# Union Judiciary

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# 9th book
# UNIT 2 - ELECTION, POLITICAL PARTIES AND PRESSURE GROUPS

## Electoral System in India

- The electoral system in India has been adapted from the system followed in the United Kingdom. India is a socialist, secular, democratic republic and the largest democracy in the world. The modern Indian nation state came into existence on **15 August 1947**.

- Articles **324 to 329 in part XV** of the Constitution makes the following provisions with regard to the electoral system in our country.

(i) Article 324 of the Indian Constitution provides for an independent Election Commission in order to ensure free and fair elections in the country. At present, the commission consists of a Chief Election Commissioner and two Election Commissioners.

(ii) The Parliament may make provision with respect to all matters relating to elections to the Parliament including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing their due constitution.

(iii) The state legislatures can also make provisions with respect to all matters relating to elections to the state legislatures including the preparation of electoral rolls and all other matters necessary for securing their due constitution.

## Election Process

- At the national level, the head of government, the Prime Minister, is elected by members of the LokSabha, the lower house of the Parliament in India. In representative democracy like ours, elections are extremely important. Voting in elections is the best way to make your 'voice' heard.

### Introduction of the NOTA Option

- If the people in a democratic country are not willing to elect any candidate, they can vote for the option called NOTA (None Of The Above). Rule 49-O in the Conduct of Elections Rules, 1961, of India describes this procedure.

## Types of Elections in India

Elections are classified into two types:

## 1. Direct Elections

- People directly vote for the candidates in the fray and elect their representatives. The following are examples of direct elections in which people over the age of 18 years participate in the electoral process by casting their votes.

   **(i)** LokSabha elections, in which the Members of Parliament are elected.

   **(ii)** Elections to the state Legislative Assemblies, in which the Members of Legislative Assemblies are elected.

   **(iii)** Elections to the local governing bodies, in which members of the local governing bodies like the municipal corporation or the panchayat are elected.

## Merits

(i) As the voters elect their representatives directly, direct elections are considered to be a more democratic method of election.

(ii) It educates people regarding the government activities and helps in choosing the appropriate candidates. Also, it encourages people to play an active role in politics.

(iii) It empowers people and makes the rulers accountable for their actions.

## Demerits

(i) Direct elections are very expensive.

(ii) Illiterate voters sometimes get misguided by false propaganda and sometimes campaigning based on caste, religious and various other sectarian consideration spose serious challenges.

(iii) Since conducting direct elections is a massive exercise, ensuring free and fair elections at every polling station is a major challenge to the Election Commission.

(iv) There are instances of some political candidates influencing the voters through payments in the form of cash, goods or services.

(v) Election campaigns sometimes results in violence, tension, law and order problems and affects the day-to-day life of people.

## Indirect Elections

- Voters elect their representatives, who, in turn, elect their representatives to formal offices like the President's office.

## Merits

(i) Indirect elections are less expensive.
(ii) It is more suited to elections in large countries.

## Demerits

(i) If the number of voters is very small, there exists the possibility of corruption, bribery, horse trading and other unfair activities.
(ii) It is less democratic because people do not have a direct opportunity to elect, but they instead do it through their representatives. So, this may not reflect the true will of the people.

**How is the President of India elected?**
The President of India is elected by the members of an electoral college consisting of
1. The elected members of both Houses of Parliament
2. The elected members of the Legislative Assemblies of all the states and Union territories in India
NOTE: The members nominated to either House of Parliament or the Legislative Assemblies of states are not eligible to be included in the electoral college

## Political Parties

- Political parties are an essential part of democracy. Parties are the link between government and the people.

## Meaning of Political Party

- A political party is an organisation formed by a group of people with a certain ideology and agenda to contest elections and hold power in the government. A political party has three components: a leader, active members and the followers.

## Types of a Party System

There are three types of party system in the world namely.

**i.** Single-party system in which one ruling party exists and no opposition is permitted. China, Cuba, the former USSR (Union of Soviet Socialist Republics) are the examples for the single-party system.

**ii.** Two-party system in which only two major parties exist, for example, USA, UK.

**iii.** Multi-party system in which there are more than two political parties, for example, India, Sri Lanka, France and Italy.

## Types of Political Parties

Political parties in India are classified according to their area of influence into two main types :

      (1)National Parties
      (2) State Parties.

## National Parties

- A party which is recognized as a state party in at least four states is recognized as a national party. Every party in the country has to register with the Election Commission while the Commission treats all the parties equally. It offers some special facilities to state and national parties. These parties are given a unique

symbol. Only the official candidate of the party can use that election symbol. In 2017, there were seven recognized national parties.

## State Parties

- Other than the seven national parties, most of the major parties of the country are classified by the Election Commission as 'state parties'. These are commonly referred to as regional parties. A party is recognized as a state party by the Election Commission of India based on certain percentage of votes secured or a certain number of seats won in the Assembly or LokSabha elections.

## Recognition to the Parties

For getting recognition as 'national party', a party has to fulfill any one of the following criteria:

**i.** At least 6% votes in at least four states and members to the LokSabha.

**ii.** In the election of LokSabha, at least 2% members from at least three states are elected to LokSabha.

**iii.** Recognition as a state party at least four states.

## Functions of Political Parties

- Parties contest elections. In most democracies, elections are fought mainly among the candidates put up by political parties.
- Parties put forward their policies and programmes before the electorate to consider and choose.
- Parties play a decisive role in making laws for a country. Formally, laws are debated and passed in the legislature.
- Parties form and run the governments.
- Those parties that lose in the elections play the role of the Opposition to the party or a group of coalition parties in power, by voicing different views and criticising the government for its failures or wrong policies.
- Parties shape public opinion. They raise and highlight issues of importance.
- Parties function as the useful link between people and the government machinery.

## Role of Opposition Parties in a Democracy

- In a democracy, there may be a two-party system like in the USA or a multi-party system like in India and France. The ruling party may have

received the mandate of the majority people and the Opposition party represented the remaining people. The Leader of the Opposition party occupied a prominent place in all democratic forms of the government. He enjoys the rank of a Cabinet Minister. He opposes the wrong policies of the ruling party, which affects the general public. As the Chairman of the Public Accounts Committee questions the functioning of the government departments and examines the public money used for the well-being of the people. Similarly, he plays an important role to select the Chairman and members of the Central Vigilance Commission, Chairperson and members of the Information Commission. The Opposition Parties reflect genuine demands and concern of the people to play a constructive role in a democracy.

## Pressure Groups

- The term 'pressure group' originated in the USA. A pressure group is a group of people who are organized actively for promoting and defending their common interest. It is so called as it attempts to bring a change in the public policy by exerting pressure on the government.

- The pressure groups are also called 'interest groups' or vested groups. They are different from the political parties in that they neither contest elections nor try to capture political power.

## Examples for Pressure Groups

1. Federation of Indian Chamber of Commerce and Industry (FICCI)
2. All India Trade Union Congress (AITUC)
3. All India KisanSabha
4. Indian Medical Association (IMA)
5. All India Students Federation (AISF)
6. All India Sikh Students Federation
7. Young Badaga Association
8. Tamil Sangam
9. Tamil Nadu VivasayigalSangam
10. Narmada BachaoAndolan

## Pressure Groups in India

- A large number of pressure groups exist in India. But, they are not developed to the same extent as in the USA or the Western countries like Britain, France, Germany and so on.

The pressure groups in India can be broadly classified into the following categories:

1. Business groups
2. Trade unions
3. Agrarian groups
4. Professional associations
5. Student organisations
6. Religious organisations
7. Tribal organisations
8. Linguistic groups
9. Ideology-based groups
10. Environmental protection groups

## Functions of Pressure Groups inIndia

- Pressure groups are the interest groups that work to secure certain interest by influencing the public policy. They are non-aligned with any political party and work as an indirect yet powerful group to influence the policy decisions. Pressure groups carry out a range of functions including representation, political participation, education, policy formulation and policy implementation.

### *Political Participation*

- Pressure groups can be called the informal face of politics. They exert influence precisely by mobilizing popular support through activities such as petitions, marches, demonstrations and other forms of political protest. Such forms of political participation have been particularly attractive to young people.

## Education

- Many pressure groups devote significant resources by carrying out research, maintaining websites, commenting on government policy and using high-profile academics, scientists and even celebrities to get their views across, with an emphasis to cultivate expert authority.

### Policy Formulation

- Though the pressure groups themselves are not policy-makers, yet it does not prevent many of them from participating in the policy-making process. Many pressure groups are vital sources of information and render advice to the government and therefore they are regularly consulted in the process of policy formulation.

## Mobilization and People's Participation
## Mobilization

- Mobilising people towards socially productive activities that lead to the overall betterment of people's lives is essential. Sometimes earthquakes, tsunamis, floods and other such natural disasters on a massive scale occur and people's immediate mobilisation for evacuation and emergency relief becomes most essential.

## Democratic Participation

- Democracy can succeed only when smaller local groups and, in fact, every citizen can take action that supports the tax and revenue collection systems, observance of national norms in environmental protection, cleanliness, health and hygiene, sanitary drives and immunisation programmes like pulse polio.

- However, we must keep ion mind that there is no better form of government than Democratic government. To create a better society and nation, the people of India along with the union and state governments should come together to fight against the miseries of human life.

## NOTE

1. **Kudavolai** was the system of voting followed during the **Chola** period in Tamil Nadu

2. We celebrate National Voters Day on **25th January** in India.

3. NOTA was first introduced in the General Elections held in **2014**. India is the **14th country** in the world to introduce NOTA.

4. **Voters Verified Paper Audit Trail (VVPAT)** is the way forward to enhance credibility and transparency of the election process. This system was first introduced in the **2014 General Election**.

# UNIT – 2

# STATE

## Introduction

- Political Science is the systematic study of State. We all live in State. The world is viewed as an embodiment of many States. State as an idea or a concept is derived from a historical process of political, cultural, religious and economic contexts of a region. Today when the word 'State' is mentioned and used it usually indicate the modern State. The world today comprises of modern States. Modern State is a public order completely different from the pre-modern notion comprising of a body politics consisting of the rulers and the ruled. Hence a proper understanding of what State is and what not is quite essential to students of political science.

- Yes, we all live in 'State'. We start to interact with the State even without a proper awareness of State. The road facilities, health care, electricity, water, and sanitation are a few examples that connect us with the State. State compels us to do certain things and at the same time Any failure to obey the State will lead to punishment. Hence one can conclude that law and freedom of State are subjected to certain conditions laid by the State itself. State also ensures that our lives and property are protected. Thus whether we are interested or not, the State is certainly interested in us as its population. Should we not then study the State?

## Meaning and Definition of State

- The State is the most universal and most powerful of all social institutions. The State is a natural institution. Aristotle said 'Man (Human) is a social animal and by nature s/he is a political being. To him, to live in the State and to be a man were identical. The modern term 'state' is derived from the word 'status'. It was Niccolo Machiavelli (1469 – 1527) who first used the term 'State' in his writings. The state is necessary because it comes into existence out of the basic needs of life. It continues to remain for the sake of good life. The aims, desires, and aspirations of human beings are translated into action through the State. Though the State is a necessary institution, no two writers agree on its definition. This disagreement makes the study of the State more creative and interesting. For instance,

we have social Contract theory in political science. The three main thinkers associated with social contract theory are Thomas Hobbes, John Locke and Jean Jack Rousseau. The three thinkers collectively agree that humans need to be controlled by the State. At the same time, they disagree on to what extent the control can be exercised by the State on humans.

### Essential Elements of State

- Thus, from the above descriptions, you can easily conclude that State should have certain essential components. The state is a set of institutions which has an unquestionable authority over people. It is hence all modern States have their own Constitution that moderates the freedom and privileges of the citizens of the State with the coercive and unquestionable power of the State. Hence Constitution is considered as a limiting agent on the overwhelming authority of the State.

- The Montevideo Convention on Rights and Duties of States held in 1933 gave the fundamental understanding of State. A State must have a permanent population, a defined territory and a government that can control the territory and its people and conducts international relations with other States. Consequently,  becomes crucial for the legitimacy of the State from an external point of view. You would be reading more when you read about Sovereignty.

### Let us attempt to understand what the essential elements of State are?

- Think of India as a State and try to answer what makes India, our country to qualify for a State? Firstly, India has a well-defined territory. In India we the people, Indians live. We Indians have our Government. India is a State that has a status in the world and exists independently. India is not bound by the rules of any other State. It can enter into treaties with other States. We have our diplomats in all countries and their offices are called 'Diplomatic Mission'. An Indian Embassy in the USA is generally known as 'India in the USA'. In Puducherry, the Consulate General of France is called France in India.
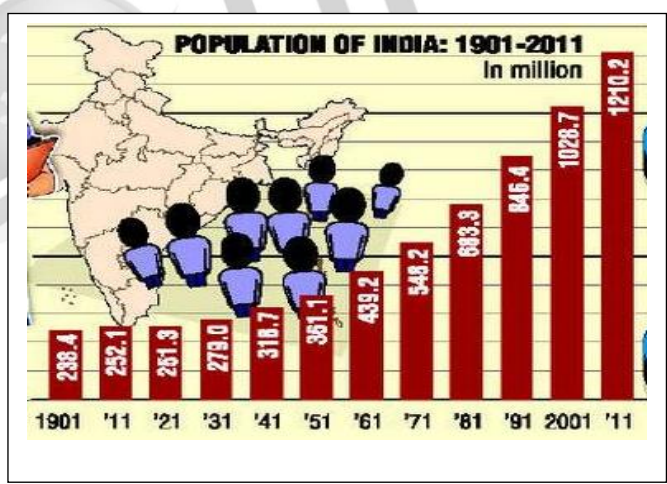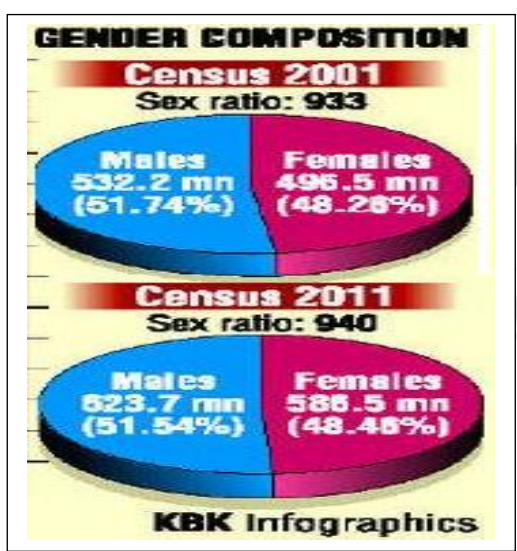
**Society, state and Government**

| State | | | |
|---|---|---|---|
| People/population | Territory | Government | Sovereignty |

**CENSUS 2011**
**15th CENSUS of India since 1872**

| | |
|---|---|
| Cost | ₹22,00Cr |
| Cost per person | ₹18.19 |
| No. of census functionaries | 0.27Cr |
| No. of languages in which schedules were canvassed | 16 |
| No. of languages in which training manuals were prepared | 18 |
| Paper utilised | 8,000 MTs |
| Material moved | 10,500 MTs |

| | |
|---|---|
| The population of India at 121.01 cr is almost equal to the combined population of USA, Indonesia, Brazil, Pakistan Bangladesh and Japan | 2001- 2011 is the first decade (with the exception of 1911-1921) which has added lesser population compared to the previous decade |
| The population has grown by more than 18.1Cr during the decade 2001-2011 | Overall sex ratio at the national level has increased by 7 points since Census 2001 to reach 940 |



GENDER COMPOSITION
Census 2001
Sex ratio: 933
Males 532.2 mn (51.74%)
Females 496.5 mn (48.26%)
Census 2011
Sex ratio: 940
Males 623.7 mn (51.54%)
Females 586.5 mn (48.46%)
KBK Infographics



POPULATION OF INDIA: 1901-2011
In million
238.4 | 252.1 | 261.3 | 279.0 | 318.7 | 361.1 | 439.2 | 548.2 | 683.3 | 846.4 | 1028.7 | 1210.2
1901 | '11 | '21 | '31 | '41 | '51 | '61 | '71 | '81 | '91 | 2001 | '11

## Census 2011

- The past-independence census in the country has been conducted once in ten years. Under the constitutional provisions by notification under the census Act 1948.
- In the last census, operations conducted in our country in 2011. The enumerators and supervisors has focused on the house listing and housing Census. The type of information gathered on the household its head amenities and assets. It also includes the total number of residents, use of the census house and material used for floor, wall and roof.

- Other details include the name of the head of the household, gender, community, ownership, number of dwelling rooms, number of married couples. The enumerators would also seek details on the amenities available in the household such as sources of drinking water outlet, latrine, waste water outlet, bathing facility, kitchens and fuel used for cooking.
- They would record information, on the use of banking services and assets, such as radio, TV, computer, internet connection, telephone, bicycle, motorcycle and car.

## Population

- It is the people who make the State. The population is essential for the State. What should be the size of the population has been a debate by thinkers from ancient time. According to Plato, the ideal number would be 5040. According to Aristotle, the number should be neither too large nor too small. It should be large enough to be self – sufficient and small enough to be well governed. Rousseau determined 10,000 to be an ideal number for a State. Ancient thinkers view on the number was based on the small city – States like Athens and Sparta. The modern States vary in population. India has a population of 121.02 cr people according to 2011 census of India.

> According to Plato, the ideal number of State is 5040. The reason is the number 5040 is divisible by numbers from 1 to 12. In the case of 11 the reminder is 2. During the time of emergency the population can be divided in various columns and instructions could be given.

## Territory

- Can State be without territory? Certainly not. People need territory to live and to organize themselves socially and politically. It may be remembered that the territory of the State includes land, water, and air space. The modern States differ in their sizes. The territory is necessary for citizenship. As in the case of population, no definite size with regard to extent of the area of the State can be fixed. There are small and big States. In the words of Prof. Elliott, "Territorial sovereignty or the superiority of State, overall within its boundaries and complete freedom from external control has been a fundamental principle of the modern State life".

- India has an area of 32,87,263 sq. km. approximately India occupies 2.4% of the global area. The opening article of the Indian Constitution speaks about the Territory of India.

## Government

- Government is the working agency of the State. It is the political organization of the State. Indian political scientist Prof. A. Appaduraidefined government as the agency through which, the will of the State is formulated, expressed and realized. According to C.F. Strong, in order to make and enforce laws, the State must have a supreme authority. Government is a fixed structure. Political executives who get elected to offices may change but Government as a system is a permanent body of State. The State existed before the people come to power and it will exist after these men and women in power leaves the control of the State.

## Sovereignty

- The fourth essential element of the State is sovereignty. The word 'sovereignty" means supreme and final legal authority above. No legal power can exist beyond sovereignty. The concept of "sovereignty" was developed in conjunction with the rise of the modern State. The term Sovereignty is derived from the Latin word "superanus" which means "supreme". In a traditional understanding, the characteristics of sovereignty are absoluteness, permanence, universality, indivisibility, exclusiveness, and inalienability.

> There is a restriction of individuals from one State to another State in the name of territorial sovereignty. But sitting in one country you can communicate to a person to another country using the internet. How do you see this to do with the sovereignty of the States? Examine why social networking websites like Facebook, twitter and YouTube are banned in some countries.

- The father of the modern theory of sovereignty was Jean Bodin(1530 – 1597) a French political thinker. According to Harold J. Laski, "It is by

possession of sovereignty that the State is distinguished from all other forms of human association".

- Human Association would mean anything from family, society and even voluntary organization similar kinds through which humans identify them-selves together.

**Society, State and Government – How are they interrelated?**

- Each one of us lives simultaneously in family, society, and State. What does this mean? How society and State are interrelated? What is government to do with the State and the society?

- Historically when humans evolved from hunters and gatherers to a settled community, they started to produce goods. Group of families constituted a community and a group of communities constituted what we call as a society. Individuals for their emotional need that is often reciprocal lived in the family.

- Families came together under the umbrella of the community for a greater objective of security. The communities so formed made a higher level of organization called society solely to live in an organized manner where each ones' need is met out by the collective output of the whole. Thus when an individual is labouring for earning his food there arose an inevitable situation that labour results in productivity. The produced goods thus required a market supplemented by the invention of another institution called trade. When goods are produced and marketed, it is clear that the situation could turn in favour of a few who are mighty.

- When society is governed by the rule of might, then ultimately that would cause the society to disintegrate and fall apart. When society degenerates, it has a consequent effect on the communities and ultimately upon its constituent families and each and every individual would lead to suffering. Thus, it was, for this reason, humans came together, guided by reason felt the need of the State.

- State came into existence out of an imminent need that in the absence of a centralized and a coercive authority human cannot be saved from each other. This control in modern States is done legally through a set of rules

and regulations. In a democracy, these rules and regulations are framed by the legislature, enforced by the executive and the judiciary adjudicates the made laws and the implemented laws on the basis of their legality and judiciousness. The function of law making, implementing and interpreting is the function of government. You will read more about this as separation of powers.

- The society consists of a large number of individuals, families, groups, and institutions. The early political thinkers considered both State and society as one. The state is a part of society but is not a form of society.

| STATE | SOCIETY |
|---|---|
| State came into existence after the origin of the society. | Society is prior to the State. |
| The scope of the State is limited. | The scope of society is much wider |
| The state has fixed territory. | Society has no fixed territory. |
| The state is a political organization. | Society is a social organization. |
| The State has the power to enforce laws. | Society has no power to enforce laws. |

- The membership of the State and society are the same. But they differ as regards to their purpose. The State exists for one great but single, purpose; society exists for a number of purposes; some great and some small. From the point of view of the organization, the State is a single organization – legal, whereas society comprises within itself many organizations. The State exercises its control over humans by coercion and exact obedience. On the other hand, the society employs a method of voluntary action. The purposes for which society exists makes the persuasive methods necessary. The multiplicity of the organization of society gives ample opportunity to the members to relinquish one association and join another in the event they are subject to any coercion. Thus you must understand a State without a centralized authority of coercive force and a society without the method of persuasion will fall apart.

**State and Government**

- Government is often used with the 'State' as a synonym. But both the government and the State are two different entities. There are differences between the State and the government. They are explained in the table given below.

| STATE | GOVERNMENT |
|---|---|
| The state consists of population, territory, government and sovereignty. | Government is part of the State. |
| The state possesses original powers. | Powers of the government are derived from the State. |
| The state is permanent and continues forever. | Government is temporary. Governments can be replaced with peoples will |
| State is abstract and invisible | Government is concrete and is visible. |

**Modern State**

**Before examining the functions of Modern State, you must understand what is Modernity? What is called as a Modern State?**

- Modernity in historical term means the period of questioning the tradition or rejecting the age-old set of beliefs, practices and socio-cultural norms. Modernity laid the foundations of the prioritization of individualism, freedom, equality, fostering of scientific temper in every walk of life and thus modernity led humans from agrarianism towards industrialization, urbanization, and secularization. This intellectual shift drastically influenced the understanding of the society, State and government. For instance, the efforts of Raja Ram Mohan Roy to reform the Indian society are directly linked with the influence of western modernity on Indian thinkers.

- In Political science, modernity impacted on the concepts of State, liberty, equality, justice and so on. For instance, the meaning of patriots, revolution, rights, privileges, and sovereignty was understood differently given their historical context. Similarly, the term State was understood differently during the time of the Greek City State. State means completely different when it is referred to a modern State as a form of political

organization evolved in modern western Europe dating to medieval ages. The rational foundation of modern State is often argued to be the treaty of Westphalia signed in the year 1648.

- The idea of modern State was exported throughout the world during the nineteenth century by the process of European Colonization. The South Asian States that became independent from colonial control after second world war can be brought under the umbrella of post-colonial States and can be compared with the post-colonial States of the other parts of the world to assess their relative merits and drawbacks for improving their governance systems.

## Functions of Modern State

- The modern State is a developed State. The State should strive to keep its people secure and safe. The State should ensure that its borders are sealed and protected. The market needs to be integrated into the society by a well-knit macroeconomic structure. 'Citizen first' should be the motto of all the activities of the State. The sole principle of governance of modern State is whether the action of the State leads to the promotion of the welfare of its people. Accordingly, the State engages itself as a provider of essential services.

It is largely accepted that the modern State focuses on three main functions.

| Functions | | |
|---|---|---|
| Security and Defence | Economic | Provision of Essential Services |

## Security and Defence

- The States of today's world consider the meaning of security from multiple standpoints. Terms like Human Security have emerged to put citizens first. Inspired by the philosopher Immanuel Kant's idea of perpetual peace, the States of the world came together as 'league of nations' and later as the 'United Nations Organisation and have been debating the terms security and defence in terms of promoting peace.

## Economic functions

- The modern state is supposed to intervene in the economic functions of the political system. The State needs to support the people, make them realize their potential for their betterment. Try understanding what Martha Nusbaum explain about 'capabilities' and what does Nobel Laureate AmartyaSen's ideas on 'capability approach'. Protecting consumers, weaker sections, investing in areas where there is no profit are those included in the economic functions of the modern state.

## Provision of Essential Services

- From 'cradle to grave' modern state is supposed to care for its citizens. The fundamental needs such as food, clean drinking water, providing education, healthcare, and social security for the population are the responsibilities of the modern state. You can find the number of schemes and projects of Government of India and the various state governments to be in this direction. The noon meal scheme and the nutrition's meal schemes in all Government schools initiated by the Government of Tamil Nadu and adopted in different parts of the country is one such example. The modern State strived for the welfare of its people and hence another concept came into existence called 'Welfare State'.

## Concept of Welfare State

- Have you ever noticed that the Directive principles of the State policy of the Indian Constitution have been placarding the western European idea of the Welfare State? Have you ever thought why the propelling mechanisms of socio- economic development have been kept in Part IV of the Constitution as an advisory to the State whereas the guarantee of political and civil rights has been made as a non-negotiable guarantee as Fundamental Right? What is the reason? Why could economic rights figure as the part of Fundamental right in the constitution?

- It is a reality that the abundance of resources with a minimal population has been the main reason for the successful functioning of welfare State model. The Scandinavian countries are excellent examples of welfare State. Though the Constitution of India strives for a welfare State the non-abundance of resources and a huge population has been the impediment in realizing the goals of the Welfare State.

- The concept of welfare State has its origin in Western Europe after the Second World War. The main idea of welfare State is that the government of welfare State plays a vital role in human development. The role of the welfare State extends to the protection and promotion of the well-being of its citizens. The economic and social well-being of the citizens is based on
  1. The principle of equality of opportunity
  2. Equitable distribution of wealth
  3. Public responsibility for those who cannot afford themselves the minimal provisions for leading a good life.

India before independence was a Colonial State under British rule. Indians were subjects of the English crown. Once India attained Independence, we had our Constitution that has been deeply inspired by the western model of welfare State.

## Concept of Soft State

- Nobel Laureate Karl Gunnar Myrdal identified what he called as societal indiscipline in the Asian States when compared to the western countries. He identified this societal indiscipline as the characteristics of soft State. Social indiscipline, corruption, and weak law enforcement are the main characteristics of a soft State.

- The post-colonial developing States are generally categorized as soft States where their institutions of governance are not fully developed. Our inability to adhere to standards and to enforce law and maintain discipline makes our country as a soft State. A soft State cannot advance further in refining its democratic values.

- As a student identify the list of social indiscipline and the ways of correcting them from your view.

## Concept of Over Developed State

- Almost all the States of South Asia are modern democracies. Yet, what makes them lag behind the western countries in development? When the institutions of governance such as the Parliament, the bureaucracy, and the planning machinery are imported and customized during colonial

times, why is it that development is a slow process in these countries? Hamza Alawi, explains the case of the governability crisis of Pakistan and Bangladesh using the concept of Over Developed State

- Overdeveloped State is an explanation offered to the ineffectiveness of the functioning of post-colonial States that operate with the similar structure of bureaucratic governance before and after their independence. Despite political liberation, the transformative approach did not percolate down the administrative structure of the States after they emerged free from the colonial yoke. The colonial powers of Western Europe maintained double standards in designing the polity of the colonized States. When their respective States recognized political life, liberty and economic freedom of its citizens and in total the State was like a pet for its people, on the contrast the States were over centralized with unquestionable power in the colonized States. Such an arrangement was congenial to the colonizers to have unfretted siphoning of wealth from their colonies. This massive exploitation was effectively engineered by the bureaucracy that continued the colonial legacy even after independence with no or little change in the attitude of the political class that replaced the colonial masters.

- When the State gets increasingly modernized when the society and its economy are lagging behind without modernization the State and the society grossly mismatched each other. This creates a divide between the people and the State's apparatus. What is good for people are not decided by them in a representative democracy but by an influential few. In the case of Pakistan and Bangladesh, HamzaAlawai coins the word 'military bureaucracy oligarchy' that is similar to the license raj of India and over-centralization as a continuation of colonial legacy that has been constantly addressed by the government of India.

**Concept of post-colonial State**

- Do you know why police personnel in western countries are not feared as they are in the countries that were colonized by the same western countries? Can you find out the reason why Government servants in our country are looked up with utmost respect as a superior when they are looked with equal footage in the western countries? At the same time can you identify the benefits of colonization? Can you list them?

- Post-colonial State is the name of new nation States that have emerged out of the process of decolonization after the Second World War. Post-colonial State is used synonymously with developmental State. The post-colonial State has the features of colonial State as far as the political institutions are concerned but there is only a shift in the objective of these institutions.

- In general, post-colonial States exhibit a high degree of poverty, political instability and the crisis of governance. The mismatch between the society with its traditional power structure overlapping with modern States has largely resulted in such a situation.

- It is obvious that the Colonial powers that ventured into newer worlds destroyed the main parts of native traditions and cultures and further constantly replaced them with their own ones. This cultural import led to conflicts as and when they became independent as they suddenly faced the challenge of developing a new national identity and self-confidence. This is one of the aspects why the sharp divide of the ruler and ruled remained in post-colonial States whereby the State actors tend to behave with an upper hand.

**Glossary**

1. **State:** A nation or territory considered as an organized political community under one government.
- Government: The group of people who officially control a country
   2. **Social Contract Theory:** The theory that advocates that persons' moral and/or political obligations are dependent upon a contract or agreement among them to form the society in which they live.
   3. **Constitution:** A body of fundamental principles or established precedents according to which a state or other organization is acknowledged to be governed
   4. **Security**: The state of being free from danger or threat
   5. **Society:** A large group of people who live together in an organized way, making decisions about how to do things and sharing the work that needs to be done. All the people in a country, or in several similar countries, can be referred to as a society
   6. **Individualism:** A social theory favoring freedom of action for individuals over collective or state control.

7. **Scandinavia:** Scandinavia is a group of countries in northern Europe. It always includes Denmark, Norway and Sweden
8. **Bureaucracy:** A system for controlling or managing a country, company, or organization that is operated by a large number of officials employed to follow rules carefully
9. **Western Countries**: Countries in the west part of the world, especially North America and countries in the west of Europe.

# UNIT – 5
# DEMOCRACY

## Definition and types of Democracy

- The term 'Democracy' is derived from the Greek word as demo means people and cracy is referred as rule. The concept of democracy in its Greek term comes from "demos and "kratos" meaning "people" and "rule". Thus the term democracy is Rule by People.

- Democracy is one of the most important and well-debated topics in the world since the beginning of the Twentieth Century and it has increased importance in the Twenty-first century. Democracy has been defined in different terms and usage by many philosophers, rulers and scholars from time to time according to the changes taking place in socio-political and economic institutions that were there. Democracy encompasses the powerful concepts of Rights; Freedom defined in Liberty, Equality and Fraternity all religions.

- The concept and practice of Democracy in the Modern period evolved in Britain, although it's ancient concept and practice was in Ancient Greece.Democracy is based on the type of the social system of the country or nation. The social system determines the type and working of democracy. Democracy is important for creating Liberty and Equality that are adopted to bring equality in the unequal society based on political and institutional mechanisms. Democracy has become the most popular form of government and universally regarded as a meaningful political concept in the world in the present period.

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### Democracy defined by Philosophers

"Democracy would, it seems, a delightful form of government, anarchic and mostly, assigning a kind of equality indiscriminately to equals and unequal's alike"

**- Socrates**

"Freedom in democracy is the glory of the state, and therefore, in a democracy is the glory of the state, and therefore, in a democracy only will the freedom of nature design to dwell.

**- Plato**

"The foundation of democratic constitution is liberty. People constantly

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make this statement implying that only in this constitution is there any share in liberty at all".

**- Aristotle**

The spread of Democracy in began in the world in different countries from the beginning of the Twentieth-century.

As a concept and a system of government, Democracy is an instrument of expression of free speech.

## Characteristics of Democracy

a) Democracy is a set of principles and practices that protect human freedom.

b) Democracy rests upon the principles of majority rule, along with individual and minority rights.

c) Democracies as a system guard against all-powerful central governments and it decentralizes government to regional and local levels. The right of the people to demand the Government they elected and the duty of the Government to be accessible and responsive to their needs and demands is the main function.

d) One of the primary functions of Democracies is to protect such basic Human Rights i) Equality before Law, ii) Equal Protection before Law iii) Freedom of Speech, iv) Freedom of Religion; vii) Right to organize and participate fully in the political, economic, and cultural life of society.

e) Democracies conduct regular free and fair elections open to all citizens.

f) Democracy subjects governments to the Rule of Law and it ensures that all citizens receive equal protection under the law and that their rights are protected by the Legal-constitutional system.

g) Democracies are diverse political systems, reflecting each nation's unique political, social, and cultural life.

h) Democracy ensures the citizens to participate in the political system and it protects their rights and freedoms.

i) Democratic societies are committed to the values of tolerance, cooperation, and consensus.

j) In the words of Mahatma Gandhi, "intolerance is itself a form of violence and an obstacle to the growth of a true democratic spirit."

k) Democracy is a system of government in which power and civic responsibility are exercised by all citizens, directly or through their freely elected representatives.

- Democracy underlines the Principle of Rule by the people. It ensures a form of government in which all the citizens of a nation determine public policy, the laws, and the actions of their state together either in a Direct Democracy or by Representative Democracy. Democracy ensures that all citizens have an equal opportunity to express their opinion. Democracy is generally defined as "government by the people; that form of government in which the sovereign power resides in the people as a whole, and is exercised either directly by them or by officers elected by them."

## Types of Democracy

Democracy by its function has different scope and importance.
  - i)      Political Democracy
  - ii)     Social Democracy
  - iii)    Industrial Democracy
  - iv)    Economic Democracy
  - v)     Totalitarian Democracy
  - vi)    Radical Democracy
  - vii)   Plebiscitary Democracy

## i. Political Democracy

- Political democracy feature's the popular participation of citizens in government by which citizens elect their representatives to the Legislature of the state. The elected representatives are accountable to the citizens who elected them. As a political system of government, Democracy works either as a function by the direct involvement of the citizens in making laws and the elected legislators would introduce it in the Legislature. This is known as the process of Popular Initiative. Similarly, when the legislators elected by the people frame legislation, it is approved by a popular vote that is based on popular acceptance of the laws. This is known as Popular Referendum.

- The second type of Democracy is the Representative system of Democracy in which the elected representatives of the people (representative democracy) are elected for a term of office who determines public policy on behalf of the people. Political Democracy by Representative system of democracy is the dominant form of Democracy all over the world,

whereas the Direct Democracy is practiced in the Federal Republic of Switzerland.

## ii. Social Democracy

- Social Democracy is a combination of social, economic and political ideas that supports economic and social policies. It promotes social equality and social justice giving strength to economy and representative and participatory democracy. Social Democracy is based on the principle of Social equality in all aspects of gender, status, beliefs, values and customs. Alexis De` Tocqueville the eminent French thinker praised the American political system as one of the true democracies as it did not believe and encourage feudalism.

- Social Democracy believes strongly in Equality of opportunity and equality in freedom as the basis of human rights and life in a Democracy. Social Democracy enabled the individual through hard work and effort to succeed and excel.

- Social Democracy believed in the progress of equality as progress of liberty and the progress of liberty as the greatest progress of Democracy in a state.

## iii. Industrial Democracy

- Industrial democracy is defined as the means to promote democratic principles in industry and labour by the provision and protection of Labour Rights and Responsibilities in the workplace. Industrial democracy encourages the participation of labour in decision making along with the management. Industrial democracy promotes dignityand decency of labour and paves way for better efficiency, harmony and unity of purposes of the management and labour.

- Industrial democracy enables the workers participate actively in the process of building both community and individual interests for the collective good of the society and state. Industrial democracy empowers workers as partners in the industry calling for their joint efforts to build community interests and welfare. Industrial democracy paves for the

development and growth of the country through better productivity and greater harmony

### iv. Economic Democracy

- Economic democracy is defined as the process of creating democratic conditions of economic productivity, minimising the rich-poor gap and socio-economic differences, promoting affordable economic development and the ideal of creating greater equality among various classes.

- Economic democracy believes in "workplace democracy" and "employee ownership" that is intended to promote equality and democratic redistribution of wealth.Economic democracy believes in the ability of the social system to integrate and society and economy for the betterment of human economic freedom and dignity. Economic democracy believes in social welfare and development as priority. Economic democracy is based on the importance of economic rights and social equality.

### v. Totalitarian Democracy

- Totalitarian Democracy is known as populist democracy or mass democracy in which Citizens after electing the representatives have no voice in decision-making, but the elected representatives decide for the entire country. Totalitarian Democracy elevates the ruler, party and the elected legislators over the voting citizens and captures power through democratic means but runs as dictatorship. The political ideology of the ruler, party and the legislators becomes dominant over people interests. Totalitarian democracy in the name of people's rights would use internal terror against certain sections of people and also speech restrictions to keep the population under its complete control.Totalitarian democracy would have complete control of the economy of the state and would use it to control the population.

### vi. Radical Democracy

- Radical Democracy was proposed by M.N.Roy a leading Indian political thinker who believed in "real rule" of the people for the term of office to which the legislators are elected. Radical democracy supports the idea of direct accountability of the legislators and executive to the people during the term of office. Radical Democracy believed in the humanism of the

people who are the real masters of political authority and power and not the elected legislators.

- Radical Democracy believed in the "power of the people" in local communities known as local republics who would join in the creation of the state and government. The local republics would finally exercise authority in the national and state levels. Radical democracy brings into Democracy the real sense of people's participation, accountability of the elected and the power of the people to change the government.

## vii. Plebiscitary Democracy

Plebiscitary Democracy is defined as the process of a direct voting by the people of a candidate, or party or a public issue or the adoption of a new constitution of a state or to determine the association of the province with the state known as national self-determination. The voters have the choice to accept or reject the choice.

- Plebiscitary democracy gives the citizens the right and power to collect a sizeable number of signatures on a petition to draft a law or a public policy programme and put the proposal or draft law to vote by the citizen population. Plebiscitary democracy can by a collection of signatures could result in the recall of the elected representative because of failure to represent the real interests of the people.

## Theories of Democracy

- A theory is defined as an explanation of a concept in its historical account and different stages of its development. A theory could be tested in different countries and different cultures to examine its importance and application. A theory is based on several facts that are logically connected and examined. Democracy is a theory that has various applications in different historical periods, different civilizations and cultures.

- The Ancient theory of Democracy emerged in Ancient Greece that saw the rise of several city-states (polis) which believed and applied the procedure of Direct election, Debating of public policies and Decision by the people. Greek Civilization, Culture and Language spread widely throughout Europe in the ancient historical period. And it also sawthe spread of democracy as a "form" and "system" of government initially in Europe

and later into North and South America. As the Greek polis increased in size the nation of democracy by elected representatives gained importance and relevance. Representative democracy later emerged as the dominant form and system of government in the European Middle Ages, the Age of Enlightenment. The mass popular demand for Democracy was made in the American (1775-1783) and French Revolutions (1789-1799).

- Democracy has now emerged as a "universal" form of government widely accepted by several countries with various people groups, cultures and languages. It has developed in each country according to their local customs, values and ideas thus strengthening the process of democracy.

- There are various Theories of Democracy defined in terms of scope and impact:

**Classical Democracy:**

- Emerged as a direct form of democracy in Ancient Greece. Athens was the first city to introduce such a democracy. Direct democracy in Athens emerged in between 800-500 BCE (Before Common Era). In Athenian direct democracy, the citizens of the city-state are all as members of the assembly, who participated directly in the decision making and the process of legislation. Given the limited population they were able to gather in the city square and were able to deliberate. All citizens were free to express their different opinions, debate, and vote in a system directly and this was called as Classical Democracy.

- As population increased, the idea of representation in government was proposed. It resulted in the elected representatives participating in the governing process. Gradually it created institutions like the Assembly of the Demos, the Council, and the People's Court as the three important pillars of democracy. Classical democracy for its success should have two preconditions: a) The community must be small enough for citizens to be proficient in attending debates and voting on issues; b) the economy of the state should be sufficient for enabling the citizens to engage in politics. The principles of classical democracy are mentioned below:

  a) The chief political ideals were equality among all people, liberty and respect for law and justice.

b) Equality before law and equal treatment of law enabled justice to prevail in almost all the spheres of society. Political life was free and open.The main subject of classical democracy was the participation of all peoples in the processes of state. Classical democracy was to bring equality among citizens in respect of rights and privileges.

## Protective Democracy:

- As Classical Democracy grew it began to take shape into protective democracy in Athens which was by the emphasis on different aspects of classical democracy. In this viewpoint, democracy has been regarded as a means at the disposal of individuals which they can use to safeguard their rights and liberties. Protective democracy as a Rights-based democracy emerged in the late seventeenth and early eighteenth centuries placing it as an instrument of protecting human rights and liberties. The English thinker John Locke (1631-1704) was regarded as the great advocate of protective democracy. Locke argued that the citizen's freedom and right to vote was based on the existence of natural rights characterized by Life, Liberty and Property.

- Protective Democracy was proposed by English thinkers Jeremy Bentham (1748-1832) James Mill 1773-1836) and John Stuart Mill(1806-1873) of the Utilitarian School of Democracy and Rights. Utilitarianism was powerfully advocated in favour of protective democracy. The theme of utilitarianism was to safeguard rights, liberty and opportunity as they were the basic principles of democracy. Safeguarding the rights was the safeguard of democracy.

- Jeremy Bentham, James Mill and John Stuart Mill emphasized that democracy alone could safeguard all individual rights and interests through the mandate of the people who could be protected and advanced. JohnLocke, James Madison, Jeremy Bentham and James Mills-supported the Rights based protective democracy as an aspect of liberal democracy. The following are the basic features of protective democracy:

  - Protective democracy believes in popular sovereignty.
  - Both the popular sovereignty and representative form of government are legitimate.

- It is the primary duty of the state to protect the rights and liberties of citizens.
- The authority is accountable to the People and in order to establish it elections are held on regular basis.
- Separation of the Legislature, Executive and Judiciary are the most important means of protecting the rights, liberties and the distribution of privileges.
- The introduction of rights-based protective democracy brought in the idea of constitutionalism that governed the ruler and the ruled by the principles laid down in constitution. The Constitution is the sole source of power for all and is the guarantor of rights and liberties. Legal provisions in the constitutions were introduced to protect, individual rights, rights of associations and groups against any violation of rights or encroachment on liberty on behalf of citizens. This brought in a competition among the Legislature, Executive and Judiciary in all spheres for the strengthening of protective democracy.It resulted in a clear distinction between state and civil society.

**Marxist Theory of Democracy**

- The Marxist theory views the democracy in the social context of class analysis during the era of industrial revolution. Society was divided into two classes viz: capitalists or owners of the property are called as 'bourgeois' and the working class is called as 'proletariat'. The Marxist theory of Democracy held the political position to always challenge the dominance of capitalists and against the exploitations of working class. The Marxist theory of democracy did not support electoral rights, but strongly supported economic rights and the creation of 'socialist democracy'.

- The Marxist theory of Democracy favoured the collapse of capitalism and calls for the revolutionary transformation of the society. It believes that political power is possible only through the ideals of 'socialism'; and is based on the equal distribution of economic power against the unequal wealth and ownership of production. The Marxists democrats and socialists believe in the removal of class differences and privileges are the necessary step to freedom, equal status and democracy.

- The socialists believed that with universal education people can govern themselves. The Marxist theory criticises the falseness of the liberal democracies are thus seen as 'capitalist' or 'bourgeois' democracies which are manipulated and controlled by the entrenched power of ruling class. The Marxist theory emphasises the importance of economic factor as the key factor for the class divisions and ownership and the control of the means of production. However the Marxists democrats in Europe support the strong role of electoral democracy to establish a peaceful, legal and democratic road to socialism.

- Democratic Marxists view (a) State as an agency of anti-people crimes and considered the abolition of standing army and instituting a citizen's militia, (b) Implement the election of all officials subjecting them to recall, (c) Totally remove the political attribute of police, (d) Eliminate the monarchy.

**Elitist Theory of Democracy**

- The role of the elites in a democracy is an unavoidable force. Elites of Leaders rule, control key resources and enforce major decision for centuries. In an industrial, agrarian society the ownership of property and control over production were the important factors. Elites from the agrarian and industrial sectors emerge as feudal landlords and owners of industry. They later take a political role to govern the state.

- Three important theorists Vilfredo Pareto (1848-1923), Gaetano Mosca(1857-1941) and Robert Michels(1876-1936) are the leading thinkers of elitist democracy. Pareto classified the elites into governing and non-governing elite from the masses. The governing elite are the power elites who are the ruling classes. They derive power from thevariety of sources such as education, social status, bureaucratic position, political connections, and wealth.

- Pareto described the Elite qualities in two psychological types (a) Foxes – who rule the masses by cunningness and manipulate their consent, (b) Lions – who achieve power through domination, coercion and violence. Elitism developed as a critique of egalitarian idea such as democracy and socialism.

- Robert Michelshad an alternative view about the democracy that even though the organization tend to be democratic but the small group of dominant figures who can organize and make decision rather than having deliberation with rank and file of the organization and called it as 'iron law of oligarchy'.

- Joseph Alois Schumpeter (1883-1950) proposed the concept of democratic elitism. Schumpeter defined that democracy was a good political method to arrive at political, legislative and administrative decisions by placing in certain individuals in power to decide on all matters of the masses as a representative means and the result of successful pursuit of people's vote. Democracy paves way for competitive pursuit means among the elites to achieve their legitimacy and power.

- The Elitist theory partly accepts the Marxian view of democracy that large corporations dominate in production and distribution of goods, however it does not agree with Marxian class analysis. The democratic Elitism theory engages with the groups and individuals to meet their endsand facilitates with their disagreements so as to meet the ends of the both.

## Pluralist Theory of Democracy

- Pluralism is an inclusive concept. It addresses the interests and rights and the representation of the minorities thus forming the core content of liberal democracy. It affirms the separation of power from state and civil society and also economy from the political power. It offers the scope of institutions for the democratic process in the case of Legislature known as Bicameralism and a form of governance namely Federalism to govern the state through various set of representation. Pluralism paves way for participatory democracy that enables diverse group participation, to protect their rights. In this scheme, political power is distributed and shared to many groups in the society representing diverse interests.

- Pluralism leads to defend their particular interests through government by creating 'competitive equilibrium' that intends to benefit large sections of the society for the long run.

- Pluralism suggests that democracy in the system necessitates the conduct of regular elections that encourages political competition among parties,

groups and individuals. The thinkers of Utilitarian school were the great advocates of pluralist democracy

- James Madison, John Stuart Mill and Tocqueville predicted that elections expresses the preferences of divergent competitive groups rather than the wishes of many in the majority group. This also provides the bargaining power to the minority groups to assert their rights and share in power.

- Pluralist democracy is also termed as Polyarchy, which is a rule by series of minorities within the political framework. Robert Dahl pointed out that the very essence of democracy is realized by Polyarchy that accommodates the presence of divergent groups, association, organizations in large number to enjoy relative autonomy in governmental power and jurisdiction. The preconditions for a functioning of polyarchy are consensus on the rule of procedure, range of policy options and legitimate scope of political activity.

### Deliberative Theory of Democracy

- Democracy is Deliberative in its scope. It emphasizes on the form of democracy that emphasizes the need for deliberation, discourse and debate that defines the public interest. Deliberation and participation are two critical aspects of democracy. Deliberativedemocracy and participation are usually strong in the grassroots level. India's Panchayati Raj institutions are usually strong in this process. Grass roots democracy features Panchayati Raj Institutions and civil societies that strengthen the functioning of the government. James Miller defines that deliberative democracy is built on the system of deliberation that features that decisions are reflective of the discussion among the participants. It features the willingness of the people to listen to the views and consider the interests of the others modifying their own opinions accordingly. Public interest and public opinion are the key components of the deliberative democracy. It emphasizes on the consensus built upon the acceptance from the masses rather than the influential individuals.

- Deliberative democracy is usually based on a rights-based approach of the current model of the development discourse. It provides for resolution of the scope for conflicts of interest with the democratic institutional mechanism balancing the benefits of the competing groups. Deliberative

democracy is different from other forms of democracy by maintaining a person is rational enough to set aside particular interest and opinion to aspire for fairness and common interests of the collective and deliberation was based on equality, equity, and public goods. It values the decisions arrived after open discussion that heard all the points of view the most. Deliberative democracy is 'discursive' in scope. It is a type of democracy in which deliberation is central to decision making.

- Deliberative democracy differs from traditional democratic theory in authentic deliberation, not merely confined to voting. It is the primary source of legitimacy for the law making processes. Deliberative democracy is harmonious with both representative democracy and direct democracy. Rawls and Habermas famous theorists of justice and public opinion have observed that political choice, to be legitimate, must be the outcome of deliberation about ends among free, equal, and rational agents. Deliberative democracy recognises "the full and equal membership of all in the sovereign body responsible for authorizing the exercise of that power, and establishes the common reason and will of that body".

- Modern and Contemporary Democracy: Modern and contemporary democracies emerged in the late eighteen centuries in Western Europe as a result of industrial revolution, rise of labour and the social changes that emerged. Modern and contemporary democracies feature:

  - Written constitution the basic requirements and it must be kept up in everyday life by politicians and authorities:
  - Importance of Constitutionally guaranteed basic Human Rights and fundamental rights to every individual of all the social groups' especially religious minorities and other underprivileged.
  - The Separation of Powers between the institutions of the state:
  - Government (Executive Power), Parliament (Legislative Power) and Courts of Law (Judicative Power)
  - Freedom of opinion, speech, press and mass media
  - Religious liberty
  - General and equal right to vote (one person, one vote) – Universal Adult Suffrage

- The "majority rule" is characterized as only important features of democracy, however the process should have free and fair competitive

elections. Additionally, the importance of Rights is very important viz: freedom of political expression, freedom of speech, and freedom of the press are indispensable in the representative democracy and the masses are informed through political campaign and the manifestoes of the political parties enable to vote in their personal interests.

- Democracies have been practiced by different models of political system ranging from one party rule to multi-party system. In several countries, democracy is based on the legal principle of equal rights to vote. People in Asian and European countries use the term "democracy" as the basic expression meaning for liberal democracy, which has the salient features of political pluralism; equality before the law; civil liberties; human rights; and elements of civil society outside the government. Freedom of speech is the fundamental requirement of modern democracy.

- All democratically elected Governments are held responsible by free speech, every decision must have a reason, accountable. The free flow of information allows both people and governments to make the best informed decisions. Democracy has been described or defined broadly as

a) Political System of Competition for Power
b) Right to participation in public life
c) The Rule of Law

**Types of modern democracy:**

Representative Democracy:

- A representative democracy is the system of government in which all qualified citizens vote to elect their representatives based on the constituencies divided by the population or eligible voters.

- People elect their representatives to power to run the government through political parties according to their views on ideology, principle, policies and programme for their socio-political and economic development. The parties are allowed to have chosen the candidates on their own to attract the masses and winning chances.

- During the election they announce to the people about their programmes and policies are known as the 'party manifesto'. A transforming country like India, every national and regional party used to release their election manifesto to have a direction and trajectory of their future plan of action so as to win the confidence of the masses.

- The individuals are allowed to contest elections as independent candidates too, if they do not wish to belong any political party. The role of political parties is vital in a representative democratic system. The members of political parties keep the people informed about important issues by holding public meetings, for either supporting or opposing the policies of the government. Thus, the political parties mobilize the people in knowing their needs and in turn mould the public opinion. The representatives are constitutionally recognized and entitled to execute their duties and responsibilities in the people's interest, with authority.

- Representative Democracy is closely associated with Liberal Democracy which describes the political system which originated in the USA and Western Europe and has subsequently been adopted in numerous Third World countries and may gradually be well established in the former USSR and its former states in Eastern Europe. Liberal Democratic regimes may be classified as either Presidential or Parliamentary systems and there are also important variations within these broad categories. Representative democracies are based upon numerous interconnected principles:

  - The existence of regular, free, fair elections based upon universal suffrage and secret ballots under the supervision of Election Commission as an independent body.
  - The existence of competing political parties offering electoral choice.
  - The existence of electoral laws supervised by an independent judiciary.
  - Freedom of speech and association.
  - Freedom to stand as an election candidate.

**More Than a Symbolic Celebration**

- We must step up our common efforts to make the U.N.Declaration of the Right of Indigenous Peoples something more than a mere pledge of intent.

- The estimated 370 million indigenous peoples need and deserve more than just symbolic celebrations on August 9, when they commemorate everywhere the International Day devoted to the reaffirmation of the value and resilience of indigenous life and cultures. After centuries of repression, they need comprehensive tools to defend their human rights, their way of life, and their aspirations.

- One such tool is the U.N.Declarasion on the Rights of Indigenous peoples. It established their right to self-determination and to maintain and strengthen their district political, legal, economic, social and cultural institutions, while retaining their right to participate fully in public life. Crucially, this document underscored indigenous peoples' right to preserve or freely dispose of and trade, their traditional lands and resources.

- Following negotiations that spanned more than two decades, the Declaration was adopted in September 2007 by the General Assembly with the support of 143 Member States. This support keeps expanding. Significantly, Colombia and Australia – two of the countries that originally did not approve the text have now endorsed the Declaration. These developments are encouraging, but we must continue to strive for universal acceptance of this crucial document.

- Such acceptance is key to counter the daily hardship and discrimination that indigenous people endure. It is estimated that at least one in every ten indigenous peoples in the world is facing extreme poverty. These peoples are more likely to receive inadequate health services and poor education – if any at all. Economic development plans often bypass them or do not take into sufficient consideration their particular needs and traditions. Other decision making processes are often equally contemptuous of, or indifferent to, their contribution and customs. As a result, law and policies designed by majorities with the regarded to indigenous concerns frequently lead to land disputes and conflicts over natural resources that threaten the way of life and the very survival of indigenous peoples.

- We must step up our common efforts to make the Declaration something more than a mere pledge of intent. We must translate its letter and spirit into concrete change – change that can be felt in indigenous peoples daily lives.

- In line with the United Nations Declaration of the Rights of Indigenous Peoples and other human rights instruments, States, indigenous peoples, the United Nations system and others concerned must join efforts and reach solutions based on true dialogue, mutual understanding tolerance and respect for human rights.

Courtesy: NavanethenPillay, U.N. Information Centre, New Delhi

With reference to the U.N. Declaration on the Rights of Indigenous Peoples answer the following questions:

a) Give three reason for the importance of Indigenous Rights today.
b) Write in your own words that the Indigenous rights are inalienable, interdependent and indivisible?
c) Name any four human rights included in the UN Declaration on the Rights of Indigenous Peoples which have been incorporated in the Constitution of India

**Participatory Democracy:**

- Participatory democracy is been promoted to achieve equity reversing the concept of equality. In the recent days participatory democracy is a process that enables and ensures the wider participation of constituents in the direction and operation of political systems. Democracy tends to support more involved forms of citizen participation than traditional representative democracy. A civil society based concept, participatory democracy attempts to create opportunities for all members of a group to make expressive contributions to decision-making, and to increase the range of access to such opportunities. Social relations is base for its "political" operation in that it revolves around a structure of authority increasing and extending the scope of participation and political equality involves democratizing society.

- The aim of participatory democracy is to make people interested to take part in the political, legal and economic processes of the state and also to make people more responsible for the decisions made. The important feature of a participatory democracy is that people will have the opportunity to directly participate in the functions and access to the decision making institutions of state and there shall be no provision for delegating power to another body or organ. It is designed to revitalize the

democratic participation in the era of economic growth, to redress the inequality among the people. The most important characteristic is the importance of political equality in democratic system a long side basic or fundamental rights, liberties that needs emphasis and to be highlighted.

## 5.3 Measuring and evaluating democracy

- Democracy has found to be a right, system, approach, mechanism and the profound channel of expression of consent and dissent. Measuring and evaluating democracy complement each other. As it was strongly expressed by Dr.B.R.Ambedkar, the Drafting Committee Chairman of the Constitution of India, 'In politics we will have equality and in social and economic life we will have inequality. In politics we will have inequality. In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure,continue to deny the principle of one man one value.' Democracy can be measured and evaluated in terms of qualitative and quantitative methods. The qualitative analysis will help to understand the dynamics of social change and the quantitative analysis will help to prove the net result of the change to accentuate the democratic process.

- The qualitative analysis of democracy can be measured through the political participation in terms of protest, demonstration, campaign, opinion making, freedom of expression and other constitutionally guaranteed rights. The social reflections are adding values to the social changes in terms of social upward mobility occurring within the caste system, religious, gender and cultural perspectives. Democracy has direct relationship with changing economic pattern of development through policies to minimize the inequality. The quantitative part of the democracy is to evaluate through human development index, per capita income and so on. The democracy can be measured and evaluated by the following criteria.

  a) Sovereignty: The degree to which a polity is able to govern itself in its domestic affairs and foreign policies and free from interference of other nations.
  b) Authority: The degree to which central governmental authority is pre-eminent throughout the territory claimed as part of the polity.

c) Elected government: The extent to which executive functions are carried forward by officials elected through election through secret ballot.

d) Universal Adult suffrage: The extent to which all the adults have been given the right to exercise vote in elections.

e) Turnout: The percentage of people's participation in voting during elections.

f) Regular elections: The extent to which elections are held in regular interval (every 5 years) and on schedule, according to the constitution of India.

g) Free and Fair elections: The extent to which parties and candidates can gain access to the ballot, and have their votes counted and allocated fairly. Also, the extent to which citizens are able to register to vote without fear and favour.

h) Access to media and campaign: The extent to which all parties/candidates are granted equal access to the media and to campaign, proportional to their support in the electorate.

i) Ensuring rule of law: The extent to which the executive follows the law, as defined by the constitution and as interpreted by the judiciary.

j) Legislative power: The extent to which the legislature controls the executive with parliamentary systems

k) Role of Opposition parties: The extent to which the opposition parties function in a parliamentary democracy to control the excess of ruling party when it moves out of the constitutional framework.

l) Independent Judiciary: The extent to which the highest judicial bodies are independent of the executive and other outside influences.

m) Judicial review: The extent to which the highest judicial bodies are able to review acts of legislation and other governmental actions in the light of constitutional provisions, and the extent to which such decisions are respected by other bodies.

n) Party strength: The extent to which parties are institutionalized and decentralized its power, functions and inclusiveness.

o) Party ideology: The extent to which parties have well-defined, consistent, and coherent ideologies.

p) Party system: The number of parties gaining seats in the legislature.

q) Freedom of Press: The extent to which major media outlets are independent, free to air their diverse political expert views, and able to reach the citizen.

r) Civil society independence: The extent to which civil society is independent of the state and able to voice opinions critical of political leaders.

s) Civil liberty: The extent to which citizens enjoy all the fundamental and human rights enshrined in the constitution.

t) Property rights: The extent to which property rights are protected.

u) Religious freedom: The extent to which freedom of religion is guaranteed to maintain religious harmony and secular content of government policies and programs.

v) Equal access to resources: The extent to which resources are redistributed to achieve economic equilibrium through income, education, and health which would make greater impact of participating in politics.

w) Equal access to natural and common property: The extent to natural and common resources to ensure their livelihood, environment and social emancipation.

x) Gender equality: The extent to which women achieve equal representation with indiscriminate dignity in the legislature, social institutions and other high positions within government.

y) Political equality to achieve socio-economic status for underprivileged: The extent to which underprivileged ethnic groups defined as caste, tribe, race, religious minority, or other ascriptive characteristics are granted constitutional rights and remedies to come up to positions of power within the government, as well as the extent to which such groups actually gain representation in the legislature and other high positions within government according to their political participation and social position.

## Achievements of Indian Democracy

- The founding fathers of India and its Constitution had built strong democratic foundations in the Indian State and the Constitution thus making India a great country. The democratic constitutional foundations have strengthened the Constitution in every aspect of socio- political and economic changes. The Preamble of the Constitution laid down clear road map with Fundamental Rights and Duties, Directive Principles; Parliamentary System and Amendment Procedures; Judicial Review and Basic Structure doctrine.

**Political front**

- During the first general election in the 1951 India had 54 political parties and now it has grown up to 464 in the 2014 general election as an evident of deepening of the democratic process.
- In the first General election 1951, 173 million citizens were given right to vote; of these, 44.87 percent exercised their franchise. In the 16thgeneral election in 2014, the size of the electorate had increased to 814 million the voting percentage had gone up to 66.4 and of these, 67.9 percent were men and 65.6 percent women. The number of contestants was increased to 8,251.
- Since 2004, votes are recorded through (EVMs) electronic voting machines. These are manufactured in India and their accuracy is ensured and secrecy has been fully tested.
- Our electoral system known as FPTP or First-Past-The-Post system, is a single- member district, simple-plurality system in which voters cast a single ballot to choose a single representative to the lower house of parliament or the State legislative assembly, the candidate with largest number of votes, even if only a plurality, getting elected to represent the constituency.
- Since 1989, the citizens were given a chance to elect their representatives at the age of 18, this is another feather in the crown of democracy.
- India is the world's the largest democracy proved success in accommodation of group and regional demands in a complex, quasi-federal, polity.
- The 73rd and 74th amendment of the constitution has given the reservation for SC/STs, women in the Local self- governing bodies like panchayats, municipalities and corporations as members, councillors and mayors.
- India's democratic set up has been vibrant and able to keep the military out of political power. It also shows prudence on the part of military generals and defence personnel earning respect from the executive.

- **Social Front:**  The democratic process has brought about a shift of political power from the middle and higher castes and classes of urban society to backward classes who are now the politically most influential ones in the country. They have won reservations for themselves in legislatures and

government services as were accorded to the Scheduled Castes and Scheduled Tribes after independence through Constitutional provisions.

- India's institutions like the free press and an independent judiciary have ensured that India remains a society based on rule of law.

- The life expectancy at birth has almost doubled from 36 years in 1951 to 66 years in 2011 due to the availability of better health facilities and the health programmes consistently implemented for the well- being of the people to get away from the epidemics, endemics, communicable and non-communicable diseases.

- Similarly, diseases like smallpox and polio have been eradicated. In education, the number of universities and colleges has gone up from a minuscule 27 universities and 578 colleges in 1950-51 to an estimated 712 universities and 36,671 colleges in 2014. Similarly, literacy rates have almost quadrupled from 18.3 percent of the population in 1951 to 73 percent in 2011.

- Democracy is good. I say this because other systems are worse. So we are forced to accept democracy. It has good points and also bad. But merely saying that democracy will solve all problems is utterly wrong. Problems are solved by intelligence and hard work.

- Political democracy cannot last unless there lies at the base of it social democracy. What does social democracy mean? It means a way of life which recognizes liberty, equality and fraternity of the principles of life.

- Economic Front: These include strategic affairs and security, politico-legal democratic governance as well as society and economy. India has been able to emerge as a regional power in Asia and super power in south Asia backed by its economic, military and nuclear capabilities.

- It meant centralized planning till 2017 and a very big public sector for industries catering employment and science and technology education for the youth in the country, but soon there were inefficiencies and labour issues it resulted in a move towards a more open liberalized and market driven model of the economy starting in the 1991 reforms called as Structural Adjustment Programme. Post this, the economy has seen

greater private and foreign participation found the base for the emergence of professional new middle class. The technological innovations applied in transforming the service sector particularly Education, Health and transportation along with rural and urban infrastructure lead to digital India and reforms in banking sectors has brought a great social transformation in reality.

- India's Gross National Income (GNI) at constant prices has increased more than 35 times from 2.92 lakh crore in 1950-51 to 105.28 lakh crore 2014- 15. Similarly, the per capital income at current prices has risen from a poultry 274. In 1950-51 to a decent 88,533 in 2014-15.

- Food grain production grew from 50.8 million tonnes in 1950-51 to an estimated 264.77 million tonnes in 2014-15 that indicates more than a five- fold increase and the fact that India is food secure for the time being. It was made possible with rapid advances in agricultural technology.

- Challenges to Indian Democracy The challenges that are faced by Indian democracy ranges from individual to society as a whole the problems of Illiteracy which resulted in poor implementation of universalization of education, Poverty, corruption, Casteism, Communalism, religious fundamentalism, Sustainable development, gender discrimination, violence against women, political violence, regional disparity in development, inadequate Judicial and administrative reforms, civil society participation, civil-military relationship, criminalization of politics and growing economic offences. The challenges now and for the future include ensuring greater transparency, accountability and independence in the broad framework of checks and balances on which India's democratic framework rests.

## UNIT -10 - Public Opinion and Party System

### Introduction

- This chapter focuses on the meaning and evolution of the Party system as adopted in various countries of the world. Tracing the emergence of party system in modern democracies we seek to explain the nature, characteristics, types and functions of political parties especially in a democracy. Deriving from this general background, the evolution of the party system in India at the national and regional levels are studied, with a specific focus on Tamil Nadu. The chapter also presents the meaning and importance of public opinion and its role in the effective working of a democracy

### Defining Public Opinion:

- Public opinion can be defined as a psychological and social process in which the behaviour of each member of the public is conditional to that of allothers with similar beliefs. In short it is the collective views of the people, their attitudes and opinions.

- It is the people's collective preferences on matters relating to government and politics. It is based on the premise that collective individual opinions matters in a democracy and public opinion should carry more weight than individual opinion. Others opine that public opinion can be influenced and controlled by organized groups, government leaders, and media elite.

- In fact, democracy derives its authority from the people. Public opinion is not the opinion of an individual, though he or she may be a highly respected person. It is not a private opinion. It is also not an expert opinion, irrespective of the wisdom of the expert. Public opinion is an organized and considered opinion ofa section or many sections of the people on any public issue or concern.

## Role of Public Opinion:

- Public opinion is an essential element for successful working of a democracy where the views of all citizens are respected and no government can survive by ignoring it.

## Hindrances to formation of a genuine public opinion

- Public opinion needs to be the true reflection of the peoples` ideas and opinion, however there are some hindrances to genuine public opinion;

**Selfish interests (Me above nation):** The interest of the people seeking personal advancement over the affairs of their own country. People need to be sensitizedtowards important issues related to unity, commitment, integrity and progress of the nation.

**Illiteracy:** It is expected that literate and responsible public make good citizens by exercising their franchise without fear or favour. Illiterate masses are often misled by party workers and guided by sentiments, favours and rhetoric. A sound public opinion can be formed only in the environment of free thought and knowledge.

**(a) Poverty:** The poor in any country are easily influenced by the false promise of political leaders and cast their votes subjectively. Sound and objective public opinion is possible only by alleviating poverty.

**(b) Racist and Caste based Discrimination:** Sentiments that provoke discrimination based on caste, creed and religion create a divide among the masses that are often manipulated by political parties for their advantage. Social disharmony in the country is detrimental to the effective working of a democracy.

**(c) Freedom of speech and the media:** Unbiased, objective and independentmedia as well as respect for individual freedom of speech and assembly play a very significant role in the formation of healthy opinion. The vital importance of an independent and impartial media that respects peoples freedom and exercises responsible news reporting are important criteria for formation of mature and responsive public opinion.

### Definition of Political Parties

- Political parties are indispensable instruments in a democratic system. They are formed with definite ideologies, and programme of action. They enlighten thegeneral public on issues concerning the society and state and they also prescribe alternatives. Through propaganda they educate people on political issues and garner their support for their policies and programme. In legislative bodies they represent organized opinion of the voters. In parliamentary democracies the party or an alliance of parties can win a majority of seats in legislature and forms the ministry (executive) examples: UK, India. In presidential democracies, the chief executives (president) are elected on party basis (USA, France). In any system political parties function as intermediaries between the government and people.

- There is consistent competition between the various political parties and this competition ensures the mature functioning of a democracy.

### Functions of Political Parties

- In a democracy, political parties serve as an integral link through which government and the public can interact. Political Parties act as a foundation that orients the people towards political initiatives and public experience. Political Parties work to influence political thought and opinion with the intention of mobilizing votes. They provide a platform for political, economic and social activism that serves as a training ground for future regional and national leadership. In the long run they hold leaders accountable for their actions through rigorous debate and queries both within the party as well as through opposition parties. Thus the people are presented with a diverse choice of candidates, ideologies and approaches to various issues governing the nation. Their confidence in democracy is thus reinforced in the knowledge that they can bring about change and transformation should a majority of the population desire a transformation in the way they are governed.

### The Party System

- The party system helps to operate and stabilize governments and they are particularly relevant for the effective functioning of democracies. The party system provides a system of checks and balances against the

government's policies. By soliciting popular support among the masses and providing a structure for leadership and dialogue within the partyteaccording to specific party objectives and agenda, it helps sustain good governance.

A political party is a group of people who come together to contest elections and hold power in the government. They agree on some policies and programmes for the society with a view to promote the collective good. (Symbols or Flag of different political parties )
Three components of a Political Party – Leaders, Active Members and Followers.

## Types of Party Systems

- Different types of party system have evolved in various parts of the globe depending on the particular elements of democracy practiced. By and large the quality of a democracy is determined by how the government is representative of its people, how accountable the government is to its people, how human rights and equality of status and opportunity is guaranteed to all citizens and the level of political participation exercised by the people. The various types of party system address these issues in different ways, thereby determining the quality of democracy practiced.

## A. One Party System

- In a one party system, a single political party exercises its right to form the government, which is often derived from a written or unwritten constitution. In most cases under a one party system, there is less participation and weaker accountability. Examples: Communist Party of China, (CPC) the Peoples` Action Party (PAP)in Singapore, Korean Workers Party, (KWP) North Korea, Communist Party of Vietnam (CPV) Vietnam, Communist Party of Cuba (CPC) Cuba. The single party system does not provide adequate space for democratic expressions and not provide scope for alternative. For example in the 1920s fascist movements advocating nationalistic militarism, captured power in Germany under Hitler, in Italy under Mussolini and in Spain under General Franco. They prevented other political parties to emerge.

### B. Two Party System

- In the two party system, two political parties, with distinctly different interests have equal opportunity to attain a majority and form the government. The majority party is the governing party and the minority party forms the opposition party in two-party systems. The Two-Party system has far greater accountability by the political leaders and greater political participation. The threat of being voted out by the opposition hangs as a 'Damocles sword' on the incumbent thereby guaranteeing a higher degree of responsible conduct and action. However since the political atmosphere is heavily polarized, drastic changes can happen once a party loses power which mayprove detrimental to national interests. Examples of the two-party system include USA –Democrats and Republicans and UK Conservatives and Liberals.

- However, in either country there is no constitutional restriction on number of parties. The constitutional procedures and peoples' political maturity led to the emergence of two party system.

### C. Multi-Party system

- In the Multi- party system, multiple political parties are capable of garnering popular support and forming a government, either as a majority party or in coalition with many non-majority parties with similar political objectives. In this system, the political leaders are constantly observed and checked by checks and balances by their coalition partners. They are also subject to rigorous accountability to the people. The multi-party system offers the electorate the multiple avenues of political participation and the ability to bring about political change for greater national development.

- The proportional representation system in France and Italy results in multi-party systems and coalition cabi- nets.

Examples of countries with multi-party systems include Canada, France, Germany, India and Sweden.

### Role of Political Parties in a Democracy

- The existence of political parties is largely responsible for ensuring the quality and effectiveness of a democracy. In a federal multicultural and plural societies such as the United States of America and India, the maintenance of peace, unity and communal harmony are vital for social-economic progress. While single party system may have greater flexibility towards quicker decisions making and cohesive action, these decisions may not represent mass opinion and thus it would create greater opposition and dissent for the government.

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The Role of Political Parties in a Democracy

**What are political parties?**
- ❖ They recruit and run candidates for public office under the party level
- ❖ They try to organize and coordinate the activities of government officials under the party name.
  **Many political scientists believe that parties are essential to democracy**
- ❖ The political party is seen by some as the main instrument of popular sovereignty and majority rule.
- ❖ When political parties are working properly they can be essential tools of popular sovereignty

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- In the dual party system due to the nature of the party structure and leadership, this usually result in public policies and decisions blocked in political polarization rather than collaboration. While in Multi party systems, the performance is on the basis of deliberation and negotiation between coalition members, and issues are mostly settled by reaching a mutually derived consensus after debate and discussion. Thus, political parties are the drivers of a democracy that are necessary to safeguard the rights and freedoms of the people. Through effective Citizenship training and greater civic participation, youth in democratic nations can play a greater role in political parties thereby fostering more mature and wider democratization in countries.

### Modern Party system
### A. Party system in the United Kingdom

- In the United Kingdom, polarization of opinions on issues relating to the status and role of monarchy led to the emergence of two parties:

A. Tories or Conservatives and

B. Whigs or liberals.

In the 20th century labour party became a major force eclipsing the liberals.
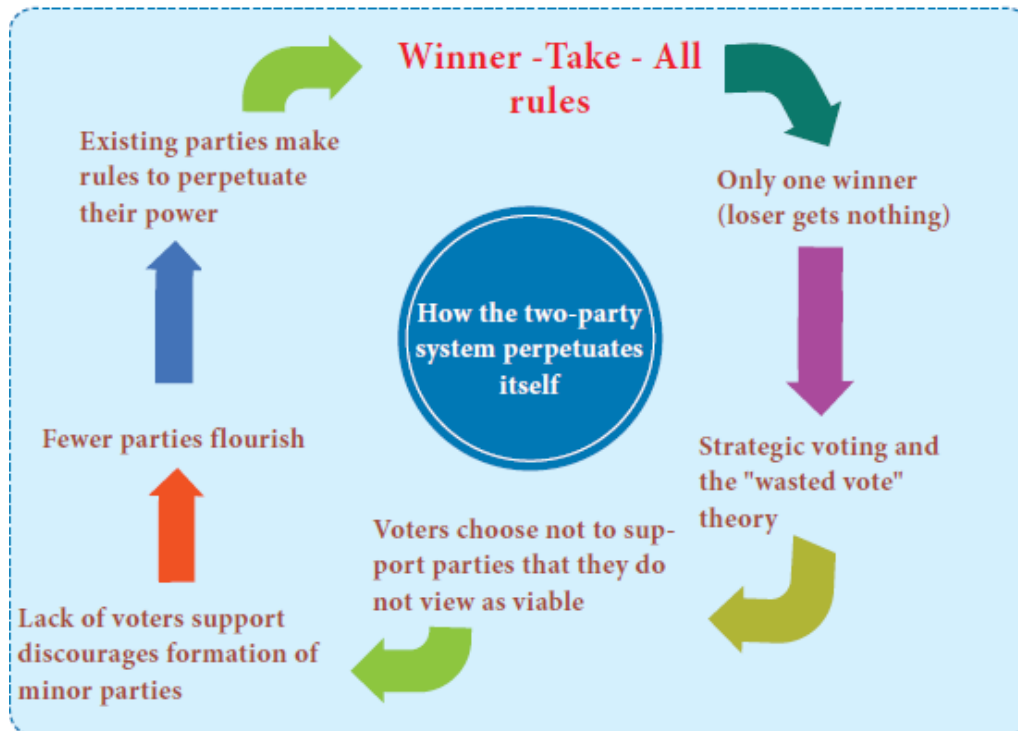
## B. Party System in the USA

- The founding fathers of the United States wanted to steer clear of political parties and the ensuing factional conflictbetween them. Nevertheless, after American Independence, the first parties in the newly constituted nation under the Presidency of George Washington were the Federalist Party supporting a strong national government and the Democratic Republican Party supporting state autonomy.

| Two Party System |
| --- |
| ❖ Rare around the world |
| ❖ Evenly balanced national at National and local level |
| ❖ Electoral system |
| ❖ Winner take all |
| ❖ Wasted vote |
| ❖ Priority system |
| ❖ Broad coalitions form before election |
| ❖ Opinion of voters |
| ❖ Difficult for third parties to get on ballot |

- In 1828, the democratic Republican Party was renamed as the Democratic Party which championed state rights. In 1854, the Republican Party established itself on the anti slavery platform and gained pre-dominance with Abraham Lincoln as President of USA.

- Since the United States settled for the Two-Party system, the Republican and Democratic parties have dominated the American political scene, though third party candidates have been floated on and off.

**Winner -Take - All rules**

Existing parties make rules to perpetuate their power

Only one winner (loser gets nothing)

How the two-party system perpetuates itself

Fewer parties flourish

Strategic voting and the "wasted vote" theory

Lack of voters support discourages formation of minor parties

Voters choose not to support parties that they do not view as viable

## C. Party system in Europe:

- After the French Revolution (1789), democratic forces gained strength in European Nations, and political parties emerged. Political parties in Continental Europe were largely divided into Conservatives, Liberals, and ChristianitselfDemocrats. By the 19th century socialist movements gained popularity and social democratic or labor parties emerged which became popular and gained trade union support.

- In Soviet Russia, the Bolshevik Party, was responsible for the Communist Revolution in 1917 which created the USSR (Union of Soviet Socialist Republics), popularly called the Soviet Union. The COMINTERN (Communist International) was established with the task of encouraging world communist revolution by supporting Communist parties in other countries. After the end of the Cold War era, the Communist party lost its popularity in Russia, though some minor communist parties still influence governmental policies within democratic states. Communist Partieshowever continue to control authoritarian governments in China and North Korea.

- Democratic political systems are often reactive and responsive to the basic socio –economic values of their citizens. There has always been significant transformations in values and these are reflected in the political opinion of

the people through political parties and their varying objectives. By late 20th century, socio-economic factors impacting Europe were reflected in the emergent types of parties some of which were more nationalistic and less open-minded, vocalizing their sentiments against immigration and the refugee influx that they see as a threat to European culture, security and economy.

## D. Party System in South Africa

- In African countries, political parties were at first formed to secure decolonization. In many decolonized African countries, political parties are struggling hard against militarism.

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The Constitution of South Africa

- ❖ Universal adult suffrage vote at 18
- ❖ A national common voters roll
- ❖ Regular election
- ❖ A multi-party system of democrate government to ensure accountability, responsiveness and openness

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## E. Party System in India

- The party system in India emerged along with the rise of nationalism and out of the freedom struggle against British rule. While Indian politics today represent a multi-party system, for long periods in Indian political history, one party has dominated the political stage. The Indian National Congress (INC) was established in 1885 by A. O Hume, as the indigenous base for the political participation of Indians in legislative and political wings. It demanded political reforms in gradual stages. After the non-cooperation movement (1921-23) Indian National Congress began to demand absolutepolitical freedom. In the 20th century, the parties with communal agenda have also come up i.e. The All India Muslim League in 1906 and Hindu MahaSabha in 1916. In the Madras Presidency the South Indian Liberal Federation (Justice Party) was formed to project their interest of the Non-Brahmins (Dravidian).

- However, the Indian National Congress represented the urban, upper caste elite, mostly western educated and provided a platform for negotiationswith the British government. Gradually the Indian National

Congress evolved to play a pivotal role in the development of India's political party system. After the partition of Bengal in 1905, the Indian National Congress was divided between the Moderates (policy of petitions) and the Extremists (aggressive militant strategy). The formation of the Muslim league in 1906 resulted in the era of conflicting political bargaining, reflected the true beginnings of the Indian party system.

- The entry of Mahatma Gandhi into the political scene with his moral-ethical focus on non-violence as a political ideology and strategy, transformed the Indian National Congress to represent all sections of Indian society- the poor agriculturalists and lower caste people. Other parties that also emerged representing specific goals which included the Swaraj Party formed by Chittaranjan Das in 1922, the Congress Socialist Party, formed in 1934 by AcharyaNarendraDev and Jayaprakash Narayan and the

- Communist Party, formed in the 1920's by the efforts of M. N. Roy were the other major political parties.There were a number of political parties which carry on political campaigns and propaganda, but do not contest elections, they function as pressure groups. Till 1977, the Communist Party, the socialist parties, and the right wing Janasangh were the mentionable opposition parties at the national level.

- Until 1977, no single party could become an alternative to Indian National Congress at national level. Hence, a number of so called national parties, under the stewardship of Jayaprakash Narayan, merged to create a large national alternative party known as Janata Party. In 1977, it captured power at the centre. Yet this party lacked cohesion and unity and became shattered after 1980. The Jana Sangh was revived with a new name BhartiyaJanata Party, Meanwhile Kanshi Ram's BahujanSamaj Party emerged as national level party with social justice as its main plank. The Communist Party of India (Marxist) became very powerful in a few states like Kerala,West Bengal and Tripura.

- The 1990s was the period of an increasing quest towards coalition governments in Indian politics. The Indian Political System became more competitive, more democratized and more representative of the multicultural social nexus and diversity that is observed in contemporary India. It is observed that old parties became obsolete and defunct, andnew

parties have emerged that represent and seek to address the trans formative challenges faced by various diverse sections of the people. Since the 1990's we see a federalization of politics with regional parties gaining greater influence, representative of regional aspirations against the dominance of the Centre.

- In the present period, regional alliances indicate a growing trend towards coalition governments that form an effective voice in favour of federal polity. This fragmentation is largely due to the regionalization of politics, with parties having high support base in specific areas.

**Regional Parties**

- ShiromaniAkali Dal in the Punjab, Samajwadi Party in the Uttar Pradesh, Telugu Desam Party in Andhra Pradesh, RashtriyaJanata Dal (RJD) in Bihar, Trinamool Congress in West Bengal, TelanganaRashtraSamithi in Telangana, AsomGanaParishad in Assam, Shiv Sena in Maharastra, National Conference, People Democratic Party in Jammu & Kashmir, DravidaMunnetraKazhagam(DMK)and All India Anna DravidaMunnetraKazhagam (AIADMK) in Tamil Nadu are some of the major regional parties.

- While there is growing political awareness among the electorate, there is also greater mobilization along lines of regional, social and religious identities. There is a widespread difference in the composition of political groups, and characteristics of political and social groups between one region and another.

| Parties that gained seats in Parliament in 2009 Elections | Parties that gained seats in Parliament in 2014 Elections |
|---|---|
| Indian National Congress (INC) | BharatiyaJanata Party (BJP) |
| BharatiyaJanata Party (BJP) | Indian National Congress (INC) |
| Communist Party of India (Marxist) | All India Anna DravidaMunnetraKazhagam (AIADMK) |
| Samajwadi Party (SP) | All India Trinamool Congress (AITC) |
| BahujanSamaj Party (BSP) | BijuJanata Dal (BJD) |
| DravidaMunnetraKazhagam (DMK) | Shivsena (SHS) |
| Shivsena | Telugu Desam (TDP) |

| RashtriyaJanata Dal (RJD) | TelanganaRashtraSamithi (TRS) |
|---|---|
| All India Trinamool Congress(AITC) | YuvajanaSramikaRythu Congress Party (YSRC) |
| All India Anna DravidaMunnetraKazhagam (AIADMK) | Nationalist Congress Party (NCP) 11th |

## Party System in Tamil Nadu

- In Tamil Nadu, like most Indian states, the early independence period was dominated by the Congress party. However, issues of caste hierarchy, and the rising North South divide eroded the popularity of Congress leadership in the state. The Dravidian movement regenerated in Tamil Nadu under Periyar E.V Ramasamy and garnered popularity on assertion of Dravidian Rights and Dignity and through an anti-North, anti-Hindi, anti-Brahmin social agenda.

- The Party System in Tamil Nadu is a pioneer model of the pre-eminence of the regional parties in state politics ofindependent India. There are very clear socio-economic, cultural and historical reasons for this development. The long history of rationalist and social justice movements from the colonial era and the mobilization of Dravidian consciousness since the beginning of 20th century have fundamentally transformed the nature of politics and the future of party system in state politics.

## Role of Political Parties in a Democracy

- For the effective functioning of a democracy, the existence of political parties that represent conflicting interests is mandatory. While they advocate various interests and policies, largely political parties adopt Rightist ideology (conservative, traditional and capitalistic) or Leftist (pro-equality, liberal and labour interests). While it is true that political parties are essential for attaining the democratic ideal, the rise of individual parties with non-democratic agenda and authoritarian leadership is a critical challenge to Democracy. This is very relevant in the case of a multicultural, multilingual, multi religious and economically diverse country like India, only political parties can truly represent the multidimensional interests of people from every corner of the country. It is vital in a democracy like India that political parties exercise maturity and

maintain a secular position, the precious and precarious unity and stability of India cannot be maintained. It is in the interests of the nation, that responsibly and principled parties show a level of maturity and responsibility in exercising their duties and functions for the sustainability of democratic institutions.

**Role of Opposition in a Democracy**

- The relationship between party system and democracy will be incomplete without the discussion of the role of opposition parties in democracy. Democracy has no meaning without an effective opposition party or parties in the country. The nature of democracy is not only determined by the strength of ruling party alliance but also in the role and functioning of the opposition party alliance. In fact, the leader of the Opposition party enjoys the status and privileges of the rank of cabinet minister. A weak opposition leads to either a government without accountability or the tyranny of the majority.

- Pressure or Interest groups also play an important role in special issues and events. These are organized groups, having common political and social interests, which influence decisions from outside. Pressure groups have voluntary membership and lobby for specific interests. Unlike political parties, pressure groups do not contest elections. The Pressure Groups are able to influence the government through various techniques with various public policy issues and are therefore called pressure groups. Professional pressure groups may include business interests, trade unions, Farmers, Teachers and Students, Doctors, culture groups, and institutional groups. Pressure Groups play an important role in the Indian political system by acting as a link and source of communication between the masses and the political parties. They sensitize the public towards vital socio- economic issues and through their lobbying, influence both the government and the administrative policies.

> "Leadership and learning are indispensable to each other."
> John F. Kennedy

**Psephology**

- Psephology deals with the study and statistical analysis of elections and polls. Public opinion polls play an important role in psephology. They

analyzeboth Opinion Polls and Exit Polls as well as election results. Opinion Polls and Exit Polls are both important indicators of voter's choice during the elections.

- The main difference between the two is that opinion poll is conducted before the voter actually votes and the exit poll is conducted after a voter comes out after casting his or her vote. Results of exit polls are generally considered to be more trustworthy than that of opinion polls.

- The result of opinion polls may or may not actually collaborate the actual results. Yet they are important in generating opinions among the unsure and undecided as well as help to sustain a balance in voting practices for all parties concerned.

# Unit – XI

# Election and Representation

## Meaning and nature of Franchise and Representation

## What is Franchise and Election?

- The right to vote in public elections. The word "Franchise" is of Anglo-French derivation-from Franc, meaning FREE. An election is the process of voting to choose someone to be their political leader or representative in government.

> Part xv, Articles 324-329 deals with Elections

## And what is Representation?

- It is nothing but the action of speaking or acting on behalf of someone or the state of being so represented.

- Part XV of the Indian Constitution titled "Elections" is of great importance. The constitution –makers had been anxious to safeguard this political right as an integral part of the constitution itself. It is for this important reason that the subject of elections has been accorded a constitutional recognition in our country.

> Article 326 of the Indian Constitution says that the elections to the LokSabha and to the VidhanSabha of every state shall be on the basis of Adult Suffrage.

- Although elections were used in Ancient Athens, Rome and in the selection of Popes and Holy Roman Emperors, the origins of elections in the contemporary world was in the gradual emergence of representative government in Europe and North America which began in the 17th century. In a representative democracy elections are extremely important. Voting, in elections is the best way to make your voice heard. One fact that makes elections more important is when political parties try to suppress voting with the use of laws to disallow people to vote. Election and representation is the core for the formation of government.

## Democratic Electoral System

- Let us study the most essential features of a democratic electoral system. A democratic electoral system can be said to be one where…



*Features of a Democratic Electoral System*
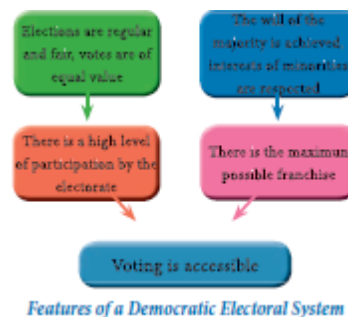
## Why do we need Elections?

- Let us try to imagine a democracy without elections. A rule of the people is possible without any elections if all the people can sit together every day and take all the decisions. This is not possible in any large community nor it is possible for everyone to have the time and knowledge to take decisions in all matters. Let us presume that the people can resolve these difficulties and such a place do not require elections. In such case can we call this place a democracy?

- How do we find out if the people like their representatives or not? How do we ensure that these representatives rule as per the wishes of the people? How to make sure that those whom the people don't like do not remain their representatives? This requires a mechanism by which people can choose their representatives at regular intervals and change them if they wish to do so. This mechanism is called Election. Therefore, elections are considered essential in our times for any representative government. Hence in most democracies, people rule through their representatives.

## In an election the voters make many choices:

- They can choose who will make laws for them
- They can choose who will form the government and take major decisions
- They can choose the party whose policies will guide the government and law making.

Psephology is the study of results and other statistics relating to Elections…

### What makes an Election Democratic?

- Everyone should be able to choose. This means that everyone should have one vote and every vote should have equal value.
- There should be something to choose from parties and candidate should be free to contest elections and should offer some real choice to the voters.
- The choice should be offered at regular intervals. Elections should be held regularly after every few years.
- The candidate preferred by the people should get elected.
- Elections should be conducted in a free and fair manner where people can choose as they really wish.

- An election is a formal decision making process by which a population chooses an individual to hold public office. Elections fill offices in the legislatures, sometimes in the executive and judiciary and for regional and local government.

### Types of Representation/ Reservation of Constituencies Election Systems- Plurality/Majority Systems

- What are Plurality / Majority Systems? The principle of plurality/ majority system is simple. After votes have been cast and totalled, those candidates or parties with the most votes are declared the winners. However, the way this is achieved in practice varies widely. Five types of plurality/majority systems can be identified.

A. First Past The Post (FPTP)
B. Block Vote(BV)
C. Party Block Vote(PBV)
D. Alternative Vote(AV)
E. Two-Round Systems(TRS)

### A. First Past The Post (FPTP)

- The First Past The Post system is the simplest form of plurality/majority system, using single member districts and candidate-centered voting. FTPT systems are found primarily in the UK and those countries

historically influenced by Britain. Along with the UK, the other countries are Canada, India and the USA. FPTP is also used by a number of Caribbean countries, Bangladesh, Burma, India, Malaysia, Nepal and small island countries of the South Pacific.

> FPTP is the simplest form of plurality/majority electoral system.The winning candidate is the one who gains more votes than any other candidate, even if this is not an absolute majority of valid votes. The system uses single-member districts and the voters vote for candidates rather than political parties.

## B. Block Vote (BV)

- The Block –Vote is common in countries with weak or non-existent political parties. The Cayman Islands, The Falkland Islands, Guernsey, Kuwait, Laos, Lebanon, the Maldives, Palestine, the Syrian Arab Republic etc use Block Vote electoral systems.

> Block Vote is a plurality/majority system used in multi-member districts. Electors have as many votes as there are candidates to be selected. The candidates with the highest vote totals win the seats. Usually voters vote for candidates rather than parties and in most systems may use as many, or as few,of their votes as they wish

- The Block Vote is often applauded for retaining the voter's ability to vote for individual candidates and allowing for reasonably-organized geographicaldistricts while at the same time, increasing the role of political parties compared with FPTP and strengthening those parties which demonstrate most coherence and organizational structure.

## C. Party Block Vote (PBV)

- PBV is simple to use, encourages strong parties and allows for parties to put up mixed slates of candidates in order to facilitate minority representation. It can be used to help to ensure balanced ethnic representation. Dijibouti, Singapore, Senegal, Tunisia use the PBV method.

> Party-Block Vote is a plurality/majority system using multi- member districts in which voters cast a single party-centered vote for a party of

choice, and do not choose between candidates

## D. The Alternative Vote (AV)

- This system enables voters to express their preferences between candidates rather than simply their first choice. Hence it is known as 'Preferential Voting'. AV is used in Australia, Fiji and Papua Guinea. By transferring ballots, it enables the votes of several candidates to accumulate, so that diverse but related interests can be combined to win representation.

The Alternative Vote is a preferential plurality system that voters use in single member districts. Voters use numbers to mark their preference on the Ballot paper.

## E. The Two- Round System (TRS)

- The central feature of the Two- Round System is as the name suggests: it is not one election but takes place in two rounds, often a week or a fortnight apart. This system is used to elect national legislatures and are most common methods used worldwide for the direct election of Presidents. TRS is used by the Central African Republic, Congo, Gabon, Mali, Mauritania, Haiti, Iran, Vietnam, Tajikistan, Uzbekistan etc.

The Two-Round System is a plurality/majority system in which a second election is held if no candidate or party achieves a given level of votes, most commonly an absolute majority (50 percent plus one), in the first election round. A TRS may take a majority –plurality form where more than two candidates contest the second round and the one who wins the highest number of votes in the second round is elected regardless of whether they have won an absolute majority or not.



Various Methods Of Minority Representation
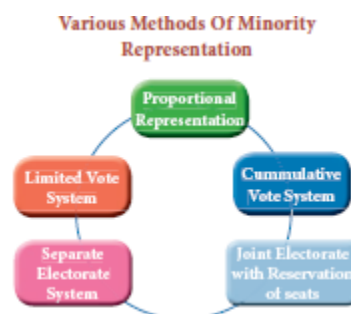
## Is it good to have political competition?

- Elections are all about political competition. This competition takes various forms. The most obvious form is the competition among political parties. At the constituency level, it takes the form of competition among several candidates. If there is no competition, elections will become pointless. Though an electoral competition leads to a sense of disunity and factionalism in every locality, regular electoral competition provides incentives to political parties and leaders. They know that if they raise issues that people want to raise, their popularity and chances of victory will increase in the next elections. But if they fail to satisfy the voters with their work they will not be able to win again.

> Ah…..
> So, elections are like exams where politicians and parties know if they have passed or failed. But who are the Examiners?!!!!!!!

## What is our system of Elections?

- Can we say that Indian elections are democratic? To answer this question, let us take a look at how elections are held regularly after every five years. After five years the term of all the elected representatives comes to an end. The LokSabha or VidhanSabha stands dissolved. Elections are held in all the constituencies at the same time, either on the same day or within a few days. This is called a general election. Sometimes election is held only for one constituency to fill the vacancy caused by death or resignation of a member. This is called By–Election.

## Electoral Constituencies

- You would have heard about the people of Tamilnadu electing 39 loksabha MPs. You may have wondered how they did that. Did every person in Tamilnadu vote for all the 39 MPs? You perhaps know that this is not the case. In our country we follow an area based system of representation. The country is divided into different areas for the purpose of elections. These areas are called Electoral Constituencies. The voters who live in an area elect one representative.

- For Loksabha elections, the country is divided into 543 constituencies. The representative elected from each constituency is called a member of Parliament or an MP. One of the features of a democratic election is that every vote should have equal value. That is why our constitution requires that each constituency should have a roughly equal population within it. Similarly each state is divided into a specific number of assembly constituencies. In this case the elected representative is called the Member of Legislative Assembly or a MLA. Each Parliamentary constituency has within itself several assembly constituencies. The same principle applies for Panchayat and Municipal elections. Each village or town is divided into wards that are like constituencies. Each ward elects one member of the village or the urban local body. Sometimes these constituencies are counted as Seats, for each constituency represents one seat in the assembly.

## Reserved Constituencies

- Our Constitution entitles every citizen to elect its representative and to beelected as a representative. In an open electoral competition, certain weaker sections may not stand a good chance to get elected to the LokSabha and the State Legislative Assemblies. They may not have the required resources, education and contacts to contest and win elections against others.If that happens our Parliament and Assemblies would be deprived of a significant section of our population. That would make our democracy less representative and less democratic.

- So, the makers of our Constitution thought of special system of reserved constituencies for the weaker sections. Some constituencies are reserved for the people who belong to the Scheduled Castes (SC) and Scheduled Tribes (ST). This system of reservation was extended later on to other weaker sections at the district and local levels.

## Delimitation

- The division of each state into as many constituencies as in the Loksabha from that state and State Legislative Assemblies is done primarily on the basis of population census. As far as practicable, geographical area of constituencies were to be delimited taking into account physical features,

existing boundaries of administrative units, facilities of communication and public convenience.

## Delimitation Acts

First Delimitation Commission Act, 1952
Second Delimitation Commission Act, 1963
Third Delimitation Act,1973
Fourth Delimitation Act, 2002.

## Voters' List

- Once the constituencies are decided, the next step is to decide who can and who cannot vote. This decision cannot be left to anyone till the last day. In a democratic election, the list of those who are eligible to vote is prepared much before the election and given to everyone. This list is officially called the Electoral Roll or the Voters' List.

Like in Panchayat should we not have at least one-third seats in the Parliament and assemblies reserved for WOMEN?

- This is an important step for, it is linked to the fi rst condition of democratic election that everyone should get an equal opportunity to choose representatives irrespective of diff erences. In our country, all the citizens aged 18 years and above can vote in an election. Every citizen has the right to vote, regardless of his or her caste, religion or gender.

- It is the responsibility of the government to get the names of all eligible voters put on the voters' list. Names of those who move out of the place or those who are dead are deleted. A complete revision of list takes place every fi ve years. In the last few years, a new system of Electoral Photo Identity Card (EPIC) has been introduced. Th e voters are required to carry this card when they go out to vote. Not compulsory, for voting, the voters can show many other proofs like the Aadhar Card, Ration card or Driving License.

## Electoral Process In India

- ❖ Delimitation of Constituencies
- ❖ Notification of the Election

- ❖ Notification by the Election Commission regarding Nomination and withdrawal
- ❖ Filing of nomination papers by the intending candidates
- ❖ Verification and the acceptance or rejection of the nomination papers
- ❖ Election campaign
- ❖ Polling process
- ❖ Counting of votes and announcement of Election Results

## Provisions Regarding Elections in India
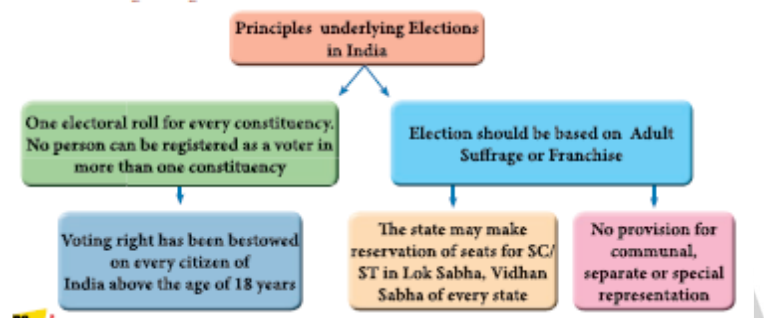


> Which Amendment Act reduced the Voting age of Indian citizens from 21 to 18?

## Nomination of Candidates

- In a democratic election the people should have a real choice. This happens only when there are no restrictions onanyone to contest an election. This is what our system provides. Anyone who can be a voter can also become a candidate in the elections. The only difference is that in order to be a candidate, the minimum age is 25 years, while it is only 18 years for being a voter. Political parties nominate their candidates who get the party symbol and support. Party's nomination is often called as party 'ticket'.

- Every person who wishes to fill a 'nomination form' has to give some money as security deposit. According to the direction of the Supreme Court, every candidate has to make a legal declaration, giving full details of:

- ❖ Serious criminal cases pending against the candidate
- ❖ Details of the assets and liabilities of the candidate and his or her family
- ❖ Educational qualifications of the candidate

- This information has to be made public. This provides an opportunity to the voters to make their decision on the basis of the information provided by the candidates.

**Election Campaign**

- The main purpose of election is to give people a chance to choose the representatives, the government and the policies they prefer. Therefore it is necessary to have a free and open discussion about who is a better representative, which party will make a better government or what is a good policy. This is what happens during election campaigns.

- In our country such campaigns take place for a two week period between the announcement of the final list of candidates and the date of polling. During this period the candidates approach their voters, political leaders address election meetings and political parties mobilise their supporters. This is also the period when newspapers, social media, televisions are full of election related stories and debates. Election campaign isnot limited to these two weeks only. Political parties start preparing for elections months before they actually take place.

- In election campaigns, political parties try to focus public attention on some big issues. They want to attract the public to that issue and get them vote for their party on that basis. In a democracy it is best to leave political parties and candidates free to conduct their election campaigns the way they want to. But it is sometimes necessary to regulate campaigns to ensure that every political party and candidate gets a fair and equal chance to compete.

According to our election law, no party or candidate can:

- ❖ Bribe or threaten voters
- ❖ Appeal to them in the name of caste or religion
- ❖ Use government resources for election campaign

- If they do so, their election can be rejected by the court even after they have been declared elected. In addition to the laws, all the political parties

in our country have agreed to a model Code of Conduct for election campaigns. According to this no party or candidate can:

❖ Use any place of worship for election propaganda
❖ Use government vehicles, aircrafts and officials for elections
❖ Once elections are announced, Ministers shall not lay foundation stones of any projects, take any big policy decisions or make any promises of providing public facilities.

## Free and Fair Elections

- The true test of any election system is its ability to ensure a free and fair electoral process. If we want democracy to be translated into reality on the ground, it is important that the election system is impartial and transparent. The system of election must allow the aspirations of the voter to find legitimate expression through the electoral results. Elections in India are basically free and fair. The party that wins an election and forms government does so because people have chosen it over its rivals. This may not be true for every constituency. A few candidates may win purely on the basis of money power and unfair means. But the overall verdict of a general election still reflects popular preference. But still if deeper questions are asked , the picture looks different. Are people's preferences based on real knowledge? Are the voters getting a real choice? Is election really a level playing field for everyone? Can an ordinary citizen hope to win elections?

## Questions of this kind bring the many limitations and challenges of Indian Elections to our attention. These include:

❖ Candidates and parties with a lot of money may not be sure of their victory but they do enjoy a big and unfair advantage over smaller parties and independents.
❖ Candidates with criminal connection have been able to push others out of the electoral race and to secure a ticket from major parties
❖ Some families tend to dominate political parties; tickets are distributed to relatives from these families.
❖ Very often elections offer little choice to ordinary citizens, for both the major parties are quite similar to each other both in policies and practice.
❖ Smaller parties and independent candidates suffer a huge disadvantage compared to bigger parties.

- These challenges exist not just in India but also in many established democracies. These deeper issues are a matter of concern for those who believe in democracy. Hence citizens, social activists and organisations have been demanding reforms in our electoral system. In a democracy, the electoral process has a strategic role. Every ordinary man of this country would have basic elementary right to know about a candidate who is torepresent him in Parliament where laws to bind his liberty and property may be enacted.

- The right to get information in democracy is recognised all throughout and it is a natural right flowing from the concept of democracy. Article 19(1)(a) of Indian Constitution provides for freedom of speech and expression. Voters' speech or expression incase of election would include casting of votes, that is to say, voter speaks out or expresses by casting vote. For this purpose, information about the candidate to be selected is must. The ordinary man may think over before making his choice of electing law breakers as law makers.

**First General Elections In India:**
All You Need to Know…..
    The first general election of 1951-1952 elected the first Loksabha since India became independent. The Congress had won 364 out of 489 Loksabha seats. Its vote share was 45 percent. The CPI was the second party with just 16 seats.Jawaharlal Nehru became the Prime Minister , the first of independent India. The voters' turnout was 67.6 percent. 54 parties had contested this election. Elections took around four months; October 25, 1951 to February 21, 1952. Election was held in 26 Indian states and 401 constituencies.

**Election Commission of India**

- For the conduct of free, fair and regular elections, Article 324 of the Indian Constitution provides for a single Election Commission which is entrusted with the superintendence, direction and control of all elections to Parliament, state legislatures and to the offices of the President and Vice – President of India.

**Election Commission - An independent body.**

- The Main objective of the constitution of Election Commission of India is to have a permanent and independent election machinery, which is free from political pressure of the party in power and the executive of the day, and which could be entrusted with the task of holding free and fair elections to the parliament and the state legislatures and to the offices of the President and Vice- President of India.

> More than 553 million voters in our country exercised their franchise in the 16th LokSabha in 2014 in 930,000 polling stations. India's voting pool is larger than the total population of the United States of America and Western Europe combined. It is for the first time after three decades that a single party receives a majority.

**Election Commission of India-Structure**



**Details of Legislative Assembly Elections Conducted in Tamilnadu**

| No. of Elections | Duration of the Assembly | Election Dates |
|---|---|---|
| 1 | 1952-1957 | 1952 January 2, 5, 8, 9, 11, 12, 16, 21 and 25 (9days) |
| 2 | 1957-1962 | 1957 March 1, 4, 6, 8 and 11 (5 days) |
| 3 | 1962-1967 | 1962 February 17, 19, 21 and 24 (4 days) |
| 4 | 1967-1971 | 1967 February 5, 16 and 21 (3 days) |
| 5 | 1971-1976 | 1971 March 1, 4 and 7 (3 days) |
| 6 | 1977-1980 | 1977 June 12 and 14 (2 days) |
| 7 | 1980-1984 | 1980 May 20 and 31 (2 days) |
| 8 | 1985-1986 | 1984 December 24 (1 day only) |

| 9 | 1989-1991 | 1969 January 21 (1 day only) |
|----|-----------|------------------------------|
| 10 | 1991-1996 | 1991 June 16 (1 day only) |
| 11 | 1996-2001 | 1996 April 27 and May 2 (2 days) |
| 12 | 2001-2006 | 2001 May 10 (1 day only) |
| 13 | 2006-2011 | 2006 May 8 (1 day only) |
| 14 | 2006-2011 | 2011 April 13 (1 day only) |
| 15 | 2016-ongoing | 2016 May 16 (1 day only) |

## Powers and functions of the Election Commission of India

❖ Preparation of the electoral rolls
❖ Revision of electoral rolls
❖ Allotment of seats
❖ Conduct of elections
❖ Superintendence, direction and control of all matters pertaining to the elections
❖ Granting of recognition of political
❖ parties
❖ Allotment of symbols
❖ Ensuring fair and free elections
❖ The Election Commission of India advises the President of India or the Governor of the concerned state regarding all electoral matters including questions relating to disqualifications of members.
❖ Settles disputes and petitions referred to it by the President of India or the Governor of a state.
❖ Decides disputes pertaining to election symbol in the event of a split in the political party.
❖ Has power to impose ceiling on the election expenses of the contestants.
❖ Entrusted with the task of collecting affidavits from the contestants to the elections regarding their assets.
❖ Has the power and duty to disqualify a candidate if he/she fails to submit election returns within the prescribed period.
❖ It issues a notification after the election is over, that the house is duly constituted.

## SUPREME COURT''s Landmark Verdict To Cleanse the Polity

In a landmark judgement, the Supreme Court held on July 11, 2013 that a person, who is in jail or police custody ,cannot contest elections to

legislative bodies. A day earlier, on July 10, 2013, the same Bench had held that charge-sheeted Members of Parliament (MP's), Members of Legislative Assembly(MLA's) and Members of Legislative Councils (MLC's), once they are convicted for the offences, will be immediately disqualified from holding office. The Bench struck down Section 8(4) of the Representation of the People's Act, which allowed convicted MP's and MLA's, a three-month period for filing their appeal to the High Court.

Courtesy : The Hindu, Pocket Watch, 3.5.2004

## Chief Electoral Officer(CEO)

- The chief electoral officer of a state/union territory is authorised to supervise the election work in the state/union territory subject to the overall superintendence, direction and control of the election commission. The Election commission of India nominates or designates an officer of the government of the state / union territory as the chief electoral officer in consultation with the state government/ union territory administration.

## District Election Officer(DEO)

- Subject to the superintendence, direction and control of the chief electoral officer, the district election officer supervises the election work of a district. The Election Commission of India nominates or designates an officer of the state government as the district election officer in consultation with the state government.

## Returning Officer (RO)

- The returning officer of a Parliamentary or Assembly constituency is responsible for the conduct of elections in the Parliamentary or Assembly constituency concerned. The Election Commission of India nominates or designates an officer of the government or a local authority as the returning officer for each of the assembly or parliamentary constituencies in consultation with the state government/union territory administration. In addition, the election commission of India also appoints one or more assistant returning officers for each of the assembly or parliamentary consituencies to assist the returning officer in the performance of his functions in connection with the conduct of elections.

## Electoral Registration Officer(ERO)

- The Electoral registration officer is responsible for the preparation of electoral rolls for a parliamentary/ assembly constituency. The Election commission of India, in consultation with the state/ union territory government, appoints an officer of the government or the local authorities as the Electoral registration officer. One or more Assistant electoral registration officers to assist the Electoral registration officer are appointed by the Election commission of India.

## Presiding Officer (PO)

- The Presiding officer with the assistance of Polling officers conducts the poll at a polling station. The district election officer appoints the Presiding officers and the Polling officers. In the case of union territories, such appointments are made by the returning officers.

## Election Observers (EO)

- The Election Commission of India nominates officers of government as Election observers (general observers and election expenditure observers) for Parliamentary and Assembly constituencies. They perform such functions as are entrusted to them by the commission. They report directly to the commission.

**Electoral Reforms, Anti-Defection Law and Committees related to Electoral Reforms**



**Based on the recommendations made by the above committees and commissions, various reforms have been introduced from time to time in our electoral system. Let us have a look at them.**

- ❖ Lowering the voting age from 21 to 18 through the 61st amendment act of 1988.

- ❖ Officers, and staff engaged in preparation, revision and correction of electoral rolls for elections to be on deputation to the Election commission.
- ❖ Increase of number of proposers to 10% of the electors of the constituency or 10 electors, whichever is less.
- ❖ In 1989, a provision was made to facilitate the use of electronic voting machines in elections.
- ❖ In 1989, a provision was made for adjournment of poll in case of booth capturing.
- ❖ Listing the name of candidates as candidates of recognised political parties, candidates of registered–unrecognized political parties and other(independent) candidates.
- ❖ Prohibition on the sale of liquor within a polling area during the period of 48 hours ending with the hour fixed for the conclusion of poll.
- ❖ On the death of a contesting candidate, the party concerned would be given an option to propose another candidate within 7 days.
- ❖ The registered voters are entitled for a paid holiday on the polling day.
- ❖ Prohibition of arms.
- ❖ In 1998 a provision was made whereby the employees of local authorities, nationalized banks, universities, LIC, government undertakings and othergovernment aided institutions can be requisitioned for deployment on election day.
- ❖ In 1999, a provision was made for voting by certain classes of persons through postal ballot.
- ❖ In 2003, the facility to opt for voting through proxy was provided to the service voters belonging to the armed forces and members belonging to a force to which provisions of the Army Act apply.
- ❖ In 2003, the Election commission issued an order for the declaration of criminal antecedents, assets etc.
- ❖ In 2003, RajyaSabha elections were reformed by removing the domicile of the contesting candidate and further introduction of open ballot system was introduced.
- ❖ In 2003, an exemption of travelling expenditure from being included in the election expenses of the candidate was made.
- ❖ Free supply of electoral rolls by the government.
- ❖ In 2009, restrictions were imposed on conducting exit polls and publishing the results of exit polls.
- ❖ In 2009, a provision was made for the disqualification of a person found guilty of corrupt practices which provided for a three month time limit

within which the specified authority will have to submit the case of the person found to be guilty.

❖ All officials have to be included in corrupt practice.
❖ Increase in security deposit.
❖ Appointment of appellate authorities within the district.
❖ Voting rights to citizens of India living abroad were provided in 2010.
❖ Ceiling on election expenditure was increased in 2011.

## Anti-Defection Law

- The 52nd Amendment Act of 1985 provided for the disqualification of the members of Parliament and the State legislatures on the ground of defection from one political party to another. For this purpose it added the Tenth Schedule to the Constitution. This act is often referred to as "Anti-defection law". Later the 91st Amendment Act of 2003 made one change in the provision i.e., disqualification on ground of defection not to apply in case of split.

## Provisions of the Act

## A. Disqualification:

- A member of a house belonging to any political party becomes disqualified if he voluntarily gives up his membership or if he votes or abstains from voting contrary to any direction issued by his political party without obtaining prior permission of the party.

- An independent member of the house becomes disqualified to remain a member of the house if he joins any political party after such election.

- A nominated member of the house gets disqualified if he joins any political party after the expiry of six months from the date on which he takes his seat in the house.

## B. Exceptions:

- Disqualifications on the ground of defection does not apply, if a member goes out of his party as a result of a merger of the party with another party; if a member, after being elected as the Presiding officer of the house,

voluntarily gives up the membership of his party or rejoins after he ceases to hold that office.

## C. Deciding Authority:

- Any question regarding disqualification arising out of defection is to be decided by the Presiding officer of the house.

## D. Rule making power:

- The Presiding officer of a house is empowered to make rules to give effect to the provisions of the tenth schedule. All such rules must be placed before the house for 30 days. The house may approve or disapprove them. Further he may direct that any willful contravention by any member of such rules may be dealt with in the same manner as a breach of privilege of the house.

## Evaluation of the Act

- A. The tenth schedule of the constitution is designed to prevent the mischief of political defections motivated by the lure of office or material benefits

  B. It is intended to strengthen the fabric of Indian Parliamentary democracy by curbing unprincipled and unethical political defections

  C. It provides for greater stability in the body politic by checking the propensity of the legislators to change parties
  D. It facilitates democratic realignment of parties in the legislature by way of merger of parties

  E. It gives a clear cut constitutional recognition to the existence of political parties.

## Let us learn about the RajyaSabha Elections……

- Transferable Vote System is followed for RajyaSabha elections. Every state has a specific quota of seats in the RajyaSabha. The members are elected by the respective State Legislative assemblies. The voters are the MLAs in that state. Every voter is required to rank candidates according to her or

his preference. To be declared winner, a candidate must secure a minimum quota of votes, which is determined by a formula:

- For example if 4 RajyaSabha members have to be elected by the 200 MLAs in Tamilnadu, the winner would require (200/4+1=40+1) 41 votes. When the votes are counted, it is done on the basis of first preference votes secured by each candidate; If after the counting of all first preference votes, required number of candidates fail to fulfill the quota, the candidate who secured the lowest votes of first preference is eliminated and his/her votes are transferred to those who are mentioned as second preference on those ballot papers. This process continues till the required number of candidates are declared elected.

## Why did India adopt the FPTP System?

- The answer is not very difficult to guess. If you have read carefully the method of election of RajyaSabha members, you would have noticed that it is a very complicated system which may work in a small country but would be difficult to work in a sub-continental country like India. The reason for the popularity and success of the FPTP system is its simplicity. The entire election system is extremely simple to understand even for common voters who may have no specialized knowledge about politics and elections. There is also a clear choice presented to the voters at the time of elections. Voters have to simply endorse a candidate or a party while voting. Depending on the nature of actual politics, voters may either give greater importance to the party or to the candidate or balance the two.

- The FPTP system offers voters a choice not simply between parties but specific candidates too. In other electoral systems, especially Proportional Representation Systems, voters are often asked to choose a party and the representatives are elected on the basis of party lists. Asa result, there is no one representative who represents and is responsible for one locality. In constituency based system like the FPTP, the voters know who their own representative is and can hold him or her accountable. The FPTP system generally gives the largest party or coalition some extra bonus seats, more than their share of votes would allow.

- Thus this system makes it possible for Parliamentary government to function smoothly and effectively by facilitating the formation of a stable government. The FPTP system encourages voters from different social groups to come together to win an election in a locality. The FPTP system has proved to be simple and familiar to ordinary voters.

Open Ballot is a system of choosing the representative by raising one's hands!!
Secret Ballot is a system in which the voter casts his vote without the knowledge of anyone into a Ballot Box or uses an Electronic Voting Machine!!

### State Funding of Elections
### What is state funding?

- ❖ State funding of elections is a concept designed to reduce corruption by funding elections with government money as opposed to individual campaign contributions
- ❖ It is recommended that the state funding of elections can be the best way to achieve transparency in political funding
- ❖ It is also believed that state funding is a natural and necessary cost of democracy. It brings new and growing parties, thus ensuring fair elections
- ❖ If parties and candidates are financed with only private funds, economical inequalities in the society might translate into political inequalities in government.

### Indrajit Gupta Committee on state funding of Elections, 1998

- The Indrajit Gupta Committee on State Funding of Elections, 1998, backed the idea of state funding of elections on principle, stating that "The committee see full jurisdiction constitutional, legal as well as on the ground of public interest, for grant of state subvention to political parties, so as to establish such conditions where even the parties with modest financial resources may be able to compete with those who have superior financial resources.

**It added two limitations**

- A. Such funds could not be doled out to independent candidates, and only to national and state parties having granted a symbol and proven the popularity among the electorate

- B. In the short –term, state funding may be given only in kind, in the form of certain facilities to the recognized political parties and their candidates.

- The committee has recommended the creation of a separate Election Fund with an annual contribution of Rs. 600 core by the centre and a matching amount contributed by all state governments together. The committee has suggested that in order to be eligible for state funding, political parties and other candidates should have submitted their income tax returns up to the previous assessment year.

> "He alone, who owns the youth gains the future"
>
> -Adolf Hitler

## Role of Youth in Politics

- This must all be the exact thought running through the minds of all the political leaders in the fray to win elections. With a huge Percentage of first time voters being added to the voters' list every year, the decisions of the youth will go a big way in elections.

- Today youth has the power to transform our nation, and it will. The responsibility of transformation, progress and innovation lies on their shoulders.

## Why youngsters should vote??

- ❖ Elections play a vital role in a system of representative democracy. Youngsters who are involved in the electoral process affirm their support as well as acquire a stake in the system and an appreciation that they too can affect politics and policy
- ❖ Voting is the only form of participation in which each citizen has an equal say (one person, one vote). By voting, youth have the same ability as others to exercise political influence or pressure

- ❖ Universal participation in elections ensures the faithful representation of the popular will
- ❖ Young people should vote to develop a habit of voting from the start, and thus ensure high turnout
- ❖ Young people may have political interests that differ from those of old voters. If young people don't vote, they and their distinct interests are more likely to be ignored or neglected by policy makers.

## What is NOTA?

- None Of The Above - A voter's right to reject a step towards electoral reforms.

- In its efforts of cleansing the political system, the Supreme Court of India upheld the right of voters to reject all candidates contesting the elections. The apex court directed the Election Commission to have an option of "None Of The Above"(NOTA) on the electronic voting machines (EVMs).

> Do you know that there was a similar provision before NOTA?
> It was called Negative Voting.

- Before the NOTA option was introduced, people who wanted to cast negative votes, had to enter their names in a register and cast their vote on a separate ballot paper.

- Under Section 49(O) of the conduct of election rules, 1961, a voter could enter his electoral serial number in the form 17A and cast negative vote.

**Countries which allow NOTA are…**
Columbia, Ukraine, Brazil, Bangladesh, Finland, Spain, Sweden, Chile, France, Belgium and Greece. USA also allows it in few cases. The state of Texas permits the provision since 1975.

# 12ᵗʰvol 1
# Unit – 4 - Indian Judiciary

> What does the judiciary exactly do? I see people trusting the judiciary more than the legislature and the executive.. Whenever their rights are violated, they look up to the judiciary and are so confident that their rights and privileges will be safeguarded.

## Supreme Court of India

- "The Supreme Court, an all-India Court, will stand firm and aloof from party politics and political theories. It is unconcerned with the changes in the Government. The Court stands to administer the law for the time being in force, has goodwill and sympathy for all, but is allied to none"- Hon'ble Sri Harilal J. Kania, First Chief Justice of India.

- The judiciary is one of the three organs of the government, the other two being the Legislature and the Executive. The judiciary is engaged in the interpretation of law and serves as a protector of the constitution. It guarantees the administration of justice and protects the individual from encroachments of rights and privileges by the government and the other individuals. The establishment of an independent and impartial judiciary is a pre-requisite for the functioning of a civilized state. The judiciary assumes greater importance in afederal polity such as India as it also acts as a protector of the federation resolving the conflicts of jurisdiction between the Centre and the States.

## Thirukkural

### 1. Recite Thirukkural verses for bail

- In February, a Tamil Nadu court reportedly ordered three college students, arrested in an assault case, to recite 100 verses of Thirukkural treatise by poet-saint Thiruvalluvar daily for 10 days as a condition for granting bail.

- The court in Mettupalayam ordered the students, who were charged with assaulting a person, to appear before a Tamil teacher in the Government Boys High School in the area to recite the verses.

- The court also asked the head of the school to issue a certificate to the students at the end of the 10th day.

## 2. Madurai Bench paves way for in-depth study of Tirukkural

- One of the most significant contribution of the Madurai Bench of the Madras High Court towards promoting the cause of Tamil is a direction issued to School Education Department in 2017 to make 108 out of the 133 chapters of Tirukkural a part of school syllabus. The Madurai Bench direction led to passing of a G.O. for teaching 1050 couplets to students from the academic year 2017-18.It also ensure that students from Class VI to XII get to learn the couplets and their intended meaning in depth and not just superficially as was being done all these years.

- Tirukkural is perhaps the only ancient secular text from India that has been translated into 60 languages the world over.

**Evolution of Indian Judiciary**

**Judicial System in Ancient India**

- India has been a Sub – Continent of different races, different cultures, different languages and a multitude of political and social systems. In ancient times, as well as in the medieval times, none of the Indian states was segregating judicial functions from the executive. During the Vedic period, the authority of the head of the family (Kulapa or Kulapato) was insulated from royal interferences; Similarly the clannish or tribal bodies like Grama, Gopa, Vishaya, Jana and Gana enjoyed autonoms powers. In the ancient Indian monarchical orders, the king was considered to be the highest judicial authority. As king's will was the law, his word was the highest and absolute verdict in disputes.

- However most of the disputes were settled and disposed of at the local level through caste bodies or local administrative bodies. Extreme cases like treason were tried in the king's court. There was no regular system of jurisprudence or judicial procedures. Most often the accused was to prove his innocence either through evidences and witnesses or through subjection to different kinds of ordeals such as ordeal by fire, ordeal by water and ordeal by poison.

- Punishments (penal system) was severe and even barbaric System if blood money was in vogue (less was to be replaced with material compensation) Whipping, flogging, amputation of limbs, impalement, rigorous imprisonment, enslavement, banishment, confiscation of property, beheading, hanging and trampling by elephants were some of the punishments meted out to the culprits. In kingdoms which came under Brahmanical influence, smritis were invoked in trial as well as in awarding punishments.

- There were a number of smritis such as Manusmrits, NaradaSmriti, and YagnavakyaSmritis : of which manuSmriti was held as a core Smriti, other smritis had certain variatious. The Smritis generally upheld the graded varna – Jati social order. There was no 'equality before law' Concept. Brahmins were mostly insulated from regular procedures and regular punishments, on any account, Brahmins, even if they committed the most heinous crimes, were to be exempted from physical torture, amputation, impalement or capital punishment. On the other hand the depressed castes were subjected to Ordealssevere ordeals and extreme punishments; changing of caste based occupations was treated (Varna Sangraha) as a serious crime.

- Arthasstra suggests disproportionate punishments for restricting instances of crimes; penalties levied on culprits, and confiscation of properties as a major source of royal income. The smritis treated women as inferior humans, and were prejudiced against them even in matters of inheritance. The Sudras, and Panchamas were ineligible for a fair trial and fair punishment. Trade disputes were mostly settled through guilds (SRENIS), Similarly each artisan group had its own guild to resolve disputes within. The Mahasabhas of the Pallava – Pandya- Chola empires insulated Brahmins from regular system of justice. The Mahasabha'svariyam (Dharma variam, Nyayavasiam) settled issues within the mahasabhas. The local bodies like Ur, Urar, Nadu, Nattar and Nagarathar had their own judicial arrangements.

- The Buddhist kingdoms (like that of Asoka) mostly disregarded smritis and enforced some sort of equal treatment to various social groups in matters of judicial disputes. Asoka removed cruel punishments, and even instructed his official to be more humane and compassionate towards

prisoners. The episode involving Kovalan's execution in Silappadikaram reveals the defects in the system of judicial procedure. Though high moral stature of the adjudicating officials were insisted in literature, we very often found arbitrariness in judicial trial and in awarding exemptions or punishments. There was no rule of law but rule of the powerful authorities that we find in ancient India.

## Ordeals

**Trail by Balance:** A palm leaf chit, with the alleged crime inscribed on it was placed on one side of the balance, and the accused was to sit on the other side of the balance. If the plate of the balance on while the accused came down, the accused was declared guilty

**Ordeal of Fire** : The accused was made to walk through fire and was deemed innocent only if the person suffered no injury.

**Ordeal of water** : The accused was made to drink the water used to clean the idol was deemed innocent if it had no harmful effects on him within the next 14 days.

**Ordeal By Poison** : The accused was made to consume poison and was deemed innocent only if did not have any effect on the person.

**Ordeal of lot** : The accused was asked draw from the lot and was deemed innocent if he chose the lot of dharma.

**Ordeal of Rice Grains** : The accused was made to chow rice without the husk being removed and the presence of blood stains in his mouth resulted in the person being declared guilty.

**Ordeal of Fountain - Cheese** : The accused was compelled to drink a potion that could make him/her delirious and was deemed guilty if the person confessed the crime.

- In medieval India, the Muslim rulers had faced a peculiar situation, where the majority of their subjects were Non-Muslims. While they applied Islamic law in cases where Muslims and Muslim interests were involved, they preferred a policy of Non-intervention in the socio-religious affairs of the Non-Muslims, hence allowed the traditional system of justice in the rural areas. The Muslim rulers made a clear distinction between civil and criminal disputes and assigned deferent system for each of them. However, in cases of blasphemy extreme punishment were awarded to the accused.

## Judicial System in Medieval India

- In Medieval India, the Sultan/Sultana was the supreme authority administering justice in his/her kingdom. He / She administered justice in the following capacities namely Diwan-e-Qaza (Arbitrator), Diwan-e-Mazalim (Head of Bureaucracy) and Diwan-e-Riyasat (Commander-in-Chief). There existed a systematic classification and organization of courts in Medieval India. The administrative divisions were the basis for judicial organization. The jurisdiction of courts at the Capital, Provinces, Districts, Parganas and Villages were clearly demarcated. Generally, at the Capital of Sultanate, the following six courts were established.

  - The King's Court
  - Diwan-Al-Mazalim
  - Diwan-e-Rialat
  - SadreJahan's Court
  - Chief Justice's Court
  - Diwan-e-Riyasat

- The King's Court was presided over by the Sultan and the Court had both original and appellate jurisdiction. It was the highest court of appeal and in the administration of justice, the Sultan was assisted by Muftis (legal experts). Diwan-Al-Mazalim and Diwan-e-Risalat are the highest courts of appeal in criminal and civil matters respectively. Though these Courts were to be officially presided over by the Sultan, he seldom attended the sessions of the Courts. In the absence of the Sultan, the courts were presided over by Qazi-ul-Quzat, the highest judicial officer of the State. But later, the post of SadreJahan was created making him the de-facto head of the judiciary. The SadreJahan's Court and the Chief Justice's Court remained separate for long until amalgamated later by AlauddinKhilji. The Chief Justice's Court dealt with both civil and criminal cases and the Chief Justice was assisted by judges who were men of ability and integrity and were greatly respected. Mufti, Pandit, Mohtasib (in charge of prosecutions) and Dadbak (administrative officer) were the officers attached to the Chief Justice's Court. The Diwan-e-Siyasat was primarily a court dealing with cases of high treason.

## Judicial System in Modern India

- The East India Company was incorporated in 1601 by the Charter of Queen Elizabeth I. The Charter granted recognition and authority to the Company to facilitate the regulation of trade. With regard to the administration in Madras, the Charter of 1661 led to the appointment of Governor and the Council in each of its settlement. Once the company became a territorial power, especially at Madras, it introduced an adhoc system of judicial administration, in which the existing native systems were accommodated, as the company preferred a policy of non-intervention in native affairs. The Governor and the Council were empowered to decide on both civil and criminal cases in accordance with the law of England. However, in disputes involving only the natives the native traditions were continued. The year 1665 was of great significance as it witnessed the first trial by jury in Madras in the case of Mrs.AscentiaDawas during the Governorship of Fox Croft. The appointment of Streynsham Master as the Governor in 1678 resulted in the reorganization of the judicial system of Madras. The Court of the Governor and Council came to be known as the High Court of Judicature and English was declared as the court language. The Charter of 1683 led to the Company establishing Courts of Admiralty to try traders committing various crimes on high seas. The Charter of 1687 authorized the Company to create the Corporation of Madras and the Mayor's Court was attached to it. It functioned as a court of record for the Madras town.

- With regard to the administration of justice in Bombay, the Charter of 1668 authorized the Company to exercise judicialauthority over Bombay. The proclamation of 1672 introduced English Law in Bombay and the Court of Judicature and the new central court was established. The application of English law was confined to cases involving Europeans and European interests. The court exercised jurisdiction over civil, criminal and testamentary cases. Further, Justices of Peace were appointed to administer criminal law. After examining the witnesses and making an initial enquiry, the cases were moved to the Court of Judicature. However, the invasion of SidiYakub, the Mughal Admiral led to the dissolution of courts in Bombay in 1690. After 12 years, in 1718, the Court of Judicature was revived. The court had jurisdiction over civil and criminal matters. Though the court met only once a week, it was highly regarded for its speedy trial and impartial decisions.

- With regard to the Calcutta Presidency, the Governor and the Council were endowed with judicial powers. In the case of civil and criminal matters, the Company followed the already existing Mughal system of judicial administration. The Faujdari Court presided over by the English Collector decided on the criminal cases and the civil cases were referred to an arbitrator by the Collector. The Collector played a very important role in the judicial administration of Calcutta and the office dealt with civil, criminal and revenue cases.

- Thus, the Charter of 1687 applied only to Madras while the Charter of 1726 constituted a Mayor's Court in each of the three Presidencies. The Charter of 1753 further reformed certain judicialprovisions of the Charter of 1726. It also set up five courts namely the Court of Requests, the Mayor's Court, the Courts of the President and the Council, and the King-in-Council. Another landmark in the evolution of Indian judiciary was the Warren Hasting's Plan of 1772. It regulated the system of judicial administration. In 1780, he also reorganized the Provincial Adalats.

- One of the major development in the field of judiciary during the colonial period was the codification of native laws.

- The first Governor General Warren Hasting caused the codification at Hindu Law, and cornwalli's code was another major contribution. Similarly the Islamic law was also codified and adopted in courts.

- The Regulating Act of 1773 empowered the Crown to establish the Supreme Court of Judicature in Calcutta and the Charter of 1774 expounded on the jurisdiction of the court. However, the Supreme Courts were not established at Bombay and Madras during the same period. The Supreme Courts were established in Madras and Bombay in the years 1801 and 1824 respectively. In 1793, Lord Cornwallis prepared "A Set of Regulations" popularly known as the Cornwallis Code and it dealt with both civil and criminal justice. He reorganized civil courts, abolished court fees and reformed criminal courts. Lord Minto aft er being appointed as the Governor- General of Bengal in 1807 increased the powers and jurisdiction of the various courts. Lord Hastings who became Governor General in 1813, introduced many reforms in the civil and criminal judicature of the country. Eff orts were taken to curb red-tapism in the administration of justice. He wassucceeded by Lord Bentinck who

reorganized and consolidated the whole system of judicial administration in India. He abolished the Provincial Courts ofAppeal and their functions were transferred to District DiwaniAdalats. Between 1834 and 1861, the King's Court and the Company's Court formed the dual system of courts with separate jurisdictions. Th e Indian High Courts Act of 1861 empowered the Crown to establish the High Courts of Judicature at Calcutta, Madras and Bombay and this also led to the abolition of Supreme Courts. This was considered a landmark in the evolution of High Courts in India. Later, the Government of India Act of 1935 effected considerable changes in the nature and jurisdiction of the High Courts. Between independence and the enforcement of the Constitution, seven High Courts at Punjab, Assam, Orissa, Rajasthan, Travancore, Mysore and Jammu and Kashmir were established. The other High Courts were established later. The Constitution of India aft er being enforced recognized all the existing High Courts and empowered the Parliament to establish High Courts for all the States or combined High Courts for two or more States and Union Territories. The 42nd Constitutional Amendment Act, 1976 brought in drastic changes in the jurisdiction of the High Courts.

- Thus, in the very beginning, there were only the three High Courts of Calcutta, Madras and Bombay. The Acts and regulations prior to independence brought in remarkable changes in their organization and jurisdiction, thereby ensuring their independence and impartiality. After the enforcement of the Constitution, their positions have been strengthened and apart from their original and appellate jurisdiction in civil andcriminal cases they also act as the protector and interpreter of the Constitution.

**Source:**Sumeet Malik, V.D. Kulshreshtha's Landmarks in Indian Legal and Constitutional History, EBC Publishing Private Ltd, Lucknow, 2017.

- With respect to the establishment of the Supreme Court of India, the Government of India Act, 1935 is a landmark legislation. The Act attempted to change the structure of the Indian government. There was a shift from a 'unitary' to a 'federal' type of government necessitating the need of a Federal Court. Thus, the Act made specific provision in this regard and the Federal Court was inaugurated in the year 1937. It consisted of a Chief Justice and six judges. In 1950, the Federal Court of

India was succeeded by the Supreme Court of India. The Federal Court in its short span of 12 years left an indelible impact on the legal history of India. It was the first court with a national jurisdiction. It was from this Federal Court that its successor inheritedthe traditions of independence, integrity and impartiality. Also, between 1726 and 1833, the role of the Privy Council requires special mention. It contributed immensely to the judicial system of India, laying down the fundamental principles of Indian law that serve as a beacon to the Indian Courts even today.

## Sir Hari Singh Gour

- In 1921, Sir Hari Singh Gour was the first person in the legal history of India to realize the necessity of establishing an All-India Court of Final Appeal in place of the Privy Council.

- The Indian Independence Act, 1947 resulted in the transfer of political power and this necessitated the establishment of a separate and independent judicial body. With this objective, the jurisdiction of the Federal Court was enlarged and the Abolition of the Privy Council Jurisdiction Act, 1949 was passed making the Federal Court of India the highest judicial body in the country. With the enforcement of the Constitution on 26 January 1950, Article 124 provided for the establishment of the Supreme Court of India. Thus, there has been a slow and steady evolution of the Indian judicial system and it has proven to be better and wiser with time.

## Supreme court of India
## Uniqueness – sources of Law – Jurisdiction and powers – Organization

The Constitution of India provides for a three - tier judicial system:
1. The supreme court of India
2. The High courts in the constituent states and
3. The District and Sessions Courts in the judicial districts in every state.

- The constitution also provides for an independent judiciary i.e. independence of the Executive and the legislature. In a democratic federal polity like India. The Supreme Court assumes a much bigger note as the guardian of the constitution, as an arbitrator in disputes between States and the union Government and in disputes among the States, and as the highest appellate Courts in all civil and criminal cases. It is endowed with

the onerous responsibility of safeguarding and enforcing the fundamental rights and freedoms of all citizens of India/ However, unlike the federal system in the USA, the constitution of India of India does not provide for two sets of judiciary (one asfederal, another for states). India has only a unitary judiciary system, with the Supreme Court as the apex Court, with authority over all other Courts if India.

- **The Sources of Law**: The Constitution becomes the fountain source of law in India. Statutes enacted by legislatures of the union, State or Union Territories become another sources of law as long as these are in conformity the basics of the Constitution. Besides the subordinate legislations in the form of rules, regulations as well as by – laws of any administrative body, unless and until negated by the judiciary constitute the third source of law.

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**Integrated Judiciary**

"The Indian Federation, though a dual polity, has no dual judiciary at all. The High Courts and The Supreme Court Constitute one single integrated judiciary having jurisdiction and providing remedies in all cases under the constitutional law, The Civil law or the criminal law. This is done to eliminate all diversities in a remedial procedure"
-Dr. B. R. Ambedkar

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**Jurisdiction and powers on the Supreme Court:**

- The Supreme Court has original, appellate and advisory jurisdiction. The original jurisdiction of the Supreme court extends to all cases which can originate in the Supreme court. These include disputes between the Government of India and one or more States, or between two or more States. In disputes involving fundamental rights, the Supreme Courts has both original and appellate jurisdiction. It can issue writs of Habeas Corpus, Writ of Mandamus, writ of prohibition, writ of Certiorari and the writ of Quo warranto.

- The Supreme Court is the highest or Apex appellate Court in India, where appeals against judgments of High Courts can be made; ( in both civil and criminal cases)

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- The Supreme Court of India has also been vested with certain advisory powers.

- The president can seek its advice on any legislative measure. However the advice of the Supreme Court is not binding on the president (Article - 143).

- The Supreme Court functions as the guardian of the constitution; It is the final authority to interpret the constitutional law, and has the authority to declare any law or executive action, or judgments of lower Courts 'null and void' if the Supreme court find them against the letter and spirit of the constitution. It is also the apex agency to safeguard the fundamental rights listed out in the Constitution.

**Organization of the Supreme Court**

- The Supreme Court of India has been established by part V, Chapter IV of the Constitution of India. Articles 124 to 147 of the Constitution lays down the composition and jurisdiction of the supreme Court of India. Originally the Constitution provided for the chief Justice and seven lower ranking Judges. The Constitution enables the Parliament to increase this number. By 2008 the number of judge have been increased (from eight) to 30.

- As to the appointment of the Supreme Court judges, The Chief Jostle of India should consult a "Collegium" of four senior most judges of the Supreme court, The Collegium makes the decision in consensus. Every Judge of the supreme Court is appointed by the President after consultation with the cabinet and the Judges of the Supreme court, and such Judges shall hold office until they attain the age of sixty five years. If any of thejudges wants to lay down office, he can do so through an hand written signed resignation letter to the president; the Parliament can remove a Judge through an impeachment. To be considered for the office of Judge, one must be a citizen of India and his qualification is per the Parliament's decision, and the should have been judge of High court at least for a period of 5 years; or an advocates of a high court or of two or more such courts in succession for at least 10 years or the person must be, in the opinion of the president, a distinguished jurist.

**Impeachment**
A Judge of the supreme Court try an order of the president, after an address

by each House of the Parliament supported by a majority of the total membership of that house and by a majority of not less than two thirds of the members of the house present and voting in the same session.

**Appointments are generally made on the basis of seniority**

Justice K.G. Balakrishnan in 2000 became the first judge from the depressed class. In 2007 he became the first Dalit Chief Justice of the Supreme Court.

The Supreme Court of India under the present Constitution commenced functioning on January 28, 1950. It was placed then in the Chamber of Princes in the Parliament. It moved to the present building in 1958.

Harilal J. Kania was the first Chief Justice of the Supreme Court. The other judges who assumed office along with him wise Justices Sayid Faze Ali, M. PatanjaliSastri, Mehar Chand Mahajan, Bijan Kumar, Mukherjea and S.R.Das.

## High Courts

- The High Court is the head of a State's judicial administration every constituent state in expected to have a high Court. However, at present four high courts have jurisdiction over more than one state. Among the union territories Delhi alone has a high court of its own. Other six union Territories come under the Jurisdiction of nearby state high Courts. Each High court comprises of a Chief Justice and such other Judges as the president may from time to time, appoint. The Chief Justice of the High court is appointed by the President in consultation with the Chief Justice of India and the Governor of the State. In appointing other judges, the Chief Justice of that High court is also consulted. The Judges of the High courts hold office until the age of 62 years and are removable in the same manner as a Judge of the Supreme court. To be considered for appointment as a Judge one must be a citizen of India and have held a Judicial office in India for 10 years or must have practiced as an advocate of high court.

- The High Court's too have original and appellate jurisdictions, in cases arising within the territories of the State. Each High court has powers of Super intendant over all courts within its jurisdiction. Though the High courts are the party of single and integrated judicial system, yet they are

completely independent judicial institutions. The Supreme court has no direct administrative control over them, has they are in any way controlled try either the legislature or executive of the State. But the Judger may be transferred from one High court to another by the president his consultation with the chief Justice of India.

- The High Court too has the power to issue writ in cases involving 'Fundamental Rights'.

**Legal Remedies for Safeguarding Fundamental Rights**

- Both the Supreme court and High court have the power to issue writs with a view to ensure quicker justice and early relief to persons whose rights are violated. There are five such writs.

1. Habeas Corpus: Literally means a demand to produce the person in body. It applies in cases where a person is alleged to have been illegally detained. This writ safeguards personal liberty of every individual.

2. Mandamus is a command to act law fully and to resist from penetrothing an unlawful act, It is meant to direct any authority to perform its legal duty. Mandamus may he issued against any authority, Officers, Government or even judicial bodies that tail or refuse to perform a public duty and discharge a legal obligation.

3. Prohibition is issued by a higher Court to a lower court or tribunal for prohibiting it from exceeding its jurisdiction. Writ of Prohibition is issued only against a judicial or quasi – judicial body.

4. Certiorari too lies against judicial or quasi – judicial authorities, and it means 'to be informed'. The writ of certiorari is issued to quash illegal orders of judicial or quasi – judicial bodies

5. Quo – Warranto is a question asking 'with what authority or warrant'. This is meant ascertain the legal position in regard to claim of a person to hold a public office.

- Besides these writs, the High Court's under Article 226 may issue other directions and orders in the interests of justice to the people.

**Judicial Review, Public Interest Litigation And Judicial Activism**

**Judicial Review**

- To safeguard the liberty and rights of individuals, the judicial review power enshrined in the constitution of India becomes important. The supreme court and the high court's in India are entrusted with the power of judicial review which extends to adjudicating upon the constitutionality of legislations as well as the legality of executive action.

- Parliamentary and state legislations which contravened constitutional requirements have been struck down. The most daring and controversial exercise of judicial review was the invalidation by the supreme court of Bank Nationalization legislation. Legislations which infringed the rights of the minorities to establish and administer their educational institutions have been struck down.

- Judicial review has been extended to review ability of constitutional amendments by evolving the doctrine of the basic structure of the constitution according to which a constitutional amendment which destroys or damages an essential feature of the constitution, for example secularism, democracy and federalism, would be unconstitutional.

- In the administration of law, judicial review in India has been very active. Article 13(2) of the Indian constitution believed that countrywide shall not create any regulation, those abbreviates or takes away the rights as deliberated in part 3 of the constitution. If any rule was created against this clause of the constitution, it will come within the purview of infringement and will be declared as null and void.

- However, but in 2007 the supreme court ruled laws included in this schedule after April 24, 1973 or now open to judicial review cannot be conducted in respect of the laws incorporated in the 9th schedule of the constitution. Judicial review applies only to the questions of law. It cannot be exercised in respect to political issues. The supreme court does not use the power of judicial review of its own. It can only use it when any law or rule is specifically challenged before it.

**Public** interest Litigation

- Any citizen of India can approach the courts for public case (upon the interest of the public) by filing a petition under (a) the supreme court by article 32, (b) in the high court under article 226 and (c) in the magistrate court under section 133 of the CRPC. The guidelines provide that Public interest Litigations can be filed under the following categories: 1. Bonded labour matters, 2. Neglected children, 3. Non- payment of minimum wages, 4. Petitions from jails complaining of harassment, death in jail, speedy trial as a fundamental right etc. 5. Petitions against police for refusing to register a case, harassment of Bride, Bride burning, rape, murder, kidnapping etc. 6. Petitions complaining harassment or torture of persons belonging to scheduled caste and scheduled tribes. 7. Petitions pertaining to environmental pollution.

- The Public interest Litigation jurisdiction forged by the supreme court is an extension of its jurisdiction under article 32 of the constitution. Public interest Litigation is not in the nature of adversary litigation, but it is a challenge and an opportunity to the government and its officers to make such issues as human rights meaningful to the deprived and vulnerable sections of the society and to assure them socio-economic justice which is the signature tune of the constitution. A Public interest Litigation may be filed against state and central government, municipal authority, but not against any private party.

- Recently in India, many cases from the area of Public interest Litigation has come into picture which has been filed in the court of law. As in 2005 a case was decided by the supreme court named Common cause society Vs. Union of India. In this Public interest Litigation, the petitioner filed a Public interest Litigation praying to the court to enact a road safety act in view of the numerous road accidents. Secondly, in the SangammalPandeyVs. State of UP case the Lucknow bench of the high court stayed construction activities near Kanshiram memorial up to a specific date.

- In the Peoples union for democratic rights Vs. Union of India case, the supreme court permitted Public interest Litigations at the instance of 'public spirited citizens' for the enforcement of constitutional and legal rights of any person or group of persons who because of their socially or economically disadvantaged position are unable to approach the courts for

relief. Public interest Litigation is a part of the process of 'participate justice' and standing in civil litigation, of that pattern which has liberal reception at the judicial doorsteps.

- In the ParmanandKatara vs. Union of India case the supreme court held in the Public interest Litigation filed by a human rights activist fighting for general public interest, that it is a paramount obligation of every member of the medical profession to give medical aid to every injured citizen as soon as possible without waiting for any procedural formalities.

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**Judicial Activitism**

Judicial activism as a dynamic process of judicial outlook in a changing society. Arthur Schlesinger Jr. introduced the term judicial activism in 1947,in America in an article titled ' The Supreme court;1947'. According to Black's law dictionary judicial activism is a judicial philosophy which motivates judges to depart from the traditional precedents in favour of new progressive social policies.

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- In recent years law making has assumed new dimensions through judicial activism of the courts. The judiciary has adopted a healthy trend of interpreting law in social context. Judicial activism describes judicial rulings suspected of being based on personal or political considerations rather than on existing law. The question of judicial activism is closely related to constitutional interpretation, statutory constructions and separation of powers.

- The Indian constitution, promulgated in 1950, largely borrowed its principles from western models like Parliamentary democracy and an independent judiciary from England, the fundamental rights from the bill of rights and federalism from the federal structure in the US constitution, and the directive principles of state policyfrom the Irish constitution. These modern principles and institutions were borrowed from the west and imposed from above on a semi-feudal, semi backward society of India. But these feathers are meant to facilitate transformation in every field, instead of protecting the 'status quo'.

- The Indian judiciary, being a wing of the State has thus played a more activist role than its US counterpart in seeking to transform Indian society

into a modern one, by enforcing the modern principles and ideas in the constitution through court verdicts. Article 21 of the constitution has been called up frequently in the Supreme court. Judgments upon thia article suggest the trends of judicial activism.

- In the A.K. Gopalan vs. State of Madras case, the supreme court rejected the argument that to deprive a person of his life or liberty, not only the procedure prescribed by law for doing so must be fair, but reasonable and just. However, subsequently in Menaka Gandhi vs. Union of India case this requirement of substantive due process was introduced into article 21 by judicial interpretation. Thus the due process clause,which was consciously and deliberately avoided by the constitution makers, was introduced by judicial activism of the supreme court.

- In subsequent decisions, the Supreme Court has upheld death sentences in cases such as BagwanDass vs. state of Delhi case which involved honour killing of a man and woman for marrying outside their caste.

In Australia, the highest court is known as the High Court of Australia while the State Courts are known as the Supreme Court.

**Constitutional Law, Administrative Law And Indian Penal Code**

**Constitutional Law**

- It is known that everything man people do is governed by rules. For example there are rules for games and social clubs. Rules of morality and customs also play an important role to establish our day to day life. Rules that are made by legislatures, for the nation are called 'laws'. Laws in society are a must so our society can regulate its work properly. They are designed to safeguard our property and safeguard us and to ensure that every one in society behaves in a proper manner.

- Essentially, the Constitutional law is the supreme law. All other laws have to conform to the Constitutional law. Constitutional law contains laws concerning the government and its people. Constitutional law is a body of laws which defines the role, powers, and structures of different entities of the State, namely, the legislature, the executive and the judiciary, as well

as the basic rights of citizens and, the relationship between the central government and state governments.

- Constitutional law is a set of rules which can either be imposing or directive. It provides a way to regulate the nation by proposing a set of laws which shall be abided by the citizens of the country. It leads the country in the right direction without fail. It includes various fundamental rights, fundamental duties and directive principles. We need constitutional laws to regulate the system that prevails in the country. It acts as an obligation on the citizens where they cannot go beyond its fundamental rights, which is a must so as to monitor the whole nation at a time.

- Constitutional law creates a sense of equality amongst the citizens. It is like a parent to a child who imposes certain conditions but its sole purpose is the well being of the child. The same way Constitutional law acts for its citizens. Constitutional laws provide to some people who can either be elected or nominated for law making depending upon the nation's Constitutional provisions. Constitutional law facilitates the head of the State to administer the whole country which is large, culturally and linguistically diverse.

**Rule of Law**

- The colonial regime introduced the English concept of 'Rule of Law' in India. The three major features of the Rule of Law are

1. All are equal before law
2. Nobody is above law and
3. The same law is applicable to all.

- The Rule of law ensures 'equality of all citizens in the judicial process and reduces the scope of nepotism, favoritism, arbitrariness, unhealthy executive interferences in the judicial process. Rule of Law provides an effective check to the abuse of authority by executives and administrators. The procedural laws and constitutionally guaranteed fundamental rights ensure enforcement of Rule of Law.

## 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 organization, 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 and government. It determines the organization 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. There are a few reasons for the development of administrative law in India.

- Firstly, India is a 'Welfare State'. Government activities have increased and thus the need to regulate the same. Therefore, this branch of administrative law was developed. Secondly, there is the inadequacy of the legislatures. The legislatures have no time to legislate upon the ever changing needs of the society. Even if it does, the lengthy and time taking legislation procedure would render the rule so legislated of no use as the needs would have changed by the time the rule is implemented.

- Thirdly, there is judicial delay in India. The judicial procedure of adjudicating matters is very slow, costly complex and formal. Furthermore, there are so many cases already lined up that speedy disposal of suites is not possible. Hence, the need for administrative tribunals arose.

- Fourthly, as administrative law is not a codified law there is a scope of modifying it as per the requirement of the State machinery. Hence, it is more flexible. The rigid legislating procedures need not be followed again and again. There is a basic difference between constitutional law and administrative law. A constitutional law is the supreme law of the land. No law is above the constitutional laws and hence must satisfy its

provisions and not be in its violation. Administrative law is therefore subordinate to constitutional law. Constitutional law deals with the structure of the State and its various organs. Administrative laws deal only with the administration. Administrative authorities should first follow the constitutional laws and then work as per administrative law.

## Indian Penal Code

- The Indian Penal Code is the criminal code of India. It is a comprehensive code intended to cover all substantive aspects of criminal law. The code was drafted in 1860 on the recommendation of the first law commission of India established in 1834. It came into force in British India during the early British Raj period of 1862. The objective of this act is to provide a general penal code for India.

- The Indian Penal Code has a basic format, it is a document that lists all the cases and punishments that a person committing any crimes is liable to be charged. It covers any person of Indian citizenship. The exceptions are the military and other armed forces, they cannot be charged based on the Indian Penal Code. They have a different set of laws under the Indian Penal Code as well. The Indian judicial system is one that has evolved into a stable and fair system of detention and penalizing, after being tested well for several years.

- The most important feature of the Indian Penal Code is the impartial nature of judgments promoted by the document. The Indian Penal Code does not include any special favours for any special person at some position. Thus, the code stands alike for government employees, as for common man, and even for a judicial officer. This builds up the faith of the common citizens in the law making and enforcing bodies in the country and prevents any sort of corruption or misuse on the part of the people in power.

- The Indian Penal Code includes all the relevant criminal offences dealing with offences against the State, offences in public, offences for armed forces, kidnapping, murder and rape. It also deals with offences related to religion, offences against property and it has an important section for offences for marriage, cruelty from husbands or relatives, defamation and so forth. Indian Penal Code also provides for group liabilities that is,

group liability under section 34 in the form of a rule of evidence making each member of the group liable for the final act if he has in any manner participated in action in furtherance of the common intention of all members of the group irrespective of his individual contribution which may have been very small.

- Group liability under section 149 is envisaged making the members of the unlawful assembly vicariously liable for the criminal act which is in furtherance of the common object or what members of the unlawful assembly ought to have known is likely to be committed in given circumstances besides making each of them liable for punishment for being member of an unlawful assembly. The code also makes punishable what are described as inchoate crimes that is, amendment, attempt and criminal conspiracy etc.

- The Indian Penal Code has been amended numerous times according to the emerging needs. Concepts like sedition which were outside the purview of the Indian Penal Code was included into it after amendments. The need to revamp the criminal justice system was felt for quite sometimes as it has come under severe stress and strain due to changing aspirations of the citizens and the resulting social transformation. The process of criminal investigation, prosecution and adjudication necessarily warrants changes and transformation in tune with the developments in science and technology.

- The information age has ushered in modern methods of criminal activities which needs new methods of investigation and prosecution. For these, new criminal laws are needed. In view of this the Indian government set up the V.S Malimath committee in 2000 to consider measures for revamping the criminal justice system in the country. The committee submitted its report in 2003. This report has been examined at various levels to consider the various measures recommend by it for revamping the criminal justice system. Some of the recommendations of the committee have been accepted by the government and have been incorporated in the criminal law of the land substantive and procedural.

# Unit – 6
## Administrative Machinery in India

## Framework of Indian Administration
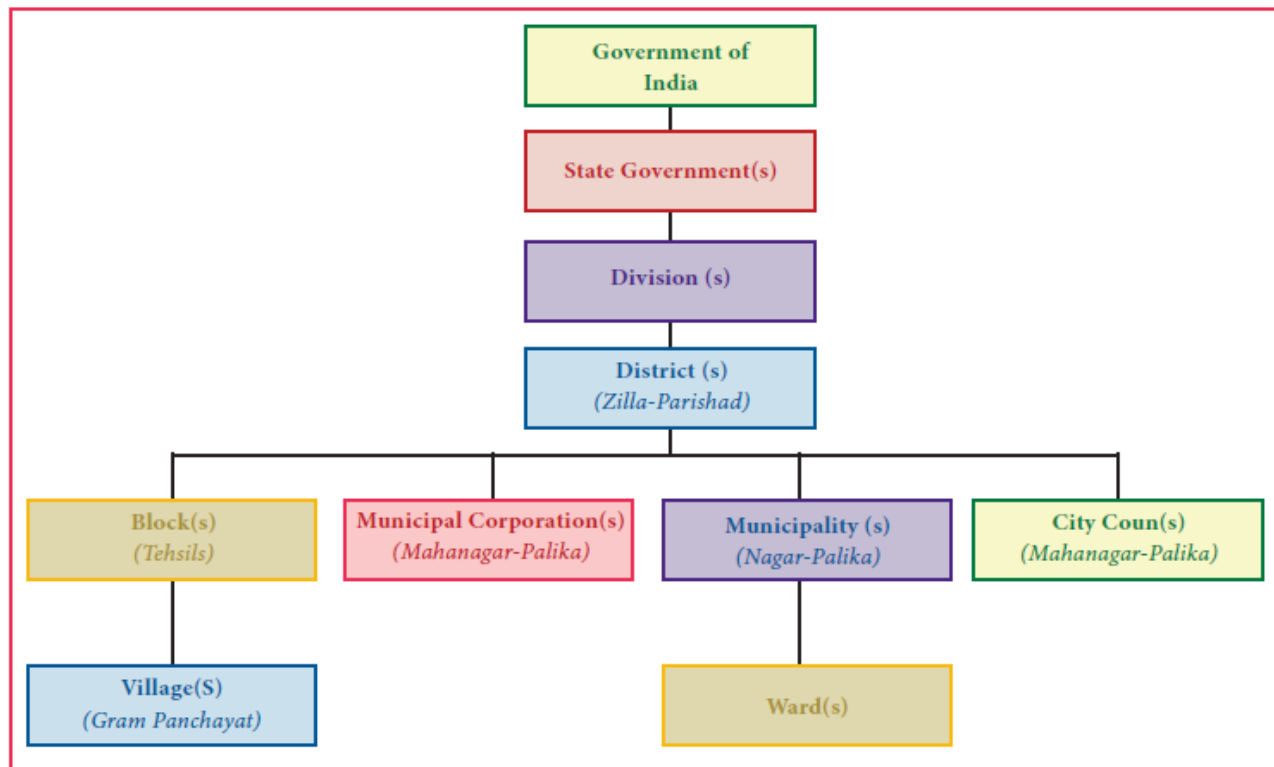


**Evolution of Indian Administrative System since Independence**

- Modern India's administrative system had its beginnings in the colonial era. Until 1773, There was no regular system of administration in company's newly acquired territories in India. In theory the East India company acted as the agents of the Mughal Emperor, or the Nawabs. They managed the revenue affairs with nominated officials and traditional native sub staff. They gave priorities to military and policing requirements. Most of the Company's officers were ill educated, in experienced and untrained.

- As the foreign officers had no respect and sympathy for the native people, and as they were not accountable to any legislature, mal administration and corruption became order of the day. English parliamentarians like Edmund Burke brought such issues to the notice of the parliament. Such parliamentary criticisms resulted in the introduction

of the regulating Act 1773 and the successive Charter Acts, through which the Company's Indian administration was brought under the surveillance of the British Parliament. The Court of Directors and the Board of Control in England war subordinated to the parliament and the British Cabinet. Thus the administration of Company's territories was systematized, regularized and made accountable to parliament.

- Thereafter the English officials to India were trained at Hailey bury College. The selected officers of the Superior cadre were known as the members of the Covenanted Service. They assisted the Governor Generals and Governors in administration. Indian were appointed for middle level and interior services. As the company was unwilling to interface in nature traditions, and as it was desirous of winning the support of the influential. And traditional classes and caster for the colonial regime, They mostly accommodated people from such classes and castes in the middle level or lower level administrative assignments. There was no regular system for appointments in the middle and lower level offices.

- Persian was retained as official language till 1840: As such the English people were having a monopolistic hold over the superior services and native elites cornered all lower level offices. Gradually there emerged a demand for accommodating Indians in superior services. The introduction of European model of education and English medium prompted the Indians educated in the Macaulay on system to plead with the colonial authorities for throwing open the higher servicer to Indians. After the Crown took over the Indian administration in 1858. The administrative system was revised, and the Indian civil Service (ICS) organized. Offices to highest administrative and judicial positions were to be chosen through a competitive (ICS) examination and training. The elite Indians wanted age relaxations for Indians, and also insisted simultaneous ICS examinations in India too. These because the early demands in the Indian national movement.

- Until the 1919 Government of India Act, Indians could not occupy the highest executive posts. The Dyarchy, under the said Act, provided the 'transferred departments' to be entrusted to the Indian ministers, chosen from the elected members of the legislature. But the Executive officials continued to be under the control of the Governors. It was during this period, the adhere appointments to lesser services was protested and a

regular public service commission was contemplated. After India's independence, the existing services were reformed: ICS was replaced with Indian Administrative Service(IAS) thus the administrative system was totally India missed and recruitment through Public Service Commission because the basic feature.

**Indian Administrative System in the post Independent era:**

- The functions and responsibilities of the Indian administration had to undergo significant changes in the Independent India. It is made accountable to the legislature and executive. As the Government of India preferred a welfare state, the responsibilities of the administrative agencies increased manifold.

- The new Government under Jawaharlal Nehru. Opted for 'democratic Socialism' and introduced a planned economy to achieve modernization, equalization, and tester growth. 'Mixed economy' was chosen to ensure the combination of democracy and socialism. Basic industries ( Like steel and iron) were developed through Government sector. While the private sector was allowed to involve in medium industries, transport, aviation etc. The administrative system had to exert more to achieve the goals in each plan. The first three ' Five year plans' yielded tremendous results. But thereafter the Indian economy had to confront several crises. Capitalism in Its 'Corporate' facade triumphed, the tall of the Soviet union, and other socialist countries. Creation a new challenge By 1990, India has fallen in line with the trend of Globalization – Privatization – Liberalization. The Indian administrative system adopted itself admirably to the Changing conditions. Corruption is a serious issue, but Corruption at highest level involving highest administrative officers is nothing to do with the economic order that the nation Chooses from time to time, as we found similar corruption in pre – Nehru era, as well as in the current economic order. There were corruptions and corrupt officials in every order, but for that reason, we ought not condemn the whole democratic system.

- While the Colonial regime introduced modern administrative devices like Survey, Census, Creation of a number of departments to deal with exclusive issues, the post – colonial era regimes in India successfully segregated judicial functions for executive functions, and introduced a number of measures for the welfare of the people in the eradication of

diseases extension of education massive irrigation schemes, electrification, for health and hygiene, in improving and expanding roads and railways.

- In every scheme of the parliamentary executive the administrative system plays a pivotal role. But for the trained, experienced and motivated administrative system, none of the developmental plans could have been materialized.

- There are now efforts to further democratize, modernize and humanize the Indian Administrative System So as to make them adequately relevant to the changing time. In a democratic system the officialdom ought not to be insulated from criticisms and responsible and lawful interventions. At the same time the officialdom cannot be degenerated as the wings of unethical and unlawful political activism. 'Checks and balances' would ensure a letter administrative system. It has to the and has to be guarded against pressures from extra- national and transnational forces.

- Our present constitution provide for a centralized administrative system. The personnel's in the State categories are subjected to twin masters, the state executive and the union executive. The administrative services created by the states are also subjected to union's supremacy. Liberalization does not mean that the bureaucracy is being relieved from excess burden, but if means reducing government's regulatory control over private sector. In the same way we now found a trend towards more centralization in policy making and policy enforcement. The Indian administrative system, which worked for the democratic socialist economy and planned economy earlier is now given the task of more privatization and more centralized taxation system. This new arrangement now known as new public Management (NPM) movement in public administration.

- The Indian administrative system has to cope up with the enforced new economic order. It has to strive for opening domestic markets to new investors, i.e. Corporate from both India and abroad. Now the administrative system has to work for disinvestment, desubsidization, liberalizing and centralizing the tax – system in favour of trade and investors. Mining, ports, petroleum, airways are systematically being corporatized. Labour laws being revised. The Indian bureaucracy has to carry out the guidelines of transnational or globe bodies like world Bank,

world Trade Organization, International monetary Fund in the domestic arena.

- The formation of regulators like IRDA,TRAI, CCI, PFRDA, SEBI, etc. have been a step in the same direction, further the idea of extending this concept to other areas is also being mooted, viz., in the infrastructure and mining sector. These reform proposals were also followed by reforms in the tax administration in the form of introduction of the VAT regime, introduction of a low and uniform tax rate regime, which is seen as the precursor to the uniform Goods and Services tax (GST). In all, these measures were received well by the industry and the markets and the numbers of economic growth started showing signs of increase and so much so that it is believed that the process of economic reform in India has been instrumental in pulling out more than 300 million out of poverty in India in a period of 20 years. Now-a-days the bureaucracy enjoys enormous powers not because it has a greed for power but because the need of the modern technological civilization has demanded this delegation. In recent times, there has been accelerated change globally brought about by technological advances, greater decentralization and social activism. The ramifications of these changes are being felt by government in the form of increasing expectations for better governance through effective service delivery, transparency, accountability and rule of law. But the public perception about the members of the civil services, who function at cutting edge and higher coordination and policy making levels, is that they are `burdensome low-performers' heading a highly bloated bureaucracy which is often perceived to be corrupt and inefficient in governing the country. The introduction of right to Information (RTI) Act, citizen charters and Social audit makes the administration more responsive and accountable to the public.

**Ministry, Department, Boards and Commissions**
**Union Government Ministries/Department**

- The main policy making institution in the Union government is the central secretariat which comprises all the ministries and departments which in turn characterized by certain patterns of structural arrangements and functional specifications.

## Structure of a Ministry

Ministry of Central Government has a three tier structure consisting of

- Political Head, who is a cabinet minister assisted by minister of state and deputy minister. Sometimes a minister of state may also be a political head of a ministry/department holding an independent charge.bSecretariatorganistion headed by a secretary who is a career civil servant. He is assisted by Joint secretaries, Deputy Secretaries, Undersecretaries and office establishment.bExecutive organization under a head of the department who is known by various designations like Director, Director-Genera, Commissioner, Inspector-General, Chief Controller etc…

- A ministry is primarily divided into departments .Each department is divided into wings. Each wing is in turn divided into divisions which are further divided into branches. Each branch is divided into sections. A section is the lowest level and smallest organizational unit of a ministry/department.

> Department (Secretary)
> Wing (Additional/Joint Secretary)
> Division (Deputy Secretary)
> Branch (Under Secretary)
> Section (Section Officer)

- Under the Government of India, Rules of Business, 1961, the ministries departments in the Government of India were as follows

## Central Secretariat

- The central secretariat comprises of all the ministries and departments of the central Government. Article 77 of the Indian Constitution authorizes the President of India to make rules for more convenient transaction of business of Central Government and for allocation of such business among the ministries.

### Role and Functions

- The Central Secretariat is a policy making body of the government and is not, to undertake work of execution, unless necessitated by the lack of official agencies to perform certain tasks. The Central Secretariat normally performs the following functions:

  1. Assisting the minister in the discharge of his policy making and parliamentary responsibilities.
  2. Framing legislation, rules and principles of procedure.
  3. Sectoral planning and programme formulation.
  4. Budgeting and control of expenditure in respect of activities of the Ministry/department.
  5. Supervision and control over the execution of policies and programmes.
  6. Initiating steps to develop greater personnel and organizational competence both in the ministry/department and its executive agencies.
  7. Coordination and interpretation of policies, assisting other branches of government and maintaining contact with state administration.

### Union Government Ministries/Department

1. **Ministry of Agriculture and Farmers Welfare**
   - Department of Agricultural Research and Education (DARE)
   - Department of Agriculture, Cooperation and Farmers Welfare
   - Department of Animal Husbandry, Dairying and Fisheries

2. **Ministry** of AYUSH
   - Ministry of Chemicals and Fertilizers
   - Department of Chemicals and Petrochemicals
   - Department of Fertilizers
   - Department of Pharmaceuticals

3. **Ministry** of Civil Aviation
   - Ministry of Coal
   - Ministry of Commerce and Industry
   - Department of Commerce
   - Department of Industrial Policy and Promotion

4. **Ministry** of Communications
   - Department of Posts
   - Department of Telecommunications (DOT)

5. **Ministry** of Consumer Affairs, Food and Public Distribution
   - Department of Consumer Affairs
   - Department of Food and Public Distribution

6. **Ministry** of Corporate Affairs
   - Ministry of Culture
   - Ministry of Defence
   - Department of Defence
   - Department of Defence Production
   - Department of Defence Research & Development
   - Department of Ex-Servicemen Welfare

7. **Ministry of Development of North Eastern Region**
   - Ministry of Drinking Water and Sanitation
   - Ministry of Earth Sciences
   - India Meteorological Department (IMD)

8. **Ministry of Food Processing Industries**
   - Ministry of Health and Family Welfare
   - Department of Health and Family Welfare
   - Department of Health Research, Ministry of Health & Family Welfare

9. **Ministry of Electronics and Information Technology**
   - Ministry of Environment, Forest and Climate Change
   - Ministry of External Affairs
   - Ministry of Finance
   - Department of Economic Affairs
   - Department of Expenditure
   - Department of Financial Services
   - Department of Investment and Public Asset Management
   - Department of Revenue

10. **Ministry of Consumer Affairs, Food and Public Distribution**
    - Central Armed Police Forces

- Central Police Organisation
- Department of Border Management
- Department of Home
- Department of Internal Security
- Department of Jammu & Kashmir (J & K) Affairs
- Department of Official Language
- Department of States

## 11. Ministry of Heavy Industries and Public Enterprises
- Department of Heavy Industry
- Department of Public Enterprises

## 12. Department of Atomic Energy
Department of Space
http://goidirectory.nic.in/ministries_departments_view.php

## 13. Ministry of Information and Broadcasting
- Ministry of Labour and Employment
- Ministry of Law and Justice
- Department of Chemicals and Petrochemicals
- Department of Fertilizers
- Department of Pharmaceuticals

## 14. Ministry of Petroleum and Natural Gas
- Ministry of Power
- Ministry of Railways
- Ministry of Road Transport and Highways
- Ministry of Rural Development
- Department of Land Resources (DLR)
- Department of Rural Development (DRD)

## 15. Ministry of Micro, Small and Medium Enterprises
Ministry of Mines
- Ministry of New and Renewable Energy
- Ministry of Panchayati Raj
- Ministry of Parliamentary Affairs
- Ministry of Personnel, Public Grievances and Pensions
- **Department of Administrative Reforms and Public Grievances (DARPG)**

- Department of Pension & Pensioner's Welfare
- Department of Personnel and Training

## 16. Ministry of Science and Technology
- Department of Biotechnology (DBT), Government of India
- Department of Science and Technology (DST)
- Department of Scientific and Industrial Research (DSIR)

## 17. Ministry of Shipping
- Ministry of Skill Development and Entrepreneurship
- Ministry of Social Justice and Empowerment
- Department of Empowerment of Persons with Disabilities
- Department of Social Justice and Empowerment

## 18. Ministry of Statistics and Programme Implementation
- Ministry of Steel
- Ministry of Textiles
- Ministry of Tourism
- Ministry of Tribal Affairs
- Ministry of Water Resources, River Development and Ganga Rejuvenation
- Ministry of Women and Child Development
- Ministry of Youth Affairs and Sports
- Department of Sports
- Department of Youth Affairs

## 19. Ministry of Housing and Urban Affairs
- Ministry of Human Resource Development
- Department of Higher Education
- Department of School Education and Literacy

**Cabinet Secretariat**
**Functions**

- The Cabinet Secretariat functions directly under the Prime Minister. The administrative head of the Secretariat is the Cabinet Secretary who is also the ex-officio Chairman of the Civil Services Board. The business allocated to Cabinet Secretariat under Government of India (Allocation of Business)

Rules, 1961 includes (i) Secretarial assistance to the Cabinet and Cabinet Committees; and (ii) Rules of Business.

## Organisation of Cabinet Secretariat

The Cabinet Secretariat has three wings
- Civil wing
- Military wing
- Intelligence wing

**Civil wing -** It is the main wing and provides aid, advice and assistance to the Union cabinet.

**Military wing -** provides secretarial assistance to the defence committee of the cabinet, the military affairs committee etc.

**Intelligence wing -** it deals with the matters pertaining to the joint intelligence committee of the cabinet.

- Other organizations are - RAW, Director General of Security, SPG, Joint intelligence group, DG public grievances (1988), National Authority, Chemical Weapons Convention.

- The Cabinet Secretariat is responsible for the administration of the Government of India (Transaction of Business) Rules,1961 and Government of India (Allocation of Business) Rules, The Secretariat assists in decision-making in Government by ensuring Inter-Ministerial coordination, ironing out differences amongst Ministries/Departments and evolving consensus through the instrumentality of the standing/adhoc Committees of Secretaries. Management of major crisis situations in the country and coordinating activities of various ministries in such a situation is also one of the functions of the Cabinet Secretariat.

## Support to Cabinet Committees

- The secretarial assistance, provided by Cabinet Secretariat to the Cabinet and Cabinet committees, includes
- Convening of the meetings of the Cabinet & its Committees on the orders of the Prime Minister.

- Preparation and circulation of the agenda.
- Circulation of papers related to the cases on the agenda.
- Preparation of record of discussions.
- Circulation of the record of discussions after obtaining the approval of the Prime Minister.
- Monitoring implementation of decisions taken by the Cabinet and its Committees.
- The Cabinet Secretariat is the custodian of the papers of the Cabinet meetings

## Cabinet Secretary

- The office of cabinet secretary was created in India in 1950. The first Cabinet secretary was N.R.Pillai. The Cabinet secretary is the head of the Cabinet Secretariat. He is given a top place among the civil servants. Thus he is the senior most civil servant in India.

## Union Government -Apex Bodies

- President of India
- Vice President of India
- Cabinet Secretariat
- Election Commission of India
- Union Public Service Commission (UPSC)
- National Human Rights Commission (NHRC), India
- Comptroller and Auditor General (CAG) of India,
- Indian Audit and Accounts Department
- NITI Aayog - National Institution for Transforming India
- National Commission for Women (NCW)
- National Commission for Scheduled Tribes (NCST)
- Fifteenth Finance Commission of India
- National Commission for Minorities(NCM)
- Insurance Regulatory and Development Authority (IRDA)
- Office of the Principal Scientific Adviser.

## The Prime Minister's Office (PMO)

- The Prime Minister's Office (PMO) consists of the immediate staff of the Prime Minister of India, as well as multiple levels of support staff

reporting to the Prime Minister. The PMO is headed by Adviserthe Principal Secretary, The PMO was originally called the Prime Minister's Secretariat until 1977, when it was renamed during the Morarji Desai ministry.

## Office of Principal Scientific Adviser

The Office of the Principal Scientific Adviser to the Government of India (O/o of PSA) was set-up in November, 1999, primarily to:
- Evolve polices, strategies and missions for the generation of innovations and support systems for multiple applications,
- Generate science and technology tasks in critical infrastructure, economic and social sectors in partnership with Government departments, institutions and industry,
- Office of PSA also services the Prime Minister's Science, Technology and Innovation Advisory Council (PM-STIAC)
- Office of PSA has been placed administratively under the Cabinet Secretariat in August, 2018.

- The PMO provides secretarial assistance to the Prime Minister. It is headed by the Principal Secretary to the Prime Minister. The PMO includes the anti-corruption unit and the public wing dealing with grievances. The office houses the Prime Minister and few selected officers of Indian Civil Service who work with him to manage and coordinate government and his office. The Prime Minister through his office coordinates with all ministers in the central union cabinet, minister of independent charges and governors and ministers of state government.

## Personnel Administration
## Concept of Personnel Administration

- The tasks of government are increasing every day. Development and welfare orientations have led to the expansion of government and its administrative machinery. As the tasks, responsibilities and activities of organisations whether public or private multiply, the demands on personnel, at every level, in terms of efficient discharge of their duties also rise. Thus the task of personnel administration is to, assure a steady source of people who can contribute to the success of an organization and meet the growing demands of development. To understand the concept of

personnel administration, it is very essential to first understand the meaning and nature of the term.

**Thus personnel administration aims at:**
- Effective utilisation of human resources
- Desirable working relations among all members of the organisation
- Maximum development
- Meeting the organisation's social and legal responsibilities.

## Scope of Personnel Administration

- Personnel administration incorporates all aspects of management of persons in organization. The primary objective of personnel administration, is to ensure effective utilization of human resources in pursuit of organizational goals. The personnel administration departments should design and establish an effective working relationship among all the members of an organization by division of organizational tasks into jobs, defining clearly the responsibility and authority for each job and its relation with other jobs in the organization. Personnel administration must try to enthuse among the employees feelings of commitment, Involvement and loyalty to the organization. The aim is to create cordial relations among the employees and do away with frictional situations arising out of personal jealousies, rivalries and prejudices. Personnel administration also has to curbunfavorable practices like favoritism and nepotism in an organization.

## Functions of personnel administration

Some of the important functions of personnel administration are :
a. Manpower Planning
b. Recruitment
c. Training
d. Promotion
e. Salary structuring
f. Employees' welfare

## Civil Services – meaning and features

Advantages of having an independent, permanent and impartial civil service are as follows:

i. The spoils system has the propensity to degenerate into a system of patronage, nepotism and corruption. Having a credible recruitment process through an impartial agency provides a defense against such abuse.

ii. Public policy today has become a complex exercise requiring in-depth knowledge and expertise in public affairs. A permanent civil service provides continuity and develops expertise as well as institutional memory for effective policy making.

iii. A permanent and impartial civil service is more likely to assess the long-term social payoffs of any policy whereas the political executive may have a tendency to look for short term political gain.

iv. A permanent civil service helps to ensure uniformity in public administration and also acts as a unifying force particularly in vast and culturally diverse nations.

v. A permanent civil service like any other reputable profession is likely to evolve over time an ethical basis for its functioning.

## Citizen and Bureaucracy

- At the heart of democracy lies the citizen. In the ancient state, the purpose of state was only threefold - defending the realm from external aggression, maintaining internal order, and rendering rough and ready justice. The bureaucracy was limited, and the might of the sword prevailed. In the medieval state, land relations were critical, and a somewhat larger bureaucracy was necessary in addition to the armed forces. In modern times, the state's role in creating common infrastructure and services became critical, and the bureaucracy's role expanded. In the 20th century state, helping the citizen fulfill her potential and eliminating avoidable suffering became the norm of Notes of a civilized state. Dignity, opportunity and justice became the new watchwords, and the role of bureaucracy vastly expanded.

- But despite democracy, we still have a highly centralized state. For a country of over a billion people, India has possibly the smallest number of final decision-makers in the public realm. The PM-CM-DM syndrome still dominates both our psyche and system. There is a near complete divorce between the vote and public good as a remote, centralized government has neither the will nor the capacity to address matters of real significance to the citizen - drinking water, sanitation, schooling, health care, electricity,

roads, transport, agricultural productivity, market linkage, value addition, skill promotion and myriad other needs.

- The district magistrate has become the embodiment of state power. As a result, the periodic change of governments has not altered the outcomes or quality of services. Politics has become a power game and power the source of private fortunes. The vote has become a purchasable commodity, or a means of transient assertion without real consequences. Democracy is reduced to electoral competition for power and elections about the fortunes of those who contest and not about the citizen and voter. The tax payer has no clue about the utilization of resources, nor any voice in demanding, and role in getting, better services. The remote-controlled bureaucracy is totally unaccountable to the local people whom it is supposed to serve.

**Core Principles for making civil services Citizen Centric are:**
1. Rule of Law
2. Making Institutions Responsive and Accountable
3. Active Citizens' Participation - Decentralization and Delegation
4. Transparency
5. Civil Service Reforms
6. Ethics in Governance
7. Periodical Reforms

**All India services, Central Services and State Services**

- A unique feature of the Indian Administration system, is the creation of certain services common to both - the Centre and the States, namely, the All India Services. These are composed of officers who are in the exclusive employment of neither Centre nor the States, and may at any time be at the disposal of either. The officers of these Services are recruited on an all-India basis with common qualifications and uniform scales of pay, and notwithstanding their division among the States, each of them forms a single service with a common status and a common standard of rights and remuneration.

- Like other federal polities the Centre and the constituent states, under the Indian Constitution, have their separate public services to administer their respective affairs. Thus, there are Central or Union Services to administer Union subjects, like defence, income tax, customs, posts and telegraphs,

railways, etc. The officers of these Services are exclusively in the employment of the Union Government. Similarly, the states have their own separate and independent services.

## All India services

- The Constitution provides for the creation of All India Services (AIS) common to the Union and the States. The All India Services Act, 1951 provides that the Central Government may make rules for regulating the recruitment and the conditions of service of persons appointed to the All India Services. Presently only the IAS, the IPS and the IFS (Indian Forest Service) have been constituted as All India Services. Recruitment to these services is made under the corresponding AIS Recruitment Rules and may be done by Direct Recruitment (through Competitive Examinations) and by promotion from the State Service . The AIS Branch is concerned with the latter mode of recruitment which is governed by the respective IAS/IPS/IFS Promotion Regulations.

## What are the different modes of recruitment to the All India Services?

There are two modes of recruitment to the All India Services;
  i.   Direct Recruitment: Through the Civil Services Examination for IAS and IPS and the Indian Forest Service Examination for the IFS. These Examinations are conducted by UPSC.
  ii.  Promotion/Selection: By way of promotion of the SCS/SPS/SFS officers to the respective All India Service and by way of selection of Non-State Civil Services (NSCS) Officers to the IAS.

## Indian Administrative Service

- The Indian Administrative Service (IAS) is the direct descendant of the old Indian Civil Service. As an all India service, it is under the ultimate control of the Union Government, but is divided into State cadres, each under the immediate control of a State Government. The salary and the pension of these officers are met by the States. But the disciplinary control and imposition of penalties rest with the Central Government which is guided, in this respect, by the advice of the Union Public Service Commission. On appointment, the officers are posted to different State cadres. The strength of each State cadre, however, is so fixed as to include are serve of officers who can be deputed for service under the Union Government for one or

more 'tenures' of three, four or five years before they return to the State cadre. The majority of individual officers have an opportunity of serving at least one spell of duty under the Union Government; many have more than one such spell. The practice of rotating senior officers in and out of the Secretariat position is known in official parlance as the tenure system.

- Another distinctive feature of this Service is its multi-purpose character. It is composed of 'generalist administrators' who are expected, from time to time, to hold posts involving a wide variety of duties and functions; for example, maintenance of law and order, collection of revenue, regulation of trade, commerce and industry, welfare activities development and extension work, etc. In brief, the IAS is intended to serve all the purposes formerly served by the ICS except providing officers for the judiciary. Thus, this Service is a kind of generalist service, and its officers are liable for posting in almost any branch, of the administration.

## Indian Police Service

- The Indian Police Service is an original all India Service (it had pre-in dependence origins) which differs from the IAS in two ways: (i) most of the officers in this service work only in the state since there are only a few police post sat the Centre and (ii) its pay scale and status are lower than those of the IAS. The officers of the IPS are recruited from the same unified All India Civil Service examination which recruits all members of the IAS, IFS and other Central Civil Services. Recruits to the IPS are first given a five months foundational training and later special training at the Sardar Pate1 National Police Academy, Hyderabad. The subjects of study and the training is drill, handling of weapons, etc., which have a direct bearing on the normal work of a police officer. The syllabus of training includes studies of crime psychology, scientific aids in detection of crime, methods of combating corruption and emergency relief. After completing a year's training, the probationer passes an examination conducted by the UPSC. He is, then appointed as an Assistant Superintendent of Police. But, before this appointment he has to undergo a year's programme of training; he is given practical training which requires him to do the work of various subordinate officers. It is only after this that he is appointed an Assistant Superintendent of Police.

- As an all India Service it is under the ultimate control of the Union Government, but is divided into state cadres, each under the immediate control of a state government. The Indian Police Service is managed by the Ministry of Home Affairs, though the general policies relating to its personnel are determined by the Department of Personnel and Administrative Reforms.

**Indian Forest Service**

- The Indian Forest Service is the only all India Service that has been set up after independence. It became operational by an Act of Parliament in 1963. Its pay scale and status is lower than that of the two original all India Services - the IAS and the IPS. Its recruits are chosen from an exclusive examination conducted by the Union Public Service Commission which consists of a written test and interview. Though it is an All India Service, its nature is not that of a generalized civil service, but is specialized and functional. It is managed by the Department of Personnel and Administrative Reforms which is in charge of making rules of recruitment, discipline and conditions of service regarding all India Services.

- After selection the appointees undergo a foundational course lasting three months along with successful candidates of the other all India and Central Services. After the foundation course, the probationers move to their own Academy (Indian Forest Institute) at Dehradun for a rigorous two year training course, the end of which they have to pass an examination before final posting. The Indian Forest Service is cadre-based as in the case of other All India Services. Like all other All India Services, a member of this Service can come to the Centre on deputation but has to go back to his cadre after the period of deputation is over.

- Unlike the all India services, the Central Civil Services are under the exclusive control of the Central Government, its member positions only in the Central Government. The Civil Services of the Central Government comprise established services known as central civil service as well as civil posts created outside the established services, which constitute the general central service. Both the established central civil services and the civil posts are classified in the descending order of importance into Class I, Class 11, Class 111 and Class IV.

- It has often been pointed out that since the appointing authority is the same, there is no justification for classifying the services into the all India and central services. Though the appointing authority is the same, yet there is a significant difference between the two. Officers of all India services are employed to serve under the central as well as the state governments. Further, the members of IAS can be appointed to any office calling for duties of a general supervisory nature, while the officers of the central services are employed in jobs of specialized nature. Therefore, the distinction can be said to be justified.

## Recruitment

- Recruitment to the Central Services Class I and I1 are made by the Union Public Service Commission on the basis of the unified all India Civil Service Examination.

## The Indian Foreign Service (IFS)

- The Indian Foreign Service comes under Central Civil Service - Class I and was created after Independence. It is under the exclusive control of the Central Government and its members are recruited from the top few positions of the All India Civil Services examination. Among the Central Civil Services it is the top most in prestige, status, pay and emoluments and its recruits are asked, to serve in Indian mission and embassies abroad. It is managed by the Ministry of External Affairs.

- Also, involved in the management of the IFS are the Department of Personnel which determines the conditions of service and the Ministry of Finance which is concerned with the pay scales and other financial aspects of conditions of service. In matters of allowances the members of the 1Gian Foreign Service are more fortunate compared to other services. They are entitled to foreign allowance which are fixed with reference to: (a) local cost of living, (b) other expenditure

- which an officer serving abroad necessarily incurs either at home or abroad, over and above that an officer of corresponding grade serving in India, (c)representational expenditure, i.e., expenditure which while optional for a private individual is obligatory for a member of the service resident, by virtue of his official position.

- The recruit of the IFS undergoes a training programme which covers a period of three years. He is attached to a district for some time to enable him to pick up contact with practical work, he also undergoes a period of secretariat training.

**UPSC- Organization, Powers, Functions and Role**

**Historical Perspective**

- The origin of the Public Service Commission in India is found in the First Dispatch of the Government of India on the Indian Constitutional Reforms on the 5th March, 1919 which referred to the need for setting up some permanent office charged with the regulation of service matters. This concept of a body intended to be charged primarily with the regulation of service matters, found a somewhat more practical shape in the Government of India Act, 1919. Section 96(C) of the Act provided for the establishment in India of a Public Service Commission which should "discharge, in regard to recruitment and control of the Public Services in India, such functions as may be assigned thereto by rules made by the Secretary of State in Council".

- After passing of the Government of India Act, 1919, in spite of a prolonged correspondence among various levels on the functions and machinery of the body to be set up, no decision was taken on setting up of the body. The subject was then referred to the Royal Commission on the Superior Civil Services in India (also known as Lee Commission). The Lee Commission, in their report in the year 1924, recommended that the statutory Public Service Commission contemplated by the Government of India Act, 1919 should be established without delay.

- Subsequent to the provisions of Section 96(C) of the Government of India Act, 1919 and the strong recommendations made by the Lee Commission in 1924 for the early establishment of a Public Service Commission, it was on October 1, 1926 that the Public Service Commission was set up in India for the first time. It consisted of four Members in addition to the Chairman. Sir Ross Barker, a member of the Home Civil Service of the United Kingdom was the first Chairman of the Commission.

- The functions of the Public Service Commission were not laid down in the Government of India Act, 1919, but were regulated by the Public Service Commission (Functions) Rules, 1926 framed under sub-section (2) of Section 96(C) of the Government of India Act, 1919. Further, the Government of India Act, 1935 envisaged a Public Service Commission for the Federation and a Provincial Public Service Commission for each Province or group of Provinces. Therefore, in terms of the provisions of the Government of India Act, 1935 and with its coming into effect on 1st April, 1937, the Public Service Commission became the Federal Public Service Commission.

- With the inauguration of the Constitution of India in January 26, 1950, the Federal Public Service Commission came to be known as the Union Public Service Commission, and the Chairman and Members of the Federal Public Service Commission became Chairman and Members of the Union Public Service Commission by virtue of Clause (1) of Article 378 of the Constitution.

- The Union Public Service Commission is a Constitutional Body established under Article 315 of the Constitution of India. The Commission consists of a Chairman and ten Members.

- Union Public Service Commission is a Constitutional Body, which has been mandated the responsibilities of making recruitment by conduct of competitive examinations as well as selection through interviews, advising on the suitability of officers for appointment on promotion and transfer-on-deputation, advising the Government on all matters relating to methods of recruitment to various services, framing & amendment of Recruitment Rules, disciplinary cases relating to various Civil Services, miscellaneous matters relating to grant of extra-ordinary pensions, reimbursement of legal expenses etc, advising the Government on any matter referred to the Commission by the President of India and on the request of the Governor of a State, to serve all or any of the needs of a State relating to recruitment, with the approval of the President.

- In order to fulfill its constitutional obligations, the Commission is supported by Officers/Staff broadly known as Secretariat of the Commission, headed by the Secretary. The Administration Branch of the Commission is entrusted with the functions of administering the

Secretariat of the Commission as well as looking after the personal matters of Hon'ble Chairman/ Hon'ble Members and other Officers/ Staff of the Commission.

**The Mandate of Union Public Service Commission**
**The Mandate of Union Public Service Commission Under Article 320 and 321 of the Constitution of India, includes:**
1. Recruitment by conduct of competitive examinations;
2. Recruitment by Selection through Interviews;
3. Advising on the suitability of officers for appointment on promotion as well as transfer-on-deputation;
4. Advising the Government on all matters relating to methods of Recruitment to various services and posts; framing and amendment of Recruitment Rules;
5. Disciplinary cases relating to different civil services;
6. Miscellaneous matters relating to grant of extraordinary pensions, reimbursement of legal expenses, etc.
7. Advising the Government on any matter referred to the Commission by the President of India.
8. On the request of the Governor of a State, to serve all or any of the needs of a State relating to recruitment, with the approval of the President.

**Methods of Recruitment is made by one of the following four methods:**
1. Direct Recruitment
2. Promotion
3. Deputation/absorption; and
4. Composite Method (Deputation + Promotion)

**Direct Recruitment**

Direct Recruitment is conducted broadly under the following two methods:

1. Recruitment by Competitive Examination; and
2. Recruitment by Selection. Recruitment Through Examination The Commission conducts following examinations on a regular basis at various Centers located throughout the country for appointment to various Civil/Defense services/posts:

1. Civil Services (Preliminary) Examination;
2. Civil Services (Main) Examination;

3. Engineering Services Examination;
4. Combined Medical Services Examination;
5. Indian Forest Service Examination;
6. Geologists' Examination;
7. Indian Economic Service/ Indian Statistical Service Examination;
8. Special Class Railway Apprentices' Examination [Held every alternate year];
9. Combined Defense Services Examination [Held twice a year];
10. National Defense Academy and Naval Academy Examination [Held twice a year];
11. Central Police Forces (Assistant Commandants) Examination;
12. Section Officers/ Stenographers (Grade-B/Grade-I) Ltd. Departmental Competitive Examination;
    a. A Calendar of examinations is published in the Employment News / RozgarSamachar, stating name of examination, date of notification, date of receipt of application & date of commencement of examination, well in advance normally in October of the preceding year and also displayed on the websitewww.upsc.gov.in

| Constitutional Provisions | |
|---|---|
| Article - 315 | Public Service Commissions for the Union and for the States. |
| Article – 316 | Appointment and term of office of members. |
| Article – 317 | Removal and suspension of a member of a Public Service Commission. |
| Article – 318 | Power to make regulations as to conditions of service of members and staff of the Commission. |
| Article – 319 | Prohibition as to the holding of offices by members of Commission on ceasing to be such members. |
| Article – 320 | Functions of Public Service Commissions. |
| Article – 321 | Power to extend functions of Public Service Commissions. |
| Article – 312 | Expenses of Public Service Commissions. |
| Article – 313 | Reports of Public Service Commissions. |

**Functions**

- Under Article 320 of the Constitution of India, the Commission is, inter-alia, required to be consulted on all matters relating to recruitment to civil services and posts. The functions of the Commission under Article 320 of the

**Constitution are:**

- Conduct examinations for appointment to the services of the Union.
- Direct recruitment by selection through interviews.
- Appointment of officers on promotion / deputation / absorption.
- Framing and amendment of Recruitment Rules for various services and posts under the Government.
- Disciplinary cases relating to different Civil Services.
- Advising the Government on any matter referred to the Commission by the President of India.

## State Public Service Commission

- Parallel to the Union Public Service Commission (UPSC) at the Centre, there is a State Public Service Commission (State Public Service Commission) in a state. The same set of Articles (i.e., 315 to 323 in Part XIV) of the Constitution also deal with the composition, appointment and removal of members, power and functions and independence of a State Public Service Commission.

## Composition

- A State Public Service Commission consists of a chairman and other members appointed by the governor of the state. The Constitution does not specify the strength of the Commission but has left the matter to the discretion of the Governor. Further, no qualifications are prescribed for the commission's membership except that one-half of the members of the commission should be such persons who have held office for at least ten years either under the government of India or under the Government of a state. The Constitution also authorizes the governor to determine the conditions of service of the chairman and members of the Commission.

- The chairman and members of the Commission hold office for a term of six years or until they attain the age of 62 years, whichever is earlier (in the case of UPSC, the age limit is 65 years). However, they can relinquish their offices at any time by addressing their resignation to the governor.

- The governor can appoint one of the members of the State Public Service Commission as an acting chairman in the following two circumstances:

a. When the office of the chairman falls vacant; or
b. When the chairman is unable to perform his functions due to absence or some other reason.

- The acting chairman functions till the person appointed as chairman enters on the duties of the office or till the chairman is able to resume his duties.

**Removal**

- Although the chairman and members of a State Public Service Commission are appointed by the governor, they can be removed only by the president (and not by the governor). The president can remove them on the same grounds and in the same manner as he can remove a chairman or a member of the UPSC. Thus, he can remove him under the following circumstances:

a. If he is adjudged an insolvent (i.e., has gone bankrupt); or
b. If he engages, during his term of office, in any paid employment outside the duties of his office; or
c. If he is, in the opinion of the president, unfit to continue in office by reason of infirmity of mind or body.

- In addition to these, the president can also remove the chairman or any other member of State Public Service Commission for misbehavior. However, in this case, the president has to refer the matter to the Supreme Court for an enquiry. If the Supreme Court, after the enquiry, upholds the cause of removal and advises so, the president can remove the chairman or a member. Under the provisions of the Constitution, the advise tendered by the Supreme Court in this regard is binding on the president However, during the course of enquiry by the Supreme Court, the governor can suspend the concerned chairman or member, pending the final removal order of the president on receipt of the report of the Supreme Court.

- Further, the Constitution has also defined the term 'misbehaviour' in this context. The Constitution states that the chairman or any other member of a State Public Service Commission is deemed to be guilty of misbehavior.

If he (a) is concerned or interested in any contract or agreement made by the Government of India or the government of a state, or (b) participates in any way in the profit of such contract or agreement or in any benefit there from otherwise than as a member and in common with other members of an incorporated company.

## Independence

- As in the case of UPSC, the Constitution has made the following provisions to safeguard and ensure the independent and impartial functioning of a State Public Service Commission:

a. The chairman or a member of a State Public Service Commission can be removed from office by the president only in the manner and on the grounds mentioned in the Constitution. Therefore, they enjoy the security of tenure.
b. The conditions of service of the chairman or a member, though determined by the governor, cannot be varied to his disadvantage after his appointment.
c. The entire expense including the salaries, allowances and pensions of the chairman and members of a State Public Service Commission are charged on the consolidated fund of the state. Thus, they are not subject to vote of the state legislature.
d. The chairman of a State Public Service Commission (on ceasing to hold office) is eligible for appointment as the chairman or a member of UPSC or as the chairman of any other State Public Service Commission, but not for any other employment under the Government of India or a state.
e. A member of a State Public Service Commission (on ceasing to hold office) is eligible for appointment as the chairman or a member of the UPSC, or as the chairman of that State Public Service Commission or any other State Public Service Commission, but not for any other employment under the Government of India or a state.
f. The chairman or a member of a State Public Service Commission is (after having completed his first term) not eligible for reappointment to that office (that is, not eligible for second term)

## Functions

- A State Public Service Commission performs all those functions in respect of the state services as the UPSC does in relation to the Central services:

a. It conducts examinations for appointments in the services of the state.

b. It is consulted on the following matters related to personnel management:

i. All matters relating to methods of recruitment to civil services and for civil posts.

ii. The principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another.

iii. The suitablility of candidates for appointments to civil services and posts; for to another; and transfers from one service to another; and appointments by transfer or deputation. The concerned departments make recommendations for promotions and request the State Public Service Commission to ratify them.

iv. All disciplinary matters affecting a person serving under the government of the state in a civil capacity including memorials or petitions relating to such matters. These include:

- Censure (severe disapproval)
- Withholding of increments
- Withholding of promotions
- Recovery of pecuniary loss
- Reduction to lower service or rank (demotion)
- Compulsory retirement
- Removal from service
- Dismissal from service

v. Any Claim for reimbursement of legal expenses incurred by a civil servant in defending legal proceedings instituted against him in respect of acts done in the execution of his official duties.

vi. Any claim for the award of a pension in respect of injuries sustained by a person while serving under the government of the state and any question as to the amount of any such award.

vii. Any other matter related to the personnel management.

- The Supreme Court has held that if the government fails to consult the State Public Service Commission in these matters, the aggrieved public servant has no remedy in a court. In other words, the court held that any irregularity in consultation with the State Public Service Commission or acting without consultation does not invalidate the decision of the

government. Thus, the provision is directory and not mandatory. Similarly, the court held that a selection by the State Public Service Commission does not confer any right to the post upon the candidate. However, the government is to act fairly and without arbitrariness or malafides.

- The additional functions relating to the services of the state can be conferred on State Public Service Commission by the state legislature. It can also place the personnel system of any local authority, corporate body or public institution within the jurisdiction of the State Public Service Commission. Hence, the jurisdiction of State Public Service Commission can be extended by an Act made by the state legislature.

- The State Public Service Commission presents; annually, to the governor a report on its performance. The governor places this report before both the Houses of the state legislature, along with a memorandum explaining the cases where the advice of the Commission was not accepted and the reasons for such non- acceptance.

## Limitations

- The following matters are kept outside the functional jurisdiction of the State Public Service Commission. In other words, the State Public Service Commission is not consulted on the following matters:

  a. While making reservations of appointments or posts in favour of any backward class of citizens.
  b. While taking into consideration the claims of scheduled castes and scheduled tribes in making appointments to services and posts.

- The governor can exclude posts, services and matters from the purview of the State Public Service Commission. The Constitution states that the governor, in respect to the state services and posts may make regulations specifying the matters in which, it shall not be necessary for State Public Service Commission to be consulted. But all such regulations made by the governor shall be laid before each House of the state legislature for at least 14 days. The state legislature can amend or repeal them.

**Role**

- The Constitution visualizes the State Public Service Commission to be the 'watchdog of merit system' in the state. It is concerned with the recruitment to the state services and advises the government, when consulted, on promotion and disciplinary matters. It is not concerned with the classification of services, pay and service conditions, cadre management, training and so on. These matters are handled by the Department of Personnel or the General Administration Department. Therefore, the State Public Service Commission is only a central recruiting agency in the state while the Department of Personnel or the General Administration Department is the central personnel agency in the state.

- The role of State Public Service Commission is not only limited, but also recommendations made by it are only of advisory nature and hence, not binding on the government. It is up to the state government to accept or reject that advice. The only safeguard is the answerability of the government to the state legislature for departing from the recommendation of the Commission. Further, the government can also make rules which regulated the scope of the advisory functions of State Public Service Commission.

- Also, the emergence of State Vigilance Commission (SVC) in 1964 affected the role of State Public Service Commission in disciplinary matters. This is because both are consulted by the government while taking disciplinary action against a civil servant. The problem arises when the two bodies tender conflicting advice. However, the State Public Service Commission, being an independent constitutional body, has an edge over the SVC.

- Finally, the State Public Service Commission is consulted by the governor while framing rules for appointment to judiciary service of the state other than the posts of district judges. In this regard, the concerned state high court is also consulted.

**Staff Selection Commission**

**Function of Commission**

1. To make recruitment to (i) all Group "B" posts in the various Ministries/Departments of the Govt. of India and their Attached and

Subordinate Offices which are in the pay scales the maximum of which is `10,500 or below and (ii) all non-technical Group "C" posts in the various Ministries/Departments of the Govt. of India and their Attached and Subordinate Offices, except those posts which are specifically exempt from the purview of the Staff Selection Commission.

2. To conduct examinations and/or interviews, whenever required for recruitment to the posts within its purview. The examinations would be held as far as possible at different centres and successful candidates posted, to the extent possible, to their home State/Region.

3. In particular, to hold Open Competitive Examinations for recruitment to the posts of:

   i. Lower Division Clerks in the various Ministries/Departments, Attached and Subordinate Offices of the Government of India including those participating in the Central Secretariat Clerical Service /Indian Foreign Service (B), Railway Board Secretariat Clerical Service and the Armed Forces Headquarters Clerical Service;

   ii. Grade "C" and Grade 'D" Stenographers of the Central Secretariat Stenographers Service and equivalent Grades of Indian Foreign Service (B) Railway Board Secretariat Stenographers Service/Armed Forces Head quarters Stenographers Service and to the posts of Stenographers in other Departments including Attached and Subordinate Offices of the Government of India not participating in the aforesaid Services;

   iii. Assistants in the various Ministries/Departments including Attached and Subordinate Offices of the Government of India including those participating in the Central Secretariat Service/ IFS (B)/ Railway Board Secretariat Service/Armed Forces Headquarters Civil Service;

   iv. Inspectors of Central Excise in different Collectorates of Central Excise, Inspectors of Income-Tax in different charges of the Commissioners of Income-Tax, Preventive Officers and Examiners in different Custom Houses, Assistant Enforcement Officers in Directorate of Enforcement;

   v. Sub-Inspectors in, Central Bureau of Investigation and Central Police Organisations;

   vi. Divisional Accountants, Auditors and Accountants under the Office of Comptroller and Auditor General of India and other Accounts

Departments and Upper Division Clerks in Attached and Subordinate Offices of the Government of India.

vii. Junior Engineer (Civil & Electrical) in CPWD, a Group 'C' Non-Gazetted, Non-Ministerial, General Central Services (Technical) post.

viii. Statistical Investigators, Grade IV of Subordinate Statistical Service (SSC), a Group 'C' non-gazetted, non-ministerial post in the Ministry of Statistics and Programme Implementation

ix. Tax Assistant (a Group C non – Gazetted Ministerial post in various Commissionerates of Central Board of Direct Taxes ( CBDT) and Central Board of Excise and Customs )

x. Section Officer ( Commercial Audit), a Group "B" Non-gazetted post in the Indian Audit and Accounts Department

xi. Section Officer (Audit) , a Group B Non-Gazetted post in the Office of the Comptroller and Auditor General

4. The Commission also holds Departmental Examination for promotion from: Group "D" to Lower Division Clerk Grade of the Central Secretariat Clerical Service and equivalent grades in Indian Foreign Service (B)/Railway Board Secretariat Clerical Service/Armed Force Hqrs. Clerical Service;

   i. Lower Divisional Clerks to Upper Divisional Clerks Grade of the Central Secretariat Clerical Service and equivalent Indian Foreign Service (B)/Railway Board Secretariat Clerical Service/Armed Forces Hqrs. Clerical Service;

   ii. Stenographers Grade "D" to Stenographers Grade "C" of the Central Secretariat Stenographers Service and equivalent grades in Indian Foreign Service (B)/Railway Board Secretariat Stenographers Service/Armed Forces Hqrs. Stenographers Service.

5. The Commission conducts periodical Typewriting Tests in English and Hindi.

6. The Commission prepares schemes for recruitment to all Group "B" posts which are in the pay scale of Rs 9300 to 34800 with a grade pay of Rs 42000 or below and Group "C" non-technical posts in the Ministries/Departmental of the Govt. of India including its Attached and Subordinate Offices in consultation with the Departments concerned.

7. The Commission conducts examinations/selections for recruitment to all Group "B" posts which are in the pay scales the maximum of which is Rs.10, 500 or below and all Group "C" non-technical posts in the Ministries/Departments of the Govt. from time to time.

8. The Commission performs such other functions as may be entrusted to it by the Central Govt. from time to time.

## Election Commission

- The Election Commission is a permanent and an independent body established by the Constitution of India directly to ensure free and fair elections in the country. Article 324 of the Constitution provides that the powers of superintendence, direction and control of elections to parliament, state legislatures, the office of president of India and the office of vice-president of India shall be vested in the election commission. Thus, the Election Commission is an all-India body in the sense that it is common to both the Central government and the state governments.

- It must be noted here that the election commission is not concerned with the elections to panchayats and municipalities in the states. For this, the Constitution of India provides for a separate State Election Commission.

## Comptroller and Auditor General of India

- The Constitution of India (Article 148) provides for an independent office of the Comptroller and Auditor General of India (CAG). He is the head of the Indian Audit and Accounts Department. He is the guardian of the public purse and controls the entire financial system of the country at both the levels the Centre and the state. His duty is to uphold the Constitution of India and laws of Parliament in the field of financial administration. This is the reason why Dr. B.R. Ambedkar said that the CAG shall be the most important Officer under the Constitution of India. He is one of the bulwarks of the democratic system of government in India; the others being the Supreme Court, the Election Commission and the Union Public Service Commission.

**Financial Administration**
**Financial Administration : Objectives**

- The vagaries of the market in the developed countries, have led to anenlarged scope of financial administration which is characterised by deficit budgets, massive public debt and deficit financing. Similarly, in the developing countries, where governments have assumed the role of a facilitator of development, fiscal policies and administration reflect a set of multiple objectives such as stability, development, self-reliance, reduction of interpersonal inequalities in income and wealth, and balanced regional development. Interestingly these countries also utilize the same instruments of action. Even though political ideologies, or economic doctrines are of crucial importance in the management of the affairs of the state, there are certain fundamental objectives of financial administration which transcend, politico-economic compulsions.

1. Management of the finances of public household
2. Implementation of projects and programmes
3. Provision for public goods and social services
4. Growth, Employment and Price Stability
5. Capital formation
6. Productive deployment of national funds
7. Facilitating smooth flow of parliamentary processes
8. Achieving equity and equality.

**Principles of Financial Administration**
**The following may be listed as some of the important principles of financial administration**

1. The principle of primacy of public interest, public choice and public policy
2. The principle of political direction and control
3. The principle of correspondence
4. The principle of unity of organisation and management
5. The principle of stability and balance
6. The principle of simplicity and flexibility
7. The principle of conduct, discipline and regularity
8. The principle of public trust and accountability.

## Four Distinct Phases- Financial Administrative History of India

Period I (1765-1858) - Creation of structure and concretisation.
Period II (1860-1919) - Development of systems and Procedures.
Period III (1919-1947) - Democratisation and Decentralisation
Period IV (1950-till date) - Development orientation.

## New Emerging Trends - Financial Administration in India

1. Regulation and control of fiscal deficit
2. Cutback on non-development expenditure
3. Development of zero base perspective
4. De-emphasised public sector
5. Non-bureaucratic delivery of public goods and services
6. Focus on decentralized responsibility for financing development plans
7. Towards deregulation and liberalization

## Enactment and Execution of Budget
## Budgetary Cycle

- In order to allow time for the executive and legislative processes to go through, budgeting is geared to a cycle. The process of approval is very significant in are possible form of government.

## The cycle consists of four phases:

Preparation and submission;
Approval;
Execution; and Audit
At any given point of time, several cycles would be in operation and would be over lapping. Nevertheless, various segments of a cycle have different operational life.

## Budget Preparation

- In India, budget preparation formally begins on the receipt of a circular from the Ministry of Finance sometime during September/October, that is, about six months before the budget presentation. The circular prescribes the time-schedule for sending final estimates separately for plan and non-plan, and the guidelines to be followed in the examination of budget

estimates to be prepared by the department concerned The general rule is that the person who spends money should also prepare the budget estimates. Budget proposals normally contain the following information:

i. Accounts classification
ii. Budget estimates of the current year
iii. Revised estimates of the current year
iv. Actuals for the previous year; and
v. Proposed estimates for the next financial year.

## Financial Year

- When the first modern budget was presented in 1860, the financial year adopted by the government was from 1st May to 30th April. Beginning with the year 1866, however, the financial year was changed to 1st April to 31stMarch, in conformity with the practice in England.

## Everything you wanted to know about the Sen-Bhagwati debate

- The debate on economic policy has never been as riveting as it is today, with two giants from the world of academic economics, AmartyaSen and JagdishBhagwati, tackling each other on what India's governance priorities should be.

- The debate between two of the finest Indian economists AmartyaSen and JagdishBhagwati reflects the deeper question facing India's political leaders

- The debate on economic policy has never been as riveting as it is today, with two giants from the world of academic economics, AmartyaSen and JagdishBhagwati, tackling each other on what India's governance priorities should be. Sen is a Nobel Prize winner in economics and a professor of economics and philosophy at Harvard University. Bhagwati is a Columbia University professor of economics, who has been nominated for the top honour several times. Along with Sen and Avinash Dixit, he is considered to be among the three greatest Indian economists ever.

- While Sen believes that India should invest more in its social infrastructure to boost the productivity of its people and thereby raise

growth, Bhagwati argues that only a focus on growth can yield enough resources for investing in social sector schemes. Investing in health and education to improve human capabilities is central to Sen's scheme of things. Without such investments, inequality will widen and the growth process itself will falter, Sen believes. Bhagwati argues that growth may raise inequality initially but sustained growth will eventually raise enough resources for the state to redistribute and mitigate the effects of the initial inequality.

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## Tax Structure in India