

10.5 RIGHTS OF A PERSON TO DEAL WITH POLICE

Section 29 of the Indian Police Act, 1861 states that if a person is at the end of the misconduct due to a police officer's omission of duty, the officer may be punished with up to 3 months' imprisonment and up to 3 months' salary penalty.

Police Complaint Authority (PCA) was formed in 2006 for managing police complaints and improving the police system's framework and way of operating. If there is a case of 'serious wrongdoing' the police officer may be found responsible. Anybody who has experienced police brutality will lodge a lawsuit with PCA.

The courts have explicitly given rules specifying that, during the inquiry, a police officer cannot intimidate people and must write down minutes of the inquiry in the station log or the daily journal.

Only if the information does not reveal a cognizable offence and to the extent of finding the recognizability of a crime alone can preliminary inquiry be conducted. If a cognizable offence is revealed in the documents, the police must file an FIR, so they can not obstruct the operation under the pretext of a preliminary investigation.

Where a police officer fails to file an FIR, the informant can send the details to the Police Superintendent in writing. The witness or the perpetrator can even file with the Magistrate his / her case.

If a person is summoned on the basis of being mentioned in a petition or listed as a witness, the police officer shall request a formal subpoena under Section 160 of the Code of Criminal Practice, 1973, stating the date and time for attendance.

It's also suggested that an advocate can join you if you go to the police department to lodge a lawsuit against a police officer.

During the event of police detention, there are two records you need to know about; search memo, and detention memo. An inspection memo is important because it states how you look like before being locked up and if you have any injuries before being locked up or not, so you won't get injured during the investigation. Memo of Detention has

clear details about the incident, including witness names, and there are no lies heard by the police perspective.

10.6   ACCOUNTABILITY OF POLICE IN INDIA

According to Article 246 of the Indian Constitution, 'Police' comes on the State List of the Seventh Schedule, and it is beyond the jurisdiction of the respective State Governments to make laws governing the police in their State. While policing regulations have a clear federal structure, India is essentially a quasi-federal country and so the central government is still active in police force control. Recruiting senior Indian Police Service (IPS) police officers, for example, is a consolidated mechanism controlled by the All-India Services; there are also many paramilitary forces, such as the Central Reserve Police Force or the Border Security Force, that come under the Central Government; the Ministry of Home Affairs also oversees the police. The Indian Police Act, 1861, is India's basic law regulating the police; most states either follow this fundamental law or have laws that are moulded to it.

Several steps have been set in place in the past three decades to carry out major policing reforms. Around 1978 and 1981, eight findings were issued by the National Police Commission with different suggestions but no step was done to enact them. In the case of Vineet Narain v. Union of India, the Supreme Court acknowledged the immediate need to introduce these changes, following which two reports were submitted by the Ribeiro Committee; in 1998 and 1999 the Central Government appointed Padmanabhaiah Committee Report in 2000 and Malimath Committee Report in 2002.

All of these reports culminated in the Supreme Court judgment on Prakash Singh v. Union of India. The decision deals primarily with three facets of policing, organizing, flexibility, transparency and efficacy. The Supreme Court issued specific instructions to be pursued by the Center and Governments of the State before the law is passed in this regard.

The directions include:- each State Government shall create a State Security Commission to ensure that police are safe from unconstitutional political influence, determining the appointment and minimum tenure of Chief of Police (DGP); minimum tenure of other police officers including Inspector General of Police (IGP), Deputy IGP, District Supreme Police and Station Officer and Establish a Police Establishment Board that will decide matters relating to transfers, posts, promotions and other matters relating to the service of officers below the rank of Deputy Police Superintendent. Given the scope of this

memorandum, our discussion will be confined to the Police Complaints Authority.

We studied the relevant laws and regulations, as well as the cases published on this topic from different legal sources and monitored the progression of concepts in those precedents. We have reviewed the recent police reports and studies in India that provide a rich source of analytical and statistical evidence, numerous publications on the topics and related books. Though few focus entirely on the legal aspects of the Indian police organization. We shift now to the first section of the report which will concentrate on the judicial remedy depending on the trial. This will be accompanied by a focus on the post-Prakash Singh Police Complaints Authority, and the National Human Rights Commission ('NHRC') as a police oversight system in the final section.

10.7 CONCLUSION

Officers have the task of enforcing and upholding the rule of law, not legislation. This break from past and current traditions would demand that they are isolated and granted practical autonomy from outside unconstitutional power and influence. When the police are granted practical authority, the wrongs they conduct must be kept accountable. The current governance systems need to be reinforced and enhanced. Furthermore, alternative systems need to be developed operating independently to track police activities and investigate public complaints against the police. Police success as an agency, and police staff actions as individuals both need continuous supervision.

The other direction is to do everything possible under the existing system and structure to reinforce and improve policing. In addition to improving recruiting, discipline, and leadership practices, lower police personnel's working and living conditions require significant improvement, an initiative that should begin by increasing the constabulary rank.

LET US SUM UP

One is to create legislative administrative structures to ensure that the supervisory powers of state governments over their police forces have police service which is solely in accordance with the legislation. The reality that there is no such police force in India, as attested by the reports of numerous commissions and committees, the representations obtained by the commissions on human rights, the stories published by the press and the perceptions of the ordinary people on the ground. The need for restructuring of the police is clear and immediate. There are two

ways in which parallel policing reforms will be followed. Providing ordinary citizens with a sense of security and attending to their grievances is dependent on establishing an efficient, honest and professional police force.

CHECK YOUR PROGRESS

1. Individual stressors include fears about job competence, individual success and safety:
2. Central Governments enhanced the pay and allowances of the police

GLOSSARY

Agitation : The state of being moved with violence

Criminalisation : The act of making a previously legal activity illegal

Enforcement : The act of enforcing or putting in execution

ANSWERS TO CHECK YOUR PROGRESS

1. True
2. False

MODEL QUESTIONS

1. Describe the rights of a person before they deals with the police.
2. Explain the concept of police and rule of law.
3. Examine the police reforms in India.

SUGGESTED READINGS

1. Roy, Jay tilak Guha (ed.), (1999), *Policing in Twenty First Century*, Indian Institute of Public Administration, New Delhi.
2. Kamal Mishra, (2009), *Police Administration in India*, Mittal Publications.
3. M.B.Chande, (1997), *The Police in India,* Atlantic Publishers and Dist.

PUBLIC GRIEVANCE AND POLICE PUBLIC RELATIONS

STRUCTURE

OVERVIEW

A Policeman's job is very tough and arduous. Long hours of duty and the monotonous nature of work have an adverse impact on this health, apart from depriving him of normal comforts and consolations of family life. The policemen are exposed to both physical and mental stress which takes a heavy toll, not only in respect of their health but also their behavior and conduct. The rigours of discipline and restriction on them underline the need for a sound and effective welfare policy apart from a responsive grievance redressal mechanism. Several welfare schemes, mechanism for grievances redressal and sports facilities have been instituted for policemen and their families in the different police organisations. The following unit deals with the role of Police in public grievance redressal and police public relations.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢   Learn the police role on public grievance redressal.

➢   Know the public – police relationship in modern times.

11.1 PUBLIC GRIEVANCE

There are two channels of grievance redressal available to police officers. The first channel is by direct representations to the concerned officers at various levels. The individual grievances, problems, service matters etc. are brought to the notice of the concerned officers for immediate action and redressal wherever proper and appropriate. Various orders in the manual provide for the senior officers during inspections, tours, parades, visits, orderly rooms and by any other direct means to ascertain and properly deal with the grievances of the personnel. 293.1 Direct channel of representations is prohibited in certain matters to the DGP and to the Unit officers. The formal channels of grievance, redressal will be effective if the officers particularly at the level of SHO and above scrupulously observe the 188 instructions and procedures prescribed in the matter. Instructions also exist making it incumbent on the part of the officers to ascertain the problems of the personnel working under them and solve them as per rules and with sympathy and understanding. Apart from the formal channels, the police officers are authorised by the Government to form Associations for expression and redressal of grievances.

11.2 ASSOCIATION FOR GRIEVANCE REDRESSAL

The aims and objective of the Association can be the following:

A. Providing a forum of discussion on the common service problems and to ventilate grievances;

B. promotes and advances the welfare of the members;

C. improves the service and living conditions of members;

D. promotes professional standards and excellence among the members;

E. promotes social, cultural, educational and recreational activities among the members and the ir families etc.

11.3 LEGAL ASSISTANCE TO POLICEMAN

Police officers will always be protected when it appears to the Government that they have acted in good faith, but the Government will not bind themselves to undertake their defence when this is not the case. Legal proceedings in which the police officers are likely to be involved may be classified as follows:

a) Proceedings, civil or criminal, instituted by Government in respect of matters connected with official duties or the position of a police officer;

b) Proceedings by a police officer against a private party or vice versa in respect of matters not connected with his official duty or position ;

c) Proceedings by a private party against a police officer in respect of matters connected with his official duties or position ;

d) Proceedings by a police officer to vindicate his official conduct when called upon by Government to do so ; and

e) Proceedings instituted by a police officer suo moto to vindicate his conduct connected with his official duties or position with previous sanction of the Government though not required by Government to do so. 189

(i) In cases falling under

(a) the Government will not give any assistance to a police officer for his defence In any proceedings, civil or criminal, instituted against him by the State in respect of matters arising out of or connected with his official duties or his official position. Should, however, the proceedings conclude in favour of the police officer, the Government will entertain his claim for reimbursement of costs incurred by him for his defence, and if Government are satisfied from the facts and circumstances of the case that the police officer was subjected to the strain of the proceedings without proper justification, they will consider whether the whole or any reasonable proportion of the expenses incurred by the police officer for his defence should be reimbursed to him. (ii) In cases falling under

(b), the government will not give any assistance to a police officer or reimburse the expenditure incurred by him in the conduct of the proceedings in respect of matters not arising out of or connected with, his official duties. (iii) In cases falling under

(c), if the Government, on consideration of the facts and circumstances of the case, considers that it will be in the public interest that the Government should themselves undertake the defence of the police officer in such proceedings and if the police officer agrees to such a course, the police officer should be required to make a statement in writing, as in the form below this order and thereafter, the Government will make arrangements for the conduct of the proceedings as if the proceedings had been instituted against Government

11.4   RELATIONS WITH THE PUBLIC

Democracy demands that the police needs to respect the citizens. They have to be helpful to them whenever they come to the police station for filing any complaint. This is the age of citizen friendly

police administration. But there are many complaints against the police that an ordinary citizen may not be able to file FIR without offering a bribe to the police officer at the Police Station. The investigating officers use the force in dealing with crime suspects. The public often view the police with suspicion.

To quote David Bayley, "the survey results demonstrate forcefully what many close observers of police-public relations in India have long thought namely that the Indian public is deeply suspicious of the activities of the police. A considerable proportion expects the police to be rude, brutal, corrupt, sometimes in collusion withcriminals andvery frequently deal in guns evenlywiththeirclients."(ThePolice and political Development in India, p. 203) This opinion is supported by the NPC report that the Commission expressed its anxiety over the poor state of police- public relations. (Vol. 5, p. 48) The police administration needs to be citizen friendly for bringing back its credibility before the public. In a democracy, the public evaluates the performance of each service. The police administration needs to reform its organisation by which the police officer are aware of the citizen's charterand they provide quick and honest services to them. Credibility in democracy will be the biggest asset of the police.

The police have two main roles to play: crime investigation and crime prevention. The policemen's job is thus to enforce laws that protect people and property. It is said that the police reacts after crime is committed but plays no part in the causes of criminality.No wonder, with this presupposition, traditional criminologists did not pay much attention to the analysis of the role of law enforcement agencies.

In recent years, however, the police organisation is paid more attention. This is because of the new role expected of the police, their increasing work-load, and the increasing corruption in the police system. Whether or not the police acknowledge police corruption, harassment, and violence, the public now wants some plain answers to some plain questions.

In a meeting on January 17, 1995 of senior police officers with school children in Ludhiana (Punjab) under the programme of "catch them young" to refurbish police image and create a close understanding with the public, the police officers were at a loss to answer quite a few embarrassing questions and explain their conduct in dealing with the day-to-day problems of the society. Among the questions asked were: why are the police officials corrupt? Why do the police stations not record First Information Reports (FIRs) promptly?

Why do the police close their eyes to the crimes of sons and daughters of VIPs? Why do they nab ordinary citizens for the smallest failings? Why do they break the bones of suspects during investigations? Why do the cops not pay for the fruit and vegetables they buy, or for the rickshaw and the state transport buses they board? These questions not only made the officers realise that it was much easier to extort a confession than to answer straight questions, but also the fact that even small children had such a bad impression of the police and harboured many prejudices against them. How do some criminals fall into the hands of the police while a large number remain undetected? The fact is that the police are reactive rather than proactive. Most offences are not reported to the police at all either because they involve no victim or because the victims are afraid of harassment by the police. Moreover, police contacts with citizens are mostly in response to calls initiated by them rather than the result of police action through detection of offences.

Further, the police arrest only those offenders who are poor and powerless. The rich and the influential manipulate to remain free. In addition, a large number of crimes fail to result in the apprehension of the law-violators largely because of the obstacles to police work caused by influential politicians ' and bureaucrats. Many crimes known to the police are handled in informal and discretionary ways by the policemen. No wonder, the police often become a target of public hostility and the police too promptly return these feelings.

Lastly, the police respond to the public outcry to reduce crime by not registering a large number of reported cases, or by registering crime under less heinous sections. In states like Uttar Pradesh and Bihar, non-registration and minimisation of crime is practised on such a large scale that the statistics have little relevance to the actual state of crime.

Even a senior police officer like Ved Marwah has said: "Managing of statistics has taken the place of implementation of anti-crime measures.' (The Hindustan Times, October 25, 1993). Such a response is, in fact, counter-productive because not enough gets known to the police about the actual state of crime to enable it to take counter measures for checking crime. For these reasons, it is now considered essential by social scientists to understand the variables that influence the differential handling of cases by the police. The social scientists even today get cold reception in the police department for they are suspected of having a major interest in exposing the police to further public condemnation.

Nevertheless, some scholars (like P.D. Sharma) have attempted to study police functioning and written books and articles on the police system. Some police officers too (like N.S. Saxena, Ved Marwah, K.S. Ghosh, K. Mathur, Rustom, Shankar Sarolia, etc.) have tried to study the internal working of the police system.

Our analysis of the police in this chapter is not concerned with police administration or with police structures or police organisation; rather it deals with the police as they actually operate. The police have two main roles to play: crime investigation and crime prevention. The policemen's job is thus to enforce laws that protect people and property. It is said that the police reacts after crime is committed but plays no part in the causes of criminality. No wonder, with this presupposition, traditional criminologists did not pay much attention to the analysis of the role of law enforcement agencies.

11.5 POLICE PUBLIC INTERFACE: MAKING IT HAPPEN

The constitution of Mohalla committees for communal harmony backed by a scheme of reward and recognition for promotion of communal harmony and prevention of communal violence (as in Maharashtra) were some of the examples of programmes involving people's participation successfully.

1. **Help line:** Some State Governments have established 'Help-Lines' computerization and networking of Police Stations with facility of on-line registration of complaints and inter-active sessions with citizens as well as establishment of Women Mobile Counselling Centres.

 A crime stopper call system which is a special telephone number where information regarding any crime which is committed can be given and this is relayed to the patrol team has been set up in Kerala. However, in India not everyone has access to computers or access the internet portals. The Akshaya Project in Mallappuram district of Kerala as a part of the efforts by the government have taken up 673 booths where computers are installed and people have been trained to use the computers. This is linked online to the collectorate and to all police stations.

2. **People's Expectations:** People do not want their police to become a complete state or a social service agency providing education or dispensing with medicines, etc. What the people really expect is that the police should enforce the law and work according to the law. What a citizen wants is that the police must function as per the law without being influenced by outside pressures. It is certain that the public evaluates the

equality of service it receives by the nature of the response of the police personnel at the level of the police station. When the staff of the police station distances themselves from the public, the latter gets more and more disillusioned and dissatisfied with the entire police machinery. Performance Evaluation Survey of Mumbai police needs to be conducted with reference to the Citizens' Charter and the promises made by the Police to the citizens.

Several participants and speakers voiced concern that there was an immediate need to change the attitude of police personnel. This is because only an alert civil society can ensure the police to provide proper service. Awareness also needs to be created amongst the public on the High Court and Supreme Court guidelines and directions of the National Human Rights Commission through seminars, workshops and publications.

11.6   CONCLUSION

Strong relationships of mutual trust between police agencies and communities they serve are critical to maintain public safety and effective policing. Police officials rely on cooperation f community members to provide information about crimes and to work with the police to devise solutions to crime and dissolve problems. Similarly community member's willingness to trust the police depends on whether they believe that police actions reflect community values and in cooperate the principles of procedure justice and legitimacy.

LET US SUM UP

The police have two main roles to play: crime investigation and crime prevention. Moreover, police contacts with citizens are mostly in response to calls initiated by them rather than the result of police action through detection of offences. Our analysis of the police in this chapter is not concerned with police administration or with police structures or police organisation; rather it deals with the police as they actually operate. The police also serve notices under sections 107 and 109 of the Criminal Penal Code to those suspected of causing possible disruptions during this period.

CHECK YOUR PROGRESS

1.   The police forces in India face considerable burden due to the competitive nature of elections, difficult terrain, poor infrastructure, limited resources and organizational limitations.

2. The Election Commission have its own administrative machinery to conduct elections.

3. Elections in India are never marred by violence.

4. Chief Ministers rely upon the independent agency to keep them informed about the level of dissidence within their own party and about the plans of the opposition parties.

5. The police arrest only those offenders who are poor and powerless.

GLOSSARY

Democracy : a system of government by the whole population or all the eligible members of a state, typically through elected representatives:

Booth capture : Booth capturing is a type of electoral fraud which was found in India and a few other countries, in which party loyalists "capture" a polling booth and vote in place of legitimate voters to ensure that their candidate wins.

Vicinity : The area near or surrounding a particular place

Sensitivity : The quality or condition of being sensitive

Decentralised : To move departments of (a large organization) away from a single administrative centre to other locations.

ANSWERS TO CHECK YOUR PROGRESS

1. True

2. False

3. False

4. False

5. True

MODEL QUESTIONS

1. Explain the means to improve the communication between Police and Public.

2. Evaluate the changing roles of Police in the society.

3. Critically Analyse the police public grievance redressal.

4. Discuss the Police -Public relation in Modern India

SUGGESTED READINGS

1. Roy, Jay tilak Guha (ed.), (1999), *Policing in Twenty First Century*, Indian Institute of Public Administration, New Delhi.
2. Kamal Mishra, (2009), *Police Administration in India*, Mittal Publications.
3. M.B.Chande, (1997), *The Police in India,* Atlantic Publishers and Dist.

Block V

SPECIALIZED UNITS

Unit - 12   Crime Records Bureau

Unit - 13   Dog squad - Modus operandi Bureau - Forensic Science Laboratory - Finger Print Bureau – Mounted Police

Unit - 14   Juvenile Aid Units

Unit – 15   Women Police Wing

UNIT - 12

CRIME RECORDS BUREAU

STRUCTURE

OVERVIEW

To Empower Indian Police with Information Technology and criminal Intelligence to enable them to uphold law and protect people. To provide leadership and excellence in crime analysis particularly for serious and organized crime. This unit deals with the functions and roles of Crime Records Bureau.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Understand about the Crime Records Bureau.

➢ Learn Crime and Criminal Information System.

➢ Know the Crime and criminal tracking network and systems

12.1 INTRODUCTION

The National Crime Records Bureau, abbreviated to NCRB, is an Indian government agency responsible for collecting and analyzing crime data as defined by the Indian Penal Code (IPC) and Special and Local Laws (SLL). NCRB is headquartered in New Delhi and is part of the Ministry of Home Affairs (MHA), Government of India. The current Director of NCRB is Rampal Pawar (IPS).was set-up in 1986 to function as a repository of information on crime and criminals so as to assist the investigators in linking crime to the perpetrators. It was set up based on the recommendation of the Task force, 1985 and National Police Commission, 1977 by merging the Directorate of Coordination and Police Computer (DCPC), Inter State Criminals Data Branch of CBI and Central Finger Print Bureau of CBI. Earlier Statistical Branch of Bureau of Police Research and Development (BPR&D) was also merged with NCRB, but was later de-merged.

To Empower Indian Police with Information Technology and criminal Intelligence to enable them to uphold law and protect people. To provide leadership and excellence in crime analysis particularly for serious and organized crime.

12.2 OBJECTIVES

1. Create and maintain secure sharable National Databases on crimes and criminals for law enforcement agencies and promote their use for public service delivery.

2. Collect and process crime statistics at the national level and clearing house of information on crime and criminals both at National and International levels.

3. Lead and coordinate development of IT applications and create an enabling IT environment for Police organizations.

4. National repository of fingerprints of all criminals.

5. To evaluate, modernize and promote automation in State Crime Records Bureau and State Finger Print Bureau .

6. Training and capacity building in Police Forces in Information Technology and Finger Print Science.

12.3 CRIME AND CRIMINAL TRACKING NETWORK AND SYSTEMS

Crime and Criminal Information System (CCIS) was implemented at district level during the period 1995–2004. Common Integrated Police Application (CIPA) was implemented at police station level during the period 2004–2009 in three phases. Crime and Criminal Tracking Network & Systems (CCTNS) is approved by Cabinet Committee on Economic Affairs (CCEA) on 19.06.2009.

12.4 CITIZEN PORTAL

Various services as enlisted below are being provided/ proposed to be provided in the Citizen Portals of CCTNS.

1. Filing of Complaints

2. Obtaining the copies of FIRs.

3. Obtaining the status of the complaint/ FIR.

4. Details of arrested persons/ wanted criminals & their illegal activities.

5. Details of missing/ kidnapped persons and their matching with arrested, unidentified persons and dead bodies.

6. Details of stolen/ recovered vehicles, arms and other properties.

7. Verification requests for servants, employment, passport, senior citizen registrations etc.

8. Requests for issue/renewal of various NOCs / Permits/ Clearances

9. Portal for sharing information and enabling citizens to down load required forms.

12.5 INTER-OPERABLE CRIMINAL JUSTICE SYSTEM (ICJS)

ICJS has been mandated for integrating CCTNS (Police) with e-Courts, e-prisons, Forensics, Finger Print Bureau and Prosecution, which are the key components of the Criminal Justice System.

Implementation of ICJS will ensure quick data transfer among different pillars of criminal justice system.

12.5.1 CRIME RECORDS MATCHING

The main objective of the Crime Records Branch is to collect, collate and disseminate information on Crime, Criminals, Persons and Property for matching purposes. The branch utilizes following software systems:

- **Vahan Samanvay -** An online Motor Vehicle Coordination System for coordination of stolen and recovered motor vehicles across the country. Police, RTOs, and Insurance sector are main stakeholders. The general public is also benefited with this system.

- **Tallish Information System -** This system is used to maintain and coordinate information on Missing, Traced, Unidentified persons and unidentified dead bodies.

- **Fake Indian Currency Notes System (FICN) -** It is an online system for compilation of fake Indian currency data. Police, Banks, investigating agencies, other intelligence agencies and Ministries are stakeholders of this system.

- **Fire Arms Coordination System -** This system is used for coordination of missing/stolen and recovered firearms.

- **Color Portrait Building System -** This system is used to create portraits of suspects based on the description given by victims and eyewitnesses.

- Since year 2011, 600 persons (live & dead) have been united with their families by matching photographs and other physical features.

- Since launch of online application "Vahan Samanvay" in 2014 till date 14,14,055 data has been captured and 30,577 Stolen vehicles have been matched from different states.

12.5.2 CRIME STATISTICS

NCRB brings out three annual reports i.e., Crime in India, Accidental Deaths & Suicides in India and Prison Statistics India. These reports are principal reference points for police officers, researchers, media & policy makers.

Besides, the Bureau is also collecting Crime Statistics and Anti-human Trafficking statistics on monthly basis. The complete software package of 'Monthly Crime Statistics' has been released in the month of December, 2016.

After extensive and exhaustive deliberation with various stakeholders, the proforma for Crime in India, Monthly Crime Statistics and Accidental Deaths & Suicides in India were revised in the year 2014.

NCRB has developed application software for Crime in India (CII), Monthly Crime Statistics (MCS), Accidental Deaths & Suicide in India (ADSI), Prison Statistics of India (PSI). The Bureau is also conducting Training of Trainers (Tot) on Crime in India and Accidental Death & Suicide in India and Prison Statistics India for officials of Scrubs and Prison Departments of States/UTs.

NCRB has been conferred with 'Digital India Awards 2016' in open data championship category with Silver on 9 December 2016 for updating of more than 3,000 datasets on Open Government Data (OGD) Platform India in open-source format. NCRB has digitized 'Crime in India' since 1967 and Accidental Deaths & Suicides in India since 1998. The digitized data have been made available on national data portal https://data.gov.in.

Director, NCRB is designated as National Focal Point for United Nations Surveys on Crime Trends and the Operations of Criminal Justice Systems (UN-CTS). On the behalf of Government of India, NCRB is selected as Member to Technical Advisory Group (TAG) of International Classification of Crime for Statistical Purposes (ICCS).

12.5.3 CENTRAL FINGER PRINTS BUREAU

The World's First Finger Print Bureau was set up in Calcutta in 1897. A CFPB was established at Shimla in 1905, however it was closed in 1922 as a result of retrenchment proposals of the Inchcape Committee. The Present CFPB came into existence in 1955 under the administrative control of Intelligence Bureau at Delhi. It was relocated to Calcutta (now Kolkata) in 1956. The administrative control of CFPB shifted to Central Bureau of Investigation (CBI) in 1973, and since July, 1986, this has been under the administrative control of NCRB.

12.6 ALL INDIA BOARD EXAMINATION OF FINGER PRINT EXPERTS

The All-India Board Examination is conducted every year at C.F.P.B. The Board, consists of Director, CFPB as chairman and two technical heads of the State F.P.Bx. as members. CFPB make all arrangements for conducting theory, practical & viva-voce of this examination. The successful candidates are awarded certificates. Those who secure 1st, 2nd and 3rd places a Cash prize also.

The Aziz ul Haque rolling trophy is also awarded to the topper of the AIBE. Passing this examination is mandatory to become Finger Print Expert who is competent to give evidence in the Court of Law.

12.6.1 TRAINING

Each year CFPB New Delhi conducts around 5 to 6 training programmed of one week duration for Indian Police Officers in Finger Print Science. Kolkata Unit of CFPB is conducting 18 weeks duration Proficiency course in Finger Print Science twice a year. During the last four years, 266 Indian Police Officers are trained.

Besides CFPB/NCRB also conducts two courses of 12 weeks duration and Four Courses of 8 Weeks duration for Foreign Police Officers under Indian Technical and Economic Cooperation (ITEC) and Special Commonwealth African Assistance Programmed (SCAAP) of Ministry of External Affairs. Around 75 foreign officers are being trained every year under this program. During the last four years, 270 foreign police officers are trained.

Foreign Trainees of 25th Advanced course on IT in Law Enforcement & 21st Advanced Fingerprint Science & IT from (2nd January to 24th March 2017) with Director Dr Is Kumar and other senior officers of NCRB

12.6.2 PUBLICATION

CFPB also compiles data collected from Finger Print Bureau of States/UT on standard Annual Statistics Report format, and publishes the -Finger Print in India since 1997. This is the principal resource document for all concerned.

12.6.3 ALL INDIA BOARD POLICE DUTY MEET

CFPB is participating in All India Police Duty Meet (AIPDM) for conducting Finger Print Test to judge the acumen and knowledge of participating police personnel in the field.

12.6.4 TRAINING BRANCH

Each year Training branch conducts on an average 20-25 training programmed for Indian Police Officers of the duration of 1 week on the subjects like CCTNS, Advanced Fingerprint Science, Network & e-Security etc. NCRB also conducts the courses on "Training of Trainers" for development of training resource persons in subjects like Basic Crime Analysis, Windows 2000 & SQL Server, Network & e-Security, Linux and CCTNS.

NCRB also conducts two courses of 12 weeks duration and four courses of 8 weeks duration for Foreign Police Officers under Indian Technical and Economic Cooperation (ITEC) and Special Commonwealth African Assistance Programmed (SCAAP) of Ministry of External Affairs. Different programmed viz., Cyber Crime & Network Security, Advanced Fingerprint Science, IT in Law Enforcement, Advanced Course on IT in Law Enforcement and Advanced Fingerprint Science and IT are conducted for these officers. Every year, on an average more than 125 officers from 20 to 25 countries from Latin America, Africa, South Asia and Middle East attend these programmed. Special Training Programmed have been conducted for Afghanistan & Mongolian Police Officers on Fingerprint Science.

12.7 TRAINING CENTRE (RPCTC)

Four RPCTCs in Hyderabad, Gandhi Nagar, Lucknow and Kolkata conduct similar courses for lower functionaries of Indian Police. NCRB provides funds to these centers for faculty, stationery, training material and infrastructure including computer hardware, software etc.

12 .8 CONCLUSION

NCRB also conducts two courses of 12 weeks duration and four courses of 8 weeks duration for Foreign Police Officers under Indian Technical and Economic Cooperation (ITEC) and Special Commonwealth African Assistance Programmed (SCAAP) of Ministry of External Affairs. Different programmed viz., Cyber Crime & Network Security, Advanced Fingerprint Science, IT in Law Enforcement, Advanced Course on IT in Law Enforcement and Advanced Fingerprint Science and IT are conducted for these officers. Every year, on an average more than 125 officers from 20 to 25 countries from Latin America, Africa, South Asia and Middle East attend these programmed. Special Training Programmed have been conducted for Afghanistan & Mongolian Police Officers on Fingerprint Science.

LET US SUM UP

The Present CFPB came into existence in 1955 under the administrative control of Intelligence Bureau at Delhi. It was relocated to Calcutta (now Kolkata) in 1956. The administrative control of CFPB shifted to Central Bureau of Investigation (CBI) in 1973.Each year Training branch conducts on an average 20-25 training programmed for Indian Police Officers of the duration of 1 week on the subjects like CCTNS, Advanced Fingerprint Science, Network & e-Security etc. NCRB also conducts the courses on "Training of Trainers" for development of training resource

persons in subjects like Basic Crime Analysis, Windows 2000 & SQL Server, Network & e-Security, Linux and CCTNS.

CHECK YOUR PROGRESS

1. _____ was set-up in 1986 to function as a repository of information on crime and criminals so as to assist the investigators in linking crime to the perpetrators.

2. _____ system is used for coordination of missing/stolen and recovered firearms.

3. NCRB has developed application software for _____ (CII), Monthly Crime Statistics (MCS), Accidental Deaths & Suicide in India (ADSI), Prison Statistics of India (PSI).

GLOSSARY

Citizen Portal : Single point of contact for online services.

Central Finger Prints Bureau : To maintain Finger Print Record Slips, conduct search of specified categories of Indian and foreign criminals

ANSWERS TO CHECK YOUR PROGRESS

1. NCRB

2. Fire Arms Coordination System

3. Crime in India

MODEL QUESTIONS

1. Discuss the salient features of Crime Record Bureau.
2. Explain the Module of Crime Record Bureau.
3. Discuss the recommendation of Tandon Committee.

SUGGESTED READINGS

1. Ramesh H Makwana, (2014), *Contemporary Crime in Indian Society: Dilemma and Direction,* Gyan Publishing House.

2. *Police Investigation Powers, Tactics and Techniques*, Volume-1 & 2, (2016), Jeywin Publication

DOG SQUAD – MODUS OPPERANDI BUREAU

– FORENSIC SCIENCE LABORATORY –

FINGER PRINT BUREAU – MOUNTED POLICE

STRUCTURE

OVERVIEW

Dogs are initially trained with this language for basic behaviour, so, it is easier for the officer to learn new words/commands, rather than retraining the dog to new commands. This is contrary to the popular belief that police dogs are trained in a different language so that a suspect cannot command the dog against the officer. This unit deals with the various other units of police force.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢ Study the Dog Squad and the Modus Operand Bureau.
➢ Understand the significant role and functions of the Forensic Science Laboratory.
➢ Know about the Finger Print Bureau.

13.1   INTRODUCTION

Police dog is an anthropomorphising term for a Kid, a dog that is specifically trained to assist police and other law-enforcement personnel. Their duties include: searching for drugs and explosives, locating missing people, finding crime scene evidence, and attacking people targeted by the police. Police dogs must remember several verbal cues and hand gestures. The most commonly used breeds are the German Shepherd, Belgian Malinois, Bloodhound, Dutch Shepherd, and the retriever breeds.

Recently, the Belgian Malinois has become the dog of choice for police and military work due to their intense drive and focus. Malinois are smaller and more agile than German Shepherd Dogs, and have fewer health issues. However, a well-bred working line German Shepherd Dog is just as successful and robust as a Malinois. In many countries, the intentional injuring or killing of a police dog is a criminal offense. In English-speaking countries, police dog units are often referred to as K-9 or K9, which is a pun upon the word canine.

13.2   EARLY HISTORY – POLICE DOGS

Dogs have been used in law enforcement since the Middle Ages. Wealth and money were then tithed in the villages for the upkeep of the parish constable's bloodhounds that were used for hunting down outlaws. In France, dogs were used in the 14th century in St. Malo. Bloodhounds used in Scotland were known as "Slough dogs" – the word "Sleuth", (meaning detective) was derived from this.

The rapid urbanization of London in the 19th century increased public concern regarding growing lawlessness – a problem that was far too great to be dealt with by the existing law enforcement of the time. As a result, private associations were formed to help combat crime. Night watchmen were employed to guard premises, and were provided with firearms and dogs to protect themselves from criminals.

13.3 MODERN

One of the first attempts to use dogs in policing was in 1889 by the Commissioner of the Metropolitan Police of London, Sir Charles Warren. Warren's repeated failures at identifying and apprehending the serial killer Jack the Ripper had earned him much vilification from the press, including being denounced for not using bloodhounds to track the killer. He soon had two bloodhounds trained for the performance of a simple tracking test from the scene of another of the killer's crimes. The results were far from satisfactory, with one of the hounds biting the Commissioner and both dogs later running off, requiring a police search to find them.

It was in Continental Europe that dogs were first used on a large scale. Police in Paris began using dogs against roaming criminal gangs at night, but it was the police department in Ghent, Belgium that introduced the first organized police dog service program in 1899. [11] These methods soon spread to Austria-Hungary and Germany; in the latter the first scientific developments in the field took place with experiments in dog breeding and training. The German police selected the German Shepherd Dog as the ideal breed for police work and opened up the first dog training school in 1920 in Greenhead. [12] In later years, many Belgian Malinois dogs were added to the unit. The dogs were systematically trained in obedience to their officers and tracking and attacking criminals.

In Britain, the North Eastern Railway Police were among the first to use police dogs in 1908 to put a stop to theft from the docks in Hull. By 1910, railway police forces were experimenting with other breeds such as Belgian Malinois, Labrador Retrievers, and German shepherds.

13.4 TRAINING

Training of police dogs is a very lengthy process since it begins with the training of the canine handler. The canine handlers go through a long process of training to ensure that they will train the dog to the best of its ability. First, the canine handler has to complete the requisite police academy training and one to two years of patrol experience before

becoming eligible to transfer to a specialty canine unit. This is because the experience as an officer allows prospective canine officers to gain valuable experience in law enforcement. However, having dog knowledge and training outside of the police academy is considered to be an asset, this could be dog obedience, crowd control, communicating effectively with animals and being approachable and personable since having a dog will draw attention from surrounding citizens.

For a dog to be considered for a police department, it must first pass a basic obedience training course. They must be able to obey the commands of their handler without hesitation. This allows the officer to have complete control over how much force the dog should use against a suspect. Dogs trained in Europe are usually given commands in the country's native language. Dogs are initially trained with this language for basic behaviour, so, it is easier for the officer to learn new words/commands, rather than retraining the dog to new commands. This is contrary to the popular belief that police dogs are trained in a different language so that a suspect cannot command the dog against the officer.

Dogs used in law enforcement are trained to either be "single purpose" or "dual purpose". Single purpose dogs are used primarily for backup, personal protection, and tracking. Dual-purpose dogs, however, are more typical. Dual-purpose dogs do everything that single-purpose dogs do, and also detect either explosives or narcotics. Dogs can only be trained for one or the other because the dog cannot communicate to the officer if it found explosives or narcotics. When a narcotics dog in the United States indicates to the officer that it found something, the officer has probable cause to search whatever the dog alerted on (i.e., bag or vehicle) without a warrant, in most states. In suspect apprehension, having a loud barking dog is helpful and can result in suspects surrendering without delay.

13.5   SPECIALIZED POLICE DOGS

Apprehension and attack dogs –   This dog are used to locate, apprehend, and sometimes subdue suspects.

Detection dogs –   Trained to detect explosives or drugs such as marijuana, heroin, cocaine, crack cocaine, or methamphetamines. Some dogs are specifically trained to detect firearms and ammunition.

Dual purpose dog –   Also known as a patrol dog, these dogs are trained and skilled in tracking, handler protection, off-leash obedience, criminal apprehension, and article, area and building search.

Search and rescue dogs (SAR) –   This dog is used to locate suspects or find missing people or objects. Belgian Malinois, German Shepherds, Golden Retrievers, Labrador Retrievers, and Bloodhounds can all be used.

13.5.1 POPULAR BREEDS

Go breeds used by law enforcement include the Airedale terrier, Akita, Greendale, Malinois dog, Bernese Mountain Dog, Bloodhound, Border Collie, Boxer, Bouvier des Flanders, Croatian Sheepdog, Doberman Pinscher, German Shepherd, German Shorthaired Pointer, Golden Retriever, Labrador Retriever, Rottweiler, and English Springer Spaniel.

13.5.2 RETIREMENT

Police dogs are retired if they become injured to an extent where they will not recover completely, pregnant or raising puppies, or are too old or sick to continue working. Since many dogs are raised in working environments for the first year of their life and retired before they become unable to perform, the working life of a dog is 6–9 years. [22] However, when police dogs retire in some countries, they may have the chance to receive a pension plan for their contribution. Police dogs in Nottinghamshire, England, now have the opportunity to retire with a form of security since their government forces now offer £805 over the span of three years to cover any additional medical costs. Not only do they now receive a pension plan but they also get to retire and reside with their original handler. [23] If these dogs are killed in the line of duty, they get the same honours as their human partners. [24] Australia Partners.

13.6 USAGE BY COUNTRY AND REGION

13.6.1 AUSTRALIA

The Australian Federal Police and other law enforcement agencies are known to employ K9s for security priorities such as airport duties.

13.6.2 BANGLADESH

Border Guards Bangladesh, Rapid Action Battalion and the Dhaka Metropolitan Police maintain several dog squads to assist in anti-narcotic and anti-bombing campaigns

13.6.3 BELGIUM

The Belgian Canine Support Group is part of the country's federal police. It has 35 dog teams, most of which are Belgian Malinois. Some dogs are trained to detect drugs, human remains, hormones or fire accelerants. About a third are tracker dogs trained to find or identify living people. These teams are often deployed to earthquake areas to locate people trapped in collapsed buildings. The federal police's explosive detector dogs are attached to the Federal Police Special Units.

Canadians started using police dogs occasionally in 1908. However, they used privately owned dogs until 1935 when the Royal Canadian Mounted Police (RCMP) saw the value of police dogs and created the first team in 1937. [25] By the 1950s, the RCMP had German Shepherds, Schnauzers, and Doberman Pinschers in service.

Many Canadian municipalities use dog squads as a means of tracking suspects. Most municipalities in Canada employ the bite and hold technique rather than the bark and hold technique meaning once the dog is deployed, it bites the suspect until the dog handler commands it to release. This often results in serious puncture wounds and is traumatic for suspects. A dog has the legal status of property in Canada. As such, developing case law is moving towards absolute liability for the handlers of animals deliberately released to intentionally maim suspects. The dog is effectively a weapon.

In 2010, an Alberta Court of Queen's Bench judge stayed criminal charges against Kirk Steele, a man who was near-fatally shot by a police officer while he stabbed the officer's police dog. The judge found that the shooting was cruel and unusual treatment and excessive force.

13.7 MOUNTED POLICE

Mounted police are police who patrol on horseback or camelback. Their day-to-day function is typically picturesque or ceremonial, but they are also employed in crowd control because of their mobile mass and height advantage and increasingly in the UK for crime prevention and high visibility policing roles. The added height and visibility that the horses give their riders allows officers to observe a wider area, and it also allows people in the wider area to see the

officers, which helps deter crime and helps people find officers when they need them.

Mounted police may be employed for specialized duties ranging from patrol of parks and wilderness areas, where police cars would be impractical or noisy, to riot duty, where the horse serves to intimidate those whom it is desired to disperse through its larger size, or may be sent in to detain trouble makers or offenders from the crowd.

Police forces in Gujarat, Kerala, Karnataka, Uttarakhand, Chennai, Hyderabad and Kolkata have mounted units. The Kolkata Mounted Police was first introduced in 1840, with two sowars under a dafadar (head officer), according to the Kolkata police website. In 1842, the unit began patrolling the Maidan area. After 1905, European constables were inducted in the unit. Currently, the unit regulates crowds on the Maidan during sporting events and fairs, and participates in ceremonial parades at the Raj Bhavan during VIP visits.

13.8 MODUS OPERANDI BUREAU

In the wake of re-organization of the State, a branch of State Modus Operandi Bureau was started and attached to Crime Branch. The Modus Operandi Bureau came into existence in the Conference of seven States IG/DIG CID held in the year 1960.

The main functions of the Modus Operandi Bureau:

1. To maintain records of Inter State Criminals/Gangs.
2. To maintain records of Inter District Criminals/Gangs.
3. Guidance is given to the IOs regarding criminals as per Modus Operandi adopted by the accused as and when required.
4. To compile monthly diaries and further submission to NCRB, New Delhi.

This branch keeps records of arrested and convicted accused. The records are classified on the basis of modus - operandi (the mode of operations, the particular way of committing a crime) of criminals. The photograph of criminals is shown to the victim and witnesses. If any criminal is not in the records his sketch is made with the help of police artist and Computer Branch.

13.9 FORENSIC SCIENCE LABORATORY

The Central Forensic Science Laboratory (CFSL) is a wing of the Indian Ministry of Home Affairs, which fulfills the forensic requirements in the country. There are seven central forensic laboratories in India, at Hyderabad, Kolkata, Chandigarh, New Delhi, Guwahati, Bhopal and

Pune. CFSL Hyderabad is a centre of excellence in chemical sciences, CFSL Kolkata (the oldest laboratory in India) in biological sciences and CFSL Chandigarh in physical sciences. The CFSL New Delhi comes under the Central Bureau of Investigation, Delhi, whereas the other laboratories are under the control of the Directorate of Forensic Science Services (DFSS) of the Ministry of Home Affairs. The laboratory in New Delhi is under the control of the Central Bureau of Investigation (CBI) and investigates cases on its behalf. Dr. Asha Srivastava is currently Director of CFSL (CBI) New Delhi. Mr. Brijendra Badonia is the Director of CFSL Kolkata, Sh Mahesh Chandra Joshi is Director of CFSL Hyderabad and Dr. S.K. Jain is in charge of CFSL Chandigarh.

13.10 FINGER PRINT BUREAU

It was in the year 1897 that the first Finger Print Bureau of the world was set up in Calcutta (now Kolkata). Since then there has been tremendous advancement in the field of Finger Print Science with the advent of indigenous Automated Finger Print Identification System. The Central Finger Print Bureau (CFPB) came into existence in the year 1955 in Calcutta (now Kolkata), West Bengal, under the administrative control of Intelligence Bureau. The administrative control of CFPB was shifted to Central Bureau of Investigation (CBI) in 1973, and since July, 1986, this has been under the administrative control of NCRB.

13.11 CONCLUSION

Police require reasonable suspicion they will recover evidence in order to use a dog to sniff a person or their possessions in public. This is because using a dog to detect scents is considered a search. The main exemption to that rule is the dogs of the Canada Border Services Agency who are allowed to make searches without warrants under s.98 of the Customs Act. In 2017, it was reported that the Canadian forces now have approximately 170 RCMP dog teams across Canada and it is continuing to grow as more and more Canadian municipalities are seeing the value of police dogs.

Modus operandi is a Latin term used in English-speaking circles to describe an individual's or group's habitual way of operating, which forms a discernible pattern. The term is primarily used when discussing criminal behavior, but it is not exclusively uttered in this context. Modus operandi can also be defined as a specific method of operation. For example, military strategists refer to an enemy's modus operandi when predicting the next threatening move in an armed conflict. Synonymous with the term "operating mode," modus operandi is routinely shortened to the initials "M.O.," in both written and verbal usage.

LET US SUM UP

Dogs have been used in law enforcement since the Middle Ages. Wealth and money were then tithed in the villages for the upkeep of the parish constable's bloodhounds that were used for hunting down outlaws. Apprehension and attack dogs – This dog are used to locate, apprehend, and sometimes subdue suspects. Detection dogs – Trained to detect explosives or drugs such as marijuana, heroin, cocaine, crack cocaine. Some dogs are specifically trained to detect firearms and ammunition.

CHECK YOUR PROGRESS

1. _____ dog is an anthropomorphisizing term for a dog that is specifically trained to assist police and other law-enforcement personnel.

2. _____ is often used in police work when discussing crime and addressing the methods employed by criminals. It is also used in criminal profiling, where it can help in finding clues to the offender's psychology.

3. Mounted police are police who patrol on horseback or _____.

GLOSSARY

Apprehension	: anxiety or fear that something bad or unpleasant will happen
Modus operandi	: A particular way or method of doing something.
Municipalities	: A town or district that has local government

ANSWERS TO CHECK YOUR PROGRESS

1. Police

2. A modus operandi

3. camelback.

MODEL QUESTIONS

1. Draw Administrative control of Dog squad.
2. Explain the Duties of the police personnel attached to the dog squad.
3. Discuss Guidelines to maintain the dog squad.

SUGGESTED READINGS

1. Finger-Print Evidence: Navy Department, Bureau of Navigation, United States Bureau of Naval Personnel, ,(2011).

2. Colleen Wade and Yvette E. Trozzi, (2004), *Handbook Of Forensic Services*, Federal Bureau of Investigation, Virginia.

Unit - 14

<div style="text-align: right;">JUVENILE AID UNITS</div>

STRUCTURE

OVERVIEW

As a statutory requirement, these social workers are provided under Revised Integrated Child Protection Scheme (hereinafter, "ICPS") to the District Child Protection Unit which appoints these social workers and deputes their services to the SJPU as and when necessary. This unit deals with the Juvenile Aids unit in the police department.

LEARNING OBJECTIVES

After learning this unit, you will be able to

➢   Study about the Juvenile Aids Units

➢   Learn about Sspecial Juvenile Police Unit.

➢   Identify the importance of constitution of Special Juvenile Police Unit.

14.1 INTRODUCTION

Juvenile crime is one of the nation's serious problems. Concern about it is widely shared by federal, state, and local government officials and by the public. In recent years, this concern has grown with the dramatic rise in juvenile violence that began in the mid-1980s and peaked in the early 1990s. Although juvenile crime rates appear to have fallen since the mid-1990s, this decrease has not alleviated the concern.

Many states began taking a tougher legislative stance toward juveniles in the late 1970s and early 1980s, a period during which juvenile crime rates were stable or falling slightly, and federal reformers were urging prevention and less punitive measures. Some of the dissonance between the federal agenda and what was happening in the states at that time may have been caused by significant changes in legal procedures that made juvenile court processes more similar though not identical to those in criminal (adult) court.

The main response to the most recent spike in violent juvenile crime has been enactment of laws that further blur distinctions between juvenile courts and adult courts. States continued to toughen their juvenile crime laws in recent years, making sentencing more punitive, expanding allowable transfers to criminal (adult) court, or doing away with some of the confidentiality safeguards of juvenile court. Many such changes were enacted after the juvenile violent crime rate had already begun to fall. The rehabilitative model embodied in the Juvenile Justice and Delinquency Prevention Act of 1974, focusing on the needs of the young offender, has lost ever more ground over the past 20 years to punitive models that focus mainly on the offense committed.

14.2   CONSTITUTION OF SPECIAL JUVENILE POLICE UNIT

Juvenile Justice (Care and Protection of Children) Act, 2000 (hereinafter, "JJA") is the primary legislation in India consolidating law relating to children in conflict with law (hereinafter, "CICL") and children in need of care and protection (hereinafter, "CNCP"). As is manifest from Clause 2(vii) of JJA's Statement of Object and Reasons, the cornerstone of JJA was the creation of Special Juvenile Police Unit (hereinafter, "SJPU") "with a humane approach through sensitization and training of police personnel." Section 2(w) of JJA defines SJPU as a State police force unit, constituted under Section 63, specially designated for handling of juveniles. Section 63, while laying down the mandatory requirement.

14.3   JUVENILE OR CHILD WELFARE OFFICER [CWO]

National Law School of India Review of special instruction and training of SJPU for its efficient functioning, elaborately defines it to be comprising of "police officers who frequently or exclusively deal with juveniles or are primarily engaged in the prevention of juvenile crime or handling of the juveniles or children under this Act." Thus, the defining factor of SJPU is its exclusivity in handling juveniles coupled with specialized training propitious to such tasks.

JJA directs that the State may designate at least one officer with 'appropriate aptitude, training and orientation' as 'Juvenile or Child Welfare Officer' (hereinafter, "CWO") to handle the juvenile in coordination with the police. CWO must be motivated by proclivity in upholding juvenile rights, propensity to discern CICL vis-h-vis CNCP, and a sense of duty in securing the best interest of a child. Vide Section 63(3) of JJA, all such police officers designated as CWOs in one district shall be the members of SJPU at that District level.

For better implementation and administration of provisions of JJA in their true spirit and substance, Central Government, by virtue of its powers conferred by proviso to Section 68(1) of JJA, notified Model Rules on October 26, 2007 (hereinafter, "Model Rules 2007"). These Model Rules 2007 elaborated on the procedural requirements and devised the fundamental principles in relation to the administration of juvenile justice in accordance with JJA. Rule 84(1) states that the SJPU at each District level shall consist of CWOs of the rank of Police Inspector and two paid social workers, at least one of whom shall be a woman, both having working experience in the field of child welfare. Services of these two social workers are provided by the District Child Protection Unit or the state government to SJPU for discharge of its duties [Rule 84(2)].

As a statutory requirement, these social workers are provided under Revised Integrated Child Protection Scheme (hereinafter, "ICPS") to the District Child Protection Unit which appoints these social workers and deputes their services to the SJPU as and when necessary.' Financial support for these social workers under DCPU is provided under ICPS only.2 By virtue of being the ex officio head of the SJPU, Superintendent of Police in a district is entrusted with periodically overseeing its functioning [Rule 84(9)]. Thus, vide sub-sections (2) and (3) of Section 63 of JJA read with sub-rules (1), (2) and (9) of Rule 84, SJPUs are constituted at each District level, headed by Superintendent of Police of such district, and its members are the CWOs (also called

'Designated Police Officers or DPOs') of the rank of Police Inspector attached to each Police Station within that District. A Nodal Officer of Police not less than the rank of Inspector General of Police is designated in each State to coordinate among SJPUs and engage in building multiple skill-set and upgrading role of each SJPU.

14.4   TAMIL NADU JUVENILE JUSTICE

Individual states/UTs have framed their Rules under the JJA with varying degrees of contradistinction to Rule 84, Model Rules, 2007. States like Karnataka and Maharashtra have diverged from Rule 84 in forsaking the involvement of two social workers from DCPU/state government in SJPU and, instead have mandated seeking the assistance of recognized voluntary organizations.

Others like Delhi, Andhra Pradesh6 and Orissa have substantially adopted Rule 84 with insignificant changes. Yet others like Tamil Nadu neither provide for any social intervention nor for any form of assistance from voluntary organizations. Tamil Nadu Juvenile Justice (Care and Protection of Children) Rules, 2001 merely mandate the establishment of SJPU in all districts or select cities with every designated CWO as its member. Apart from variation in the degrees of social intervention in SJPU, some states/UTs like Delhi, Orissa, Karnataka etc., have designated police officers different from Superintendent of Police and Inspector General of Police as Head of District, SJPU and Nodal Officer in relation to CNCP respectively.

However, it is humbly submitted that a significant variation of Juvenile Justice Rules of individual State/UT from the Model Rules, 2007 in completely forsaking the participation of social workers and voluntary organizations from juvenile justice system, or in discounting the necessity of women representation in SJPU, violates the spirit of the Beijing Rules which JJA seeks to implement. Liaison of police personnel with social workers and voluntary organization is also emphasized in ICPS.9 It is further submitted that a distinct department of SJPU comprising only of women must be constituted for handling girl juveniles for enhancing understanding of their concerns. In similar terms, Sections 12(6) and 99(e) of Draft Model Police Act 2006 prepared by Police Act Drafting Committee, commonly known as the Soli Sorabjee Committee, stipulated constitution of a separate "[FW]omen and Child Protection Desk, staffed, as far as possible, by women police personnel, to record complaints of crimes against women and children and to deal with the tasks relating to administration of special legislations relating to women and children."

14.5 APPOINTMENT OF SPECIAL JUVENILE POLICE UNIT

As stated before, Section 63(3) of JJA envisages that the State may create SJPU in every district and city to coordinate and to upgrade the police treatment of the juveniles. Corresponding to Section 63(3), Rule 84(1) of the Model Rules 2007 asserts that each state government shall appoint SJPU at the District level within four months of notification of these rules, i.e., by 2 6 the February, 2008. While ordinarily 'may' indicates an enabling provision conferring discretionary power, it may be construed as 'shall' mandating the exercise of such power, if such interpretation is in furtherance of the intention of the legislature, and purposively facilitates the attainment of its underlining object of effectuation of a legal right.

To ascertain the intent of legislature, one must examine the context in which the provision is employed, the purpose it seeks to achieve, and the consequences of its non-compliance." In light of this, it is humbly submitted that 'may', as used in sub-sections (2) and (3) of Section 63, should ideally be construed as 'shall', thereby mandating the states to designate a police officer as CWO and to constitute SJPU in each district. Such an interpretation would facilitate the attainment of children's right to life, dignity, protection against abuse or exploitation, and holistic growth, all guaranteed to them under Constitution of India and several International instruments. It would be in furtherance of legislative intent manifest in Statement of Object and Reasons of JJA, for otherwise the whole purpose of humanizing and sensitizing the police treatment of CICL shall be defeated. It is with this gumption that the three-Judge bench of Hon'ble Supreme Court of India directed in Bachman Bacha Angolan v. Union of India12 that each State must set up a SJPU (if not set up already) and ensure that at least one officer of said SJPU is deployed at every police station within two months from date of decision, i.e., by 17th March, 2013.

Similarly, in the landmark case of Sompura Barua v. Union of India 3, Supreme Court ordered "the Home Departments and the Director Generals of Police of the states/Union Territories to ensure that SJPU comprising of all police officers designated as CWO be created in every district and city to coordinate and to upgrade the police treatment to juveniles and the children as provided in Section 63(3) of JJA."

14.6 NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS (NCPCR)

The aforementioned direction of Supreme Court came in light of the state governments' neglect of their statutory duty under Section 63 of the

JJA read with Rule 84 of the Model Rules 2007 to constitute SJPU in every district in a time-bound manner. For instance, even after unequivocal directions of several High Courts, including Sikkim and Patna High Court in Sonam Paulden Bhutia v. State of Sikkim 4 and Shashank Shekhar v. State of Bihar5 respectively, to expeditiously constitute SJPU in every district and appoint CWO in every Police Station, respective state governments had resorted to exhibiting utter laxity in constituting SJPU.

Now, the position has been radically enhanced with respect to constitution of SJPUs at the district level owing to the proactive approach taken by the judiciary. As manifest from the affidavit submitted by the National Commission for Protection of Child Rights (hereinafter, "NCPCR") in April 2011 in Sompura Barua, out of thirty three states/UTs, thirteen have an overwhelming number of SJPUs (even more than the number of districts), sixteen have constituted SJPUs in number same as their districts, and four, which are Andaman and Nicobar Islands, Haryana, Maharashtra and Puducherry, fall short of SJPUs to the extent of two, one, three and three districts respectively.

14.7   INCLUDING RAILWAY AND VILLAGE POLICE

It is pertinent to note that the SJPU, being defined as a 'unit of the police force of a State' under Section 2(w) of JJA does not qualify as an 'All-India Service' under Article 312 of the Constitution of India; rather, it comes within the purview of 'Police (including railway and village police)', of List II (State List) of Seventh Schedule annexed to Article 246(2) of the Constitution. Ideally therefore, SJPU should be within the exclusive jurisdiction of state government dehors any power of Parliament to mandate states to constitute SJPU.

However, notwithstanding Article 246, Article 253 of the Constitution of India empowers Parliament to make any law for the whole or any part of the territory of India for implementing any international treaty, agreement, or convention. As manifest from its preamble, JJA aimed to implement the standards prescribed in international instruments including the 'United Nations Standard Minimum Rules for the Administration of Juvenile Justice 1985' (hereinafter, "the Beijing Rules").   of the Beijing Rules asserts the necessity of establishing special police units and imparting them specialized training for facilitating their dealings with juveniles and prevention of juvenile crime.

The commentary annexed to reasserts the indispensability of special police units for smooth administration of juvenile justice system and implementation of Fundamental Perspectives, contained in of the Beijing Rules mandates the systematic development and coordination of juvenile justice services through improvisation of methods, approaches and attitudes of personnel involved in such services, including police.

14.8 IMPORTANCE OF UN ECONOMIC AND SOCIAL COUNCIL (ECOSOC)

Complementary to the Beijing Rules are the 'Guidelines for Action on Children in the Criminal Justice System Recommended by Unites Nations Economic and Social Council' vide Resolution 1997/30 of 21 July 1997 (hereinafter, "ECOSOC Guidelines"). Clause 44 of the said ECOSOC Guidelines directs states to establish specialized officers and units to deal with cases involving offences against children.

Thus, by conjoint reading of the Beijing Rules and ECOSOC Guidelines, the constitution of a specialized police unit becomes inevitable for dealings with both CICL and CNCP Therefore, it is submitted that the provision for establishment of CWO and SJPU in Section 63 of JJA for dealing with juvenile offenders and juvenile victims is a translation of the Beijing Rules. ECOSOC Guidelines by the Parliament of India in exercise of its power under Article 253 of the Constitution of India.

Beside this, Article 355 of the Constitution of India confers a duty upon the Union to ensure that the government of every state is carried on in accordance with the constitutional provisions. As evident from its preamble, JJA sought to amalgamate the objectives underlining the Constitution of India in securing a 'child-friendly approach' and 'best interests of child'. It is humbly submitted that the constitution of SJPU and their specialized training for humanizing their approach towards CICL and CNCP is pursuant to the constitutional goals imbibed within Articles 15(3), 21, 39(e) and (f), 47 and 51(c). Article 15(3) of the Constitution of India enables the State to make any 'special provision' for children.

One may argue that JJA in empowering police to apprehend and detain children, thereby restraining their usual enjoyment of life and liberty, fails to qualify within the contours of 'special provision'. Quite contrarily, in Yusuf Abdul Aziz v. State of Bombay 7, a constitutional bench of Supreme Court of India observed that the 'special provisions' under Article 15(3) are not confined to provisions which are beneficial in strict sense. Therefore, in JJA and Model Rules 2007, even though the police has been empowered to apprehend CICL, the inbuilt special safeguards

of SJPU and CWO and their functioning as watchdogs of human rights of children are 'special provisions' under Article 15(3) of the Constitution. By conjoint reading of Article 15(3) with the Right to Equality guaranteed under Articles 14 and 15(1) of the Constitution of India, it is manifest that no less favourable treatment may be meted to juveniles as compared to adults.

14.9   CONCLUSION

Therefore, the specific safeguards of JJA pertaining to functioning of SJPU and police operate in addition to, and not in derogation of, the general safeguards under the Constitution of India, Code of Criminal Procedure, 1973 (hereinafter, "CrPC"), Universal Declaration of Human Rights (hereinafter, "UDHR") etc. As will be elaborated hereinafter, the functions of SJPU and CWO as prescribed in JJA and the Model Rules 2007 correspond to Articles 21, 39(e) and (f), and 47 of the Constitution of India.

Article 51(c) directs the State to endeavour to foster respect for international law and treaty obligations, undoubtedly including within its ambit commitments made in the Beijing Rules and ECOSOC Guidelines. In essence, therefore, the designation of CWO, constitution of SJPU, impartation of specialized training to SJPU and conferment of special functions to SJPU for vindication of rights of children is in furtherance of constitutional and international objectives and thus, in pursuance of Articles 253 and 355, unbarred by any restriction under Article 246 of the Constitution of India. Therefore, despite the fact that SJPU is within exclusive control of respective state governments, it was within the legislative competence of the Parliament to mandate states to appoint SJPU.

LET US SUM UP

JJA directs that the State may designate at least one officer with 'appropriate aptitude, training and orientation' as 'Juvenile or Child Welfare Officer' (hereinafter, "CWO") to handle the juvenile in coordination with the police. Yet others like Tamil Nadu neither provide for any social intervention nor for any form of assistance from voluntary organizations. Tamil Nadu Juvenile Justice (Care and Protection of Children) Rules, 2001 merely mandate the establishment of SJPU in all districts or select cities with every designated CWO as its member.

CHECK YOUR PROGRESS

1. The _____Unit and Child Welfare Officer at the police station will handle cases of both juveniles in conflict with law and children in need of care of protection and the social worker at the Special Juvenile Police Unit shall be the first line of intervention in all cases, as far as possible.

2. A police officer while dealing with children in need of care and protection should always be in _____.

3. The _____consists of a Metropolitan Magistrate or a Judicial Magistrate of the first class and two Social Workers, at least one of whom should be a woman.

GLOSSARY

Child Welfare Officer : to assist with the safeguarding and protecting of children

Endeavour : try hard to do or achieve something.

Effectuation : to cause or bring about

ANSWERS TO CHECK YOUR PROGRESS

1. Special Juvenile Police

2. plain clothes

3. JJB

MODEL QUESTIONS

1. Write short notes on Constitution and Juvenile Justice
2. Explain the Structure of Special Juvenile Police Unit.
3. Discuss the power of Juvenile Police Unit.

SUGGESTED READINGS

1. Finger-Print Evidence: Navy Department, Bureau of Navigation, United States Bureau of Naval Personnel, ,(2011).

2. Colleen Wade and Yvette E. Trozzi, (2004), *Handbook Of Forensic Services*, Federal Bureau of Investigation, Virginia.

3. Vaishali Rathore, (2019), *An Insight into Indian Juvenile Justice System*, Notion Press.

UNIT- 15

WOMEN POLICE WING

STRUCTURE

Overview

Learning Objectives

15.1   Introduction

15.2   Women Police

15.3   Statistical Report on Women Police

15.4   Functions of the Women Police

15.5   Challenges faced by the Women Police

15.6   Union Territory Police Force

Let us sum up

Check your progress

Glossary

Answers to check your progress

Model Questions

Suggested Readings

OVERVIEW

Among the states, Bihar police covering civil police, district armed reserve, special armed police and India Reserve Battalions had the highest share of women personnel at 25.3%, followed by Himachal with 19.15%, Chandigarh with 18.78% and Tamil Nadu police with 18.5% women personnel. In this unit, we will study about significance women in police department.

LEARNING OBJECTIVES

After learning this unit, the students will be able to

➢   Study about the Women Police in India.
➢   Know about the important functions of Women Police.
➢   Understand the significant role of Police in Union Territories

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15.1 INTRODUCTION

Women have entered into the higher echelons of Indian police in greater numbers since the late 1980s, primarily through the Indian Police Service system. Female officers were first used in 1972, and a number of women hold key positions in state police organizations. Their absolute numbers, however, are small. Uniformed and undercover women police officers have been deployed in New Delhi as the Anti-Eve Teasing Squad, which combats the sexual harassment of women ("Eves"). Several women-only police stations have been established in Tamil Nadu to handle sex crimes against women.

Women police now form a part of the police force of all states and Union Territories, except Daman & Diu. Some states/cities have experimented with setting up police stations managed and run exclusively by women police personnel.

15.2 WOMEN POLICE

Women police are utilised mostly in performing specialised tasks of dealing with women and children. In this context, the National Police Commission (NPC) has stated that women police have not been given an equal share in various areas of police work and recommended that they be more actively and directly involved in police investigations.

People go to a police station not merely to report crime or law and order disturbance, but also to seek assistance and relief in distress situations. They go there to lodge complaints and seek redress. The charter of work at the police station, based on law and police manuals is very wide.

15.3 STATISTICAL REPORT ON WOMEN POLICE

The strength of women personnel in state and Union Territory police forces registered a significant 16% jump last year, with their share rising to 10.3% as on January 1 this year (reflecting 2019 data) from 8.9% on January 1, 2019. Though the improvement is welcome, the cumulative percentage and numbers continue to reflect the male domination of police   forces.
Among the states, Bihar police covering civil police, district armed reserve, special armed police and India Reserve Battalions had the highest share of women personnel at 25.3%, followed by Himachal with 19.15%, Chandigarh with 18.78% and Tamil Nadu police with 18.5% women personnel. Overall, almost one-fifth of sanctioned positions for personnel in police forces across the country remain vacant.

Some states/cities have also experimented with setting up police stations managed and run exclusively by women police personnel. On 4 September, 2009, the Centre had issued a detailed advisory to all state governments to set up a dedicated desk to deal with crimes against women and children in each police station, special women police cells and all-women police stations. At the beginning of January, 2014, there were as many as 518 all women police stations in the country. The largest number i.e., 199 (38.42) were functioning in Tamil Nadu, Uttar Pradesh had 71, Bihar and Rajasthan had 40 each and Andhra Pradesh and Gujarat 32 each and Jharkhand 22. Amongst states, as many as six i.e., Himachal Pradesh, Maharashtra, Mizoram, Nagaland, Sikkim, and Tripura had not set up any such police station by the end of year 2013.

15.4 FUNCTIONS OF THE WOMEN POLICE

Some of the important functions performed women police at the police station are:

1. Prevention of crime by using effective crime prevention measures.

2. Registration of cognisable offences on information received.

3. Speedy, impartial, and efficient investigations.

4. Maintenance of peace and tranquillity in the area.

5. Ensuring safety and security of citizens and protecting their property.

6. Handling and dealing properly with complaints received at the police station.

7. Providing relief to people coming for help and attending to distress situations.

8. Establishing friendly and cordial relations with different segments of society.

9. Collection of intelligence required for efficient and honest police work.

10. Attending to regulatory duties and managing crowds.

The CRPC, from which the police derive their powers to deal with crime and law and order problems, recognises only one police rank-the Officer-in-Charge of the police station. According to the state police acts, this officer cannot be below the rank of Sub-Inspector of Police. The CRPC allows the officer next in rank to the Officer-In-Charge to take over when the incumbent is absent from the police station.

All officers higher in rank to the Officer-In-Charge of the police station are empowered to exercise the same powers as are exercised by such officer within his jurisdiction. Now-a-days, in most cities and metropolitan areas, the Officer-In-Charge of a police station is an Inspector of Police. Even in other places, where police stations are larger in terms of area, population, crime or law and order problems, the Officer-In-Charge is an Inspector of Police. In rural areas or smaller police stations, the Officer-In-Charge is usually a Sub-Inspector of Police.

15.5   CHALLENGES FACED BY THE WOMEN POLICE

A proper transport facility was not provided to the female police officials, except in emergencies or strikes, etc., due to which the female police officer was facing great difficulties, whilst coming to the police station from far flung areas and back to their homes late in the evening. The transport was provided only in the emergency environment only for their safety but very rare. The government plans to evolve a national security plan with the help of police to deal with terrorism, but the majority of police stations in the city lacks even the basic facilities such as sweepers, backup power, drinking water and cooks, greatly inconveniencing the staff.

During field duty that was usually in emergency circumstances, the women police officials have to arrange their own conveyance while returning to the police station or to their homes by paying heavy charges to the taxi or rickshaw drivers from their own pocket without any reimbursement, that was an alarming situation not only for the police station managers but also for the higher police authorities. "While the relative financial status of the policeman varies, he is economically working class in as much as he is dependent on the sale of his labour power"

The second problem noted, was a shortage of vehicles and fuel. At the G-7 police station, there were only three vans for the transportation purposes available, and these vehicles were not properly utilized, due to fuel shortage. The previous government was providing 500 liters of petrol to the police station, for running their vehicles per month. The quantity of fuel was reduced gradually to 300 liters, which was not up to the requirements of the police station. So therefore 258 the available fleet was not properly functioning, and was creating several problems for women police officials in discharging their duties.

The third problem witnessed was the "buttering" of male staff. The female officials were not permitted to use official transport, as it was used by the male officers and senior staff.

The fourth problem recorded was problems of married policewomen. The police station, though, was functioning well, but there were some basic discrepancies as a result of the dual presence of male and female police in a combined police station, that had created many problems for the women police especially the married policewomen. "Women officials always give their kids and household responsibilities as an excuse for not doing their job properly. They get the same training which is for men so they should understand that they have to give proper time to their jobs"

The fifth problem observed, was the handling of emergency calls, and a lack of proper working schedules. The uneven schedule of the police station was almost upsetting not only their households, but their personal life too, while the unseen expenses of their travelling were also disturbing their budget limitations because of having no official conveyance facility. According to the women police, they were losing their authority, even on the children because of the service upheavals, while their frequent mobility was making them suspicious among other family members.

The sixth problem these police women faced, was the lack of proper facilities like shelters, which would protect them from scorching sun and heavy rain. Beside this, there was no facility for washrooms for the policewoman, while on duty. Policewoman Hostels were insufficient to place them. There is complete insufficiency of transportation, vehicles and fuel. As a result, these women police officials often counter several problems.

15.6 UNION TERRITORY POLICE FORCE

Authority over a Union Territory Police Force is held by the Ministry of Home Affairs (India), led by the Home Minister (India) and secondarily by the Administrator/Lieutenant Governor (generally an Indian Administrative Service/Indian Police Service officer) of their respective Union Territory. Each UT has a UT Police Force (headed by a Director General of Police/Inspector General of Police, an Indian Police Service officer), which is responsible for maintaining law and order in the state's townships and rural areas. Big UTs are divided into Zones, each zone is headed by IGP and whole UT is headed by DGP, but Small UTs are only divided into districts, each district is headed by SP and whole UT is

headed by IGP. But the Case is different in the Commissionerate System.

Pondicherry, Andaman & Nicobar, Lakshadweep, Daman & Diu, Dadra & Nagar Haveli, Delhi Police Service are centrally administered. Selected officers are appointed to police departments of union territories and also to Pondicherry Civil Services. Most of their functions are similar to that of state police department.

LET US SUM UP

It is his responsibility to ensure that the police station performs its functions as listed above with efficiency and honesty. In short, it is his duty to do all that he can to prevent crimes, register complaints, investigate, and detect offences, preserve peace, apprehend offenders, and bring them to justice. Providing a feeling of safety and security to all living in his jurisdiction is essentially his job. It is his duty to administer the staff`, supervise their work, keep close watch on their activities and manage the resources efficiently. He has to assign duties to the staff under him and see that these are honestly performed. It is his responsibility to acquire full knowledge of the area and the problems of the people in his jurisdiction.

CHECK YOUR PROGRESS

1. There were as many as 518 all women police stations in the country. The largest number i.e., 199 (38.42) were functioning in _____alone.
2. In rural areas or smaller police stations, the Officer-In-Charge is usually a _____.
3. _____functions either as an Officer-In-Charge of the police station, i.e., Station House Officer (SHO) or as a Circle Inspector of Police.

GLOSSARY

Administration : The process or activity of running a business, organization

Organisation : An organized group of people with a particular purpose, such as a business or government department.

The Daily Dairy Register : Daily Diary Register or General Diary entry is made when any kind of complaint is lodged and the police enter the details in their records

ANSWERS TO CHECK YOUR PROGRESS

1. Tamil Nadu
2. Sub-Inspector of Police
3. Inspector of Police

MODEL QUESTIONS

1. What are the Challenges faced by the women police?
2. Explain in detail about the women police.
3. Discuss the Signification of Union Territories police

SUGGESTED READINGS

1. Roy, Jay tilak Guha (ed.), (1999), *Policing in Twenty First Century*, Indian Institute of Public Administration, New Delhi.

2. Kamal Mishra, (2009), *Police Administration in India*, Mittal Publications.

3. Anwar Mayuddin, (2015), *General Problems Faced by Women*, Journal of Social Sciences.

TAMILNADU OPEN UNIVERSITY
M.A POLITICAL SCIENCE (MPSS - 25)
Police Administration
Model Question Paper

Time: 3 Hrs   Max Marks: 70

PART – A (5 x 5 = 25)

Answer any FIVE questions in 300 words each. Each question

carries 5 marks

1. Describe the meaning of police administration.

2. Discuss the process of Selection and Recruitment.

3. What are acts related to Juvenile Justice?

4. What is the role and functions police in general?

5. Discuss features of central police force.

6. Critically examine the role of CBI in the society.

7. Enumerate the roles of police personnel management.

8. Elucidate the difference between Dual system and
   Commisionerate system.

PART- B (3 x 15 = 45)

Answer any THREE questions in 1000 words each. Each question

carries 15 marks

9. Elucidate the evolution of police system in India.

10. Discuss the hierarchy of police administration in district level.

11. Evaluate the police administration in India and its hierarchy.

12. Examine the police reforms in India.

13. Critically Analyse the police public grievance redressal.

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- B.A. Human Rights (English and Tamil Medium)

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- M.A. Political Science (English and Tamil Medium)
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- M.A. Police Administration (English Medium)
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