

Book: INDIAN CONSTITUTION AT WORK

CHAPTER - I

CONSTITUTION: WHY & HOW

ORIGIN OF THE TERM CONSTITUTION

The term constitution is derived from Latin word 'constitute' which means 'to establish'.

WHAT IS CONSTITUTION?

Constitution is the basis or fundamental laws of a state.

TYPES OF CONSTITUTION

There are four types of constitution

- 1 Written Constitution
- 2 Unwritten Constitution
- 3 Rigid Constitution
- 4 Flexible Constitution

1. Written Constitution

If the constitution of a state is in a written form it is called written constitution. E.g., India.

2. Unwritten Constitution

If the constitution of a state is in a unwritten form it is called unwritten constitution. E.g., Britain

3. Rigid Constitution

If the constitution of a state cannot be amended easily it is called rigid constitution. E.g., America

4. Flexible Constitution

If the constitution of a state can be amended easily it is called flexible constitution. E.g., Britain

FUNCTIONS OF CONSTITUTION

- 1 To provide a set of basic laws to coordinate the people of a given society.
- 2 To specify which institution has the decision-making authority in a country or society.
- 3 To limit the powers of the government.
- 4 To enable the government and to fulfil the aspiration and goal of society.

FUNDAMENTAL IDENTITY OF THE PEOPLE

Constitution makes some basic laws. These laws explain who should rule the society and how it should be ruled. It is called national identity or fundamental identity.

POLITICAL IDENTITY

By accepting the basic rules and regulation by the people. It is called political identity.

MORAL IDENTITY

Moral identity means what should do and what shouldn't be do. It represents the values of society. It is called moral identity.

AUTHORITY OF A CONSTITUTION

Constitution provides liberty, equality, peace and security to people while a constitution ensures all of these rights such constitution can keep the authority of a constitution.

MODE OF DECLARATION OR PROMULGATION

It means how a constitution came to exist.

There are some countries which constitution doesn't work properly. Because, the constitution was prepared by military chiefs or dictatorship or autocracy.

- But in some countries constitution work properly because there is a long period of freedom movement. Through this they got their independent. Finally, they organize a constitution for their own. E.g., India, South Africa, America.
- Indian constitution was formed by Constituent Assembly and prepared by popular leaders.
- In some country's constitution were formed based on referendum. E.g., Switzerland

THE SUBSTANTIVE PROVISION OF A CONSTITUTION

- The provision of a constitution should be acceptable for all.
- It doesn't keep any partiality towards any religion or any other group.
- If there is arise a feeling of suppression among people it will affect the smooth functioning of constitution.
- Complete justice cannot be possible through a constitution. Even though it can provide some basic norms related to the people.
- The content of the provision of constitution should keep liberty and equality.
- If a constitution can ensure the liberty and equality such type of constitution become success.

BALANCED INSTITUTION DESIGN

If a constitution failure or success depends on its institutional design.

- The powers don't carry in a single institution.
- The power should be distributed among different institution.
- E.g., Legislature, executive, judiciary.
- It ensures that if an agency misuses its powers other agencies can prevent it.
- The constitution should be ensuring the amendment based on socio-economic or political change.

MAKING OF INDIAN CONSTITUTION

- The Britain send a mission to India in the name of Cabinet Mission. One of the aims of this mission was to prepare a constitution for India.
- With the recommendation of this Mission formed a constituent assembly.

- The constituent assembly elected Sachidhanandha Sinha as the temporary president. Later elected Dr. Rajendra Prasad as the permanent president.
- Constituent assembly consist of eight committee. The most important committee among them were Drafting Committee.
- This committee chairman was Dr. B.R. Ambedkar. He is known as Architecture of Indian constitution.
- Indian constitution began on 9th December 1946 to 26th November 1949 is ended. It came to existent on 26th January 1950.
- The constitution take time to prepare about 2 years 11 months and 18 days.

There are two factors which gives authorities to Constituent Assembly.

1. Principles of deliberation

2. Procedure

1. Principle of Deliberation

- The members of Constituent Assembly discussed in every subject and finally added them to the provision of the constitution.
- They gave more importance for national interest then community interest.
- There is a debate and discussion occurred by arising issues among the members of constituent assembly.

2. Procedure

- The constituent assembly consist of 8 committee. Each committee study about each subject. The most important committee is 'Drafting Committee'.
- The chairman of this committee was Dr. B.R. Ambedkar.
- Drafting committee appointed in 1947.
- Indian constitution began its works on 9th December 1946. It completed on 26th November 1949. But it came to existent on January 26th 1950.

OBJECTIVE RESOLUTION

Objective resolution was introduced by Jawaharlal Nehru in 1946 December.

Major Content of Objective Resolution

- India is a sovereign democratic republic.
- Popular sovereignty
- The Indian constitution ensure the socio-economic justice for all.
- To ensure the protection for minorities and the other backward classes.
- To maintain unity of our nation.
- To ensure world peace and welfare

India Borrowed Different ideas from Different Countries

British Constitution

- First past the post system (F.P.T.P.)
- Parliamentary system
- Rule of law

- Role of speaker
- Law making procedure
- Citizenship
- American Constitution
- Fundamental rights
- Judicial review
- Preamble

Canadian Constitution

- Federal system with a strong central government.
- Residuary powers

French Constitution

- Liberty, equality, fraternity
- Republic

Irish Constitution (Ireland)

- Directive principles of state policy (DPSP)
- Elected head of state

Australian Constitution

- Concurrent list

Russian Constitution

- Fundamental duties

South African Constitution

- Constitutional amendment

German Constitution

- Emergency

CHAPTER - II

RIGHTS IN THE INDIAN CONSTITUTION

- Rights are essential factor to lead a better social life and it helps to fulfil the needs of individual. Besides this, it brings personal development and the progress of society.
- The democratic government will ensure the equal rights to its people or citizen without any discrimination.

BILL OF RIGHTS

In a democratic country the rights of citizens are listed in the constitution itself. This list of rights laid down and protected by the constitution it is called bill of rights.

FUNDAMENTAL DUTIES

- Swaran Singh Committee recommended the fundamental duties.
- It included in the Indian constitution through the 42nd Amendment in 1976.
- Part – IV-A of Indian constitution deals with fundamental duties.
- Article 51-A of Indian constitution deals with fundamental duties.

There are 11 duties should follow by Indian citizen.

1. To obey and respect the constitution and national flag and national anthem.
2. To cherish and follow the noble idea of our freedom struggle.
3. To protect the sovereignty of India.
4. To defend the nation.
5. To protect public property.
6. To protect natural resources.
7. To promote the common brotherhood among people.
8. To provide the rich heritage of India.
9. To develop scientific awareness and humanism among the people.
10. To strive all excellent in all individual and collective for development of nation.
11. Parents should provide education for their children belong the age between 6 to 14.

DPSP (Directive Principles of State Policy)

- Part IV of Indian constitution deals with D.P.S.P.
- From Article 36-51 deals with D.P.S.P.

Aim of D.P.S.P.

- Welfare of state
- To ensure socio- economic and political justice for all.

D.P.S.P. classified in to three

1. Socialist principle
2. Gandhian principle
3. Liberal principle

1. SOCIALIST PRINCIPLE

- Equal pay for equal work
- Right to work
- Fair distribution of resources
- Prevention of wealth concentrated in the hands of a few individual
- Removal of inequality

2. GANDHIAN PRINCIPLE

- Eradication of alcohol and other drugs.
- The formation of Grama Panchayath
- To encourage cottage industries
- Protect the weaker section from the social inequality. (provided education for weaker section)
- Organise agriculture and animal husbandry.

3. LIBERAL PRINCIPLE

- To form a secure uniform civil code
- To provide compulsory education between the age of 6 – 14.
- To maintain international peace and security.
- To separate judiciary from executive

RIGHT TO PROPERTY

- In 1978 the right to property deleted from the list of fundamental right.
- Right to property removed through the 44th amendment.
- Now right to property became legal right.
- It comes under Article 300-A.

The difference between fundamental rights and D.P.S.P.

Fundamental rights D.P.S.P.

- Avoid the government from
- doing certain things
- Allow the government to do
- certain things
- Protect the rights and interest of
- individual
- Protect the interest and welfare
- of state or society
- Fundamental rights are justiciable D.P.S.P. are non-justiciable
- Fundamental rights emphasis on
- civil liberty
- D.P.S.P. emphasis on social,
- economic, political justice
- The scope of fundamental rights
- is narrow
- The scope of D.P.S.P. is wide

NATIONAL HUMAN RIGHTS COMMISSION (N.H.R.C.)

- Human rights is the right of human being to live as a human.
- UNHRC – United National Human Rights Commission
- Human rights declaration took place on 10th December 1948.
- As part of this on 10th December celebrated as 'Human Rights Day'.
- In 1993 the NHRC was started in India.

- The first chairman of NHRC – Ranganadha Mishra
- The present chairman – K.G. Balakrishnan
- In NHRC there are 5 members.

–The former chief justice of Supreme Court

–The former judge of Supreme Court

–The former chief justice of High Court

–Two members who have knowledge and practical experience in matters related to human rights.

MAIN FUNCTIONS OF HUMAN RIGHTS COMMISSION

- To make awareness about human rights
- To conduct study about human rights
- To investigate about the human rights violation
- To receive petition from the victims of human rights violation
- To visit different place of human rights violation and make report.
- To encourage non-governmental organisation (NGO) to involve the human rights activities.

Article 21 of the national human right commission argue that each state should have form their own human right commission. As a result, in 1998 state human rights commission was formed (Kerala).

Major NGOs

- People's union for civil liberty (PUCL)
- People's union for democratic right (PUDR)

FUNDAMENTAL RIGHTS IN INDIAN CONSTITUTION

Part III of the constitution deals with fundamental rights.

The fundamental rights are:

Part III

1 Right to equality

2 Right to freedom

3 Right against exploitation

4 Right to freedom of religion

5 Cultural and educational right

6 Right to constitutional remedies

1. RIGHT TO EQUALITY (Article 14 - 18)

- It is the basic principle of Indian constitution.
- This right includes the following things.

1. Equality before law and equal protection of law (Ar-14)

Equality before law is borrowed from British constitution. The concept equal protection of law is borrowed from American constitution.

2. Protection from discrimination (Ar-15)
3. Equality of opportunities (Ar-16)
4. Eradication of untouchability (Ar-17)
5. Abolition of titles (Ar-18)

2. RIGHT TO FREEDOM (Article 19 - 22)

- Freedom doesn't mean the permission to do anything as one pleases.
- Freedom of a person should not hurt the freedom of other persons.
- The most important fundamental right is the right to personal liberty.
- It can be considered as the backbone of all other fundamental rights.

Article 19 guarantee six type freedom. They are:

1. Freedom of speech and expression
2. To assemble peaceably and without arms
3. To form association or unions
4. To move freely throughout the territory of India
5. To reside and settle in any part of India
6. To practice any profession or to carry on any occupation
 - Protection against conviction of offences (Article 20)
 - Right to life and personal liberty (Article 21)
 - Right to education (Article 21 A)
 - Protection against arbitrary arrest and detention (Article 22)

3. RIGHT AGAINST EXPLOITATION (Article 23 - 24)

In India their prevailed different forms of exploitation like slavery, beggar or bonded labour and child labour. The constitution sees a person exploiting another person as a criminal offence.

- A-23 prohibits traffic in human beings and all types of bonded labour like beggar.
- A-24 prohibits employment of children below the age 14 in factories, mines or any hazardous work.

4. RIGHT TO FREEDOM OF RELIGION (Article 25 – 28)

- It ensures freedom of faith and permit to all citizen.
- It allows the persons to profess and propagate any religion.
- The constitution envisages a secular democratic republic. So it ensures the

- enjoyment of the right to freedom of religion.
- This freedom is given through Article from 25 – 28

1. To profess and propagate any religion (Ar-25).
2. To establish and maintain institutions (Ar-26).
3. To get expanse for the promotion and maintenance of any particular religion (Ar-27).
4. To get the freedom from religious instructions in certain educational institutions (Ar-28).

5. CULTURAL AND EDUCATIONAL RIGHT (Article 29 - 30)

It is a fact that racial, religious, linguistic and cultural diversities exist in the Indian society.

Cultural and Educational Rights

The right of the minorities to conserve their language, script and culture (Ar-29)

The right to establish and administer educational institutions (Ar-30)

6. RIGHT TO CONSTITUTIONAL REMEDIES

- Dr. Ambedkar considered this right as heart and soul of the constitution.
- The right to constitutional remedies ensures the enjoyment of fundamental right by all individuals.
- If any of the fundamental right is violated the citizens can approach the high Court/Supreme Court to get it (Ar-32 Supreme Court, Ar-226 High Court).
- The Supreme Court and High Courts can issue orders and give directions to the government for the enforcement of these rights.

WRITS

- For enforcing fundamental rights, the courts can issue various types of writs.
- They are Habeas Corpus, Mandamus, Prohibition, Certiorari and Quo-Warranto.

1. HABEAS CORPUS (“That you have the body”)

This is writ issued by the court to release a person who is under illegal custody and produce him in the court.

2. MANDAMUS (“We command”)

This writ is issued by the court when it finds that a particular officer is not doing his legal duty.

3. PROHIBITION (“To stop or to forbid”)

This writ is issued to an inferior court if it goes beyond its jurisdiction.

4. CERTIORARI (“To be certify”)

The court may ask any inferior court to transfer the case to other court.

5. QUO-WARRANTO (“By what authority”)

This writ the court examine the legality of claim of a person to a public office.

CONSTITUTION AS A LIVING DOCUMENT

Is our constitution as a living document?

Our constitution came to exist on 26th January 1950. More than 60 years after that the same constitution exist and function in India. These documents may require modification according to socio-economic change therefore amendment is used. By this we can say that our constitution is a living document.

What is Amendment?

Amendment means to remove or include a new law in the constitution or to modify the existing laws. Parliament have the power to amend this constitution.

Article 368 deals with constitutional amendment.

Contents of Amendment made so far

1. Amendment of administrative or technical
2. Amendment through political consensus
3. Amendment of differing interpretation

Amendment of Administrative or Technical

- It means to include a new law by removing the existing laws.
E.g. Changed the retirement age of High Court judges as 60 - 62.
- The original provision for SC/ST was only for 10 years, it revised every year.

Amendment of differing interpretation

- The parliament may look at the provisions in the constitution from one angle and interpret them, according to judiciary may have a different view.
- When there is clash of views, the parliament being in the amendment to support their view.

Amendment through Political Consensus

- A number of amendments results from the consensus among political parties. Some changes have taken place in the political philosophy and aspirations of the people.
- 52nd amendment is an example. This was for anti-defection.

Controversial Amendment

Some amendment generates a lot of controversy. The opposition parties during 1971-76 period criticised these amendment (38, 39, 42, 44) as an attempt by the ruling party to subvert to constitution. These amendments came during the internal emergency in the country.

Methods to Amend the Constitution

1. Simple majority of parliament
2. Special majority of parliament
3. Special majority and ratification by half of the state legislature

Simple Majority

- Simple majority system is the easiest way to amend the constitution.
- It needs the majority of parliament members which are presented and president consent is essential for the approval of amendment. E.g. To form new state
- To change the names and boundaries of state
- Problem related to citizenship
- It can make changes in the 1, 4, 5, 6 schedules of constitution

Special Majority

- It is a way amending the constitution. Here 2/3 majority is needed to amend the constitution.
- The consent of both houses is essential to amend the bill. E.g., 3rd part (Fundamental right) 4th part (DPSP)

Special Majority and Ratification by Half of the State Legislature

- It is the most complicated amendment in the parliament.
- 2/3 majority from the parliament and consent of half of state legislature is needed for this amendment. E.g. To remove president and vice president
- To remove the judges of Supreme Court and High Court. Problem related to central and state conflict. Problem related to election of president. Problem related to 3rd list.

Basic Nature and Function of Constitution

- Secularism
- Independent judiciary
- Parliament system
- Fundamental rights
- Socio-economic justice
- Rule of law
- Federal system
- Judiciary review

Controversial Amendment

Here some members demanded for the amendment of constitution and some oppose it. It is called controversial amendment.

CHAPTER - X

PHILOSOPHY OF INDIAN CONSTITUTION

FEATURES OF INDIAN CONSTITUTION

- Written constitution
- Secular state
- Parliamentary system
- Fundamental rights
- Right to vote
- Single citizenship
- Social justice
- Popular sovereignty

POLITICAL PHILOSOPHY OF INDIAN CONSTITUTION

Indian constitution consists of moral value and good ideas. Constitution has its own political philosophy. So, we should keep a political philosophical approach towards constitution.

The content of Indian political philosophy is given below:

- Individual freedom
- Social justice
- Respect for diversity and minority right
- Secularism
- Universal adult franchise
- National identity
- Federalism

Criticism of Indian Constitution

- The Indian constitution is unwieldy.
- Unrepresentative
- Alien to Indian constitution.

Unwieldy Nature

- The criticism argue that the state document should be a compact.
- In India many statements are included.
- In a single document and this has made that document somewhat larger in size.

Unrepresentative Nature

- When the constituent assembly was formed, we didn't have adult franchise and most of the members of the constitution came from the upper class.
- It is true that constituent assembly was not represented in nature.

Alien Document

- In third criticism levelled against constitution is that it is all borrowed article by article from western countries.
- It is doesn't reflect the culture of our continuous and people.

Limitation of Indian Constitution

- Indian constitution has a centralised idea of national unity.
- It really covered up the problems within the family.
- Constitution has included socio-economic rights in the DPSP by not giving propriety to fundamental rights.

CHAPTER - III

ELECTION AND REPRESENTATION

ELECTION SYSTEM INDIA

FPTP is the electoral system of India. It is also known as:

1. Simple Majority System (SMS)

Or

2. Relative Majority System (RMS)

Or

3. Plural System (PS)

Through these system India conducted a three important election.

1. Panchayath election

2. Assembly election

3. Lok Sabha election

FPTP (First Past The Post System)

FPTP is a system of representation where a candidate who is elected in a majority is prepared as winner. It is called FPTP.

Features of Simple Majority System

- It is easily understandable for the common people.
- Voters can get choice based on their interest.
- Election based on constituency.
- To coordinate and mix different social beings.
- Voters can know about the qualities of candidates.
- To ensure the formation of sustainable government.

PROPORTIONAL REPRESENTATION

For ensuring sufficient representation to minority, there is a new electoral system formed in the name of proportional representation.

Features of Proportional Representation

- Country may be divided into a single constituency (Israel, Netherlands or Holland).
- Country may be divided into a multi member constituency (Argentina, Portugal).
- Vote for political parties.
- More than one representative is elected from a constituency.
- Political parties get seat in proportion of the percentage of vote that it gets.

TYPES OF PROPORTIONAL REPRESENTATION

Classified into two:

1. Single Transferable Vote System (STVS)

2. List System

SINGLE TRANSFERABLE VOTE SYSTEM

- It is also known as Hare System, because it was introduced by Thomas Hare.
- Machinery of Representation, Election of Representative are the two famous books written by Thomas Hare that explain about STVS.

Features of STVS

- Multi-member constituency
- Transfer of votes
- One effective vote and marking of preference.
- Quota system – the number of vote necessary for the candidate to win

How does proportional representation work in Rajya Sabha Election?

- In the Rajya Sabha election STVS is followed.
- Each state has its own seat.
- Seat determined on the basis of population of state.
- Rajya Sabha MPs are elected by the members of legislative assembly (MLAs).
- Every voter marks his preference
- To get elected the candidate should get the minimum quota of votes.
- A candidate secured minimum quota of vote

LIST SYSTEM

Each party prepared a list of candidates equal to the number of seats to be filled.

Why did India adopt the FPTP System?

- It is a simple electoral system without any complication
- FPTP system is a best suitable for a large country like India.
- FPTP system provided the voters to choose their favourable candidate.
- FPTP system represent a particular constituency.
- This system co-ordinate the different section of society.
- FPTP provide a stable government.

The difference between FPTP and Proportional Representation

FPTP

- The state divided in to a several constituencies
- Constituencies are small territorial area
- One representative is elected from each constituency
- Vote for candidate
- A party may get more seat which parties get more candidate
- The elected candidate shouldn't get majority vote
- This system prevailed in U.K. and India

Proportional Representation

- The state divided into a single or multi member constituency
- Constituencies are large territorial area
- Elects more than one person from a constituency
- Vote for political parties
- Each party gets seats proportion to their voting strength

- The elected candidate should get majority vote
- This system prevailed in Israel and Netherlands, Argentina, Portugal

Reservation of Constituencies

- There should be a reservation of seat for Socially, financially, educationally backward classes.
- Seat reserved for SC/ST
- The candidate must belong from reserve community.
- Reserved constituency determined under the combined action delimitation commission and election commission.
- In Kerala there are 140 seats in assembly, 14 seats reserved for SC and 2 seats for ST.
- In Lok Sabha there are 543 seats. Among these 79 seats reserved for SC and 41 seats for ST.

Women Representation

- Gender discrimination and lack of education is the reason of reservation.
- There is only 10% of women participation in the Lok Sabha and state assembly.
- 50% seats are reserved for women in the local bodies.

FREE AND FAIR ELECTION

- It is the features of democracy
- Universal adult franchise
- (Right to vote) is necessary.
- Inevitable process
- 5 year is the duration of election
- People's participation is essential

Universal Adult Franchise (Right to Vote)

- Right to vote is one of the most political right of a citizen.
- A-326 says that the election to Lok Sabha and legislative assembly should be based on adult franchise.
- Right to vote means those who have completed at the age of 18 there should be no discrimination on the ground of religion, caste, wealth, status, etc.
- Through the 61st constitutional amendment changed the voting age from 21 to 18. It was in 1989.

The following situation the citizen has no right to vote

- Absence of prescribed age limit
- Non-residing Indians
- Criminals (illegal activity), crime related to election, corruption.
- Mentally abnormal
- Those who are not entered in electoral role

RIGHT TO CONTEST IN ELECTION

Qualification for candidate:

- He should be an Indian citizen

- He should complete at the age of 25 for Lok Sabha and Assembly.
- He or she is not gone under imprisonment for one or more years.

INDEPENDENT ELECTION COMMISSION

- For conducting a free and fair election the constitution of India formed election commission.
- A-324 deals with election commission of India.
- Election commission is an independent body
- Election commission consist of single and plural till 1989.
- From 1993 Election commission become plural.
- In plural commission there are 3 members:

One: Chief Election Commission (CEC) Other 2 members are known as commissioners

- Election commissioner was appointed by Indian President
- Duration 65 years or 6 years' service.
- If violation of constitution arises, we can remove election commission before completing their duration.
- In each state they have their own state election commissioner.

FUNCTIONS OF ELECTION COMMISSION

To elect President, Vice President, parliament members (Lok Sabha, Rajya Sabha) and members of state legislatures.

- To give approval to political party.
- The election commission provide symbols.
- To notify the date and schedule of election
- To supervise the machinery of election.
- To appoint the officials for conducting election
- To settled a dispute related to election
- Safe custody of EVM (Electronic Voting Machine)
- Counting the vote
- Announcement of final result.

ELECTORAL REFORMS

There are many drawbacks in election process. So electoral reforms are essential. They are:

- Election must be changed from FPTP to proportional representation.
- Women should be given sufficient representation.
- Money and muscle power should be controlled.
- Caste and religious forces should not be allowed to influence election.
- Criminals should not be allowed to contest elections.
- Functioning of political parties should be regulated.
- Prevention of the misuse of governmental machinery.
- Photo identity card should be compulsory.

- The first woman election commissioner of India – V.S. Ramadevi

- First election commissioner – Sukumar Sen

Proposals for Reforming the Election System

For preventing money power and muscle power

- The state should bear the election expenses
- There must be limit for election expenses. Those who spend beyond this limit should be disqualified
- The candidates and the parties should submit the audited account of election expenses.
- Criminals should not be made candidates
- All criminal activities like booth capturing should be suppressed

To control political parties

- Democratic secular values should be inculcated in political parties
- Registration must be made compulsory for political parties
- Officer – bearers of the parties should be elected periodically
- Accounts of each party should be published after proper auditing

For adequate representation of women

- Sufficient representation should be given to women in parliament and state legislature.
- Women should be made party office-bearers.
- Steps should be taken to change the mentality to alienate women from public activities
- Political parties should give priority to women candidate

For reforming the election system

- E.C. should be a multi-member body. The number of members of commission should be increased.
- Photo identity cards should be made compulsory.
- Voters list should be renewed and made fool proof
- Voting is to be made compulsory
- General seats should be rotated

CHAPTER - IV

EXECUTIVE

EXECUTIVE

Main branch of government is executive. Responsible for the implementation of law and policies passed by the legislature is called executive.

TYPES OF EXECUTIVE

There are six types of executive.

1. SINGLE EXECUTIVE, PLURAL EXECUTIVE

The executive authority is vested in a single person it is called single executive. E.g., Indian Prime Minister, American President

The executive authority is vested in number of person is called plural executive. E.g., Switzerland (The executive power is handled by 7 members)

2. NOMINAL EXECUTIVE AND REAL EXECUTIVE

Nominal executive is the head of state, who exercise only nominal power is called nominal executive.

E.g. Indian President

Organs of Government

Legislature

(To make law)

Executive

(To enforce law)

Judiciary

(To protect law)

Real executive is the head of government, who exercise real power is called real executive.

E.g. Indian Prime Minister

3. PARLIAMENTARY EXECUTIVE AND PRESIDENTIAL EXECUTIVE

In a parliamentary executive, there are two important post like head of state and head of government. These two posts are handled by two different persons.

Such type of executive is parliamentary executive.

E.g. India, Britain, Germany, Italy

Presidential executive there are two important posts like head of state and head of government. These two posts are handled by one person only. Such type of executive is presidential executive.

E.g. America, Brazil

4 (a) HEREDITARY EXECUTIVES

In a hereditary system the monarch remains in his office still his death. After his death his elder son step into the office.

(b) ELECTIVE EXECUTIVE

If the chief executive is elected either directly or indirectly is called elective executive.

E.g. Indian President, USA President

(c) APPOINTIVE EXECUTIVE

If the executive is appointed by a superior authority is called appointive executive.

E.g. Governor is appointed by president.

5. POLITICAL EXECUTIVE AND PERMANENT EXECUTIVE

If the executive of a country is elected for a definite period is called political executive.

E.g. Government

If the executive of a country is appointed for permanent such executive is called permanent executive.

E.g. Civil service

6. SEMI-PRESIDENTIAL EXECUTIVE

In a semi-presidential executive, the president and prime minister share equal power. Such type of executive is called semi-presidential executive.

E.g. France, Russia, Sri Lanka

CENTRAL EXECUTIVE AND STATE EXECUTIVE

1. President
2. Vice president
3. Prime Minister
4. Council of Ministers

State Executive

1. Governor
2. Chief Minister
3. State Minister

1. PRESIDENT

- Article 52 deals with president
- He has only nominal power
- President is the head of state

QUALIFICATION TO BE AN INDIAN PRESIDENT

- He should be an Indian citizen
- He should complete at the age of 35
- He doesn't carry any job under central or state government
- He should have the qualification to elect in Lok Sabha

ELECTION OF PRESIDENT

The president of India is elected by electoral college. They are MLAs and MPs (electoral college) (from all state legislative assembly, all MP from Lok Sabha and Rajya Sabha)

REMOVAL OF PRESIDENT

President can be removed from the post in case of the violation of constitution arises. This process is called impeachment.

POWER AND FUNCTION OF INDIAN PRESIDENT

- Legislative power
- Executive power
- Judicial power
- Financial power
- Emergency power

1. LEGISLATIVE POWER OF PRESIDENT

- Parliament submit always begins with opening address of Indian president.
- There is urgent law is needed while the prime minister recommended to president to announce the law. It is called ordinance. The duration is only 6months.
- President signature is essential to implement a law in our nation.

2. EXECUTIVE POWER OF PRESIDENT

- To appoint judges of Supreme Court and High Court.
- To appoint state governors.
- To appoint the election commissioner of India.
- To appoint prime minister and council of ministers.
- To appoint high officials of military.
- To appoint diplomatic officials.

3. JUDICIAL POWER

1. President have the power to increase or decrease the imprisonment period of a criminal.
2. A prisoner can give a mercy petition to the president and the president can gave pardon to the prisoner.

4. FINANCIAL POWER

1. Financial minister can present the budget only after asking the opinion of president.
2. The president appoint the finance commissioner.

5. EMERGENCY POWER

There are three types of emergency power for Indian president. They are:

Article 352 – National emergency

Article 356 – State emergency (Presidential rule)

Article 360 – Financial emergency

National Emergency (Article 352)

President can declare national emergency in the case of civil war and external aggression.

State Emergency (Article 356)

The president can declare state emergency in the case of ruling party lost its majority.

Financial Emergency (Article 360)

If India faces economic crisis the president can declare financial emergencies.

2. VICE PRESIDENT

Article 63 deals with vice president of Indian constitution.

QUALIFICATION TO BE A VICE PRESIDENT

- He should be an Indian citizen.
- He should complete at the age of 35.
- He doesn't carry any job under central and state government.
- He should have the qualification to elect in Rajya Sabha.

ELECTION OF VICE PRESIDENT

The vice president is elected by electoral college (Electoral college consist of the MPs of Lok Sabha and Rajya Sabha).

POWER AND FUNCTIONS OF VICE PRESIDENT

- He is the ex-official chairman of Rajya Sabha.
- Vice president can act as president in the case of president's death, removal /resignation, disease, foreign visit, et. Until a new president is elected.

REMOVAL OF VICE PRESIDENT

- Vice president can be removed from the post in the case of violation of constitution (Approval of Lok Sabha and Rajya Sabha MPs are essential).
- Duration of Vice President is 5 years.

3. PRIME MINISTER

- Prime minister is the head of government.
- Prime minister is the real executive.
- Duration 5 years.
- Prime minister is appointed by president.
- Prime minister is the leader of the parliament.
- Prime minister is the leader of majority party.
- Prime minister deciding the cabinet meeting.
- Prime minister act as mediator between President and Council of ministers.
- Prime minister can organise ministry.
- Prime minister is the chairman of national development council (NDC)

4. COUNCIL OF MINISTERS

Council of ministers are classified into three:

1. Cabinet ministers
2. State ministers
3. Deputy ministers

CABINET MINISTERS

- It is a small group of senior ministers.
- Cabinet ministers deal very important department.
- E.g. Finance, Home minister, defence, foreign.

STATE MINISTER

- **They came under the cabinet minister.**
- **To assist the cabinet minister.**

DEPUTY MINISTERS

- They are appointed to help the ministers.

Power and Functions of Council of Ministers

- To implement the law needed for the country.
- To maintain peace and security of nation.
- To implement welfare activity needed for the country.
- To maintain good relation among the country.
- To maintain universal peace and security.

CIVIL SERVICE (BUREAUCRACY, PERMANENT EXECUTIVE)

Skilled officials who work permanent employees of the government are assigned the task of assisting ministers formulating policies and laws implementing in the nation.

FUNCTIONS OF CIVIL SERVICE

- Helps to formulate laws.
- Civil service helps to make planning in the country.
- Helps to prepare budget.
- To recommend major suggestion to the ministers.

Different type of Civil Service

1. All India Service
2. Central Service
3. State Service

ALL INDIA SERVICE

- The officials who do their duty under central or state government in any part of India is called All India Service.
- They are elected through the exam conducted by Union Public Service Commission (UPSC)
- E.g. IAS – Indian Administrative Service
- IPS – Indian Police Service

- IES – Indian Economic Service

CENTRAL SERVICE

- The officials who do their duty only under central government is called central service. They are elected through the exam conducted by UPSC.
- E.g. Indian Railway Service (IRS)
- Indian Foreign Service (IFS)

STATE SERVICE

- The officials who do their duty only under state government is called state service. They are elected through the exam conducted by Public Service Commission.
- E.g. Police, Agriculture, Revenue, Panchayath, Village, etc.

DISCRETIONARY POWER OF PRESIDENT

- The prime minister should inform all the important matters to the president.
- Veto power of president.
- President may ask the report of the performance of government.
- President can reconsider the records or bill send by the prime minister.
- President can use discretionary power when no party gets majority.
- President can keep the bill pending without any time bound (pocket veto).

STATE EXECUTIVE

1. GOVERNOR

- He should be an Indian citizen
- He should complete the age of 35.
- Governor is appointed by president.
- Governor is the head of state.
- Raj Bhavan is the office of governor.
- Duration 5 years.

2. CHIEF MINISTER

- Chief Minister is the head of government.
- He is elected through the election by the people.
- Chief Minister is appointed by governor.
- Duration 5 years.

3. STATE MINISTERS

With the recommendation of chief minister's governor appoint ministers.

CHAPTER - V

LEGISLATURE

Legislature is the important organ of government. Indian legislature is known as parliament. It consists of President, Lok Sabha and Rajya Sabha. From this, Lok Sabha is known as "House of People" or "Lower house of parliament". Rajya Sabha is known as "House of State" or Upper house

of Parliament". Article 79 of Indian constitution says that Indian Parliament keep bicameral legislature.

LOK SABHA

- On 17th April 1952 Lok Sabha came to exist.
- Total number of Lok Sabha members are:
- Elected (543) + Nominated (2) = 545
- The number of Kerala Lok Sabha seat = 20
- Lok Sabha election conducted based on constituency.
- Lok Sabha is controlled by Lok Sabha Speaker.
- Lok Sabha Speaker is Om Birla.

QUALIFICATION TO BECOME A LOK SABHA MP

- He should be an Indian citizen.
- He should complete at the age of 25.
- He doesn't carry any job under central or state government.
- The person who is punished for a criminal offence shouldn't elect to the Lok Sabha.
- The person shouldn't be the member of both Lok Sabha and Rajya Sabha.
- They are elected for the period of 5 years.

RAJYA SABHA

- Rajya Sabha is also known as "Council of State" or "Upper house of Parliament". Rajya Sabha became the part of parliament on 3rd April 1952.
- There are 250 members in Rajya Sabha.
- 238 members are elected by the state legislative assembly.
- 12 members are nominated by President (They are from art, literature, sports, science)
- The Rajya Sabha MPs are elected for 6 years.
- The Rajya Sabha MPs are elected through the system of STVs in the proportional representation.
- Rajya Sabha is controlled by the chairman. The chairman is Vice President.
- The present chairman is M. Venkaiah Naidu

QUALIFICATION TO BE A RAJYA SABHA MP

- He should be an Indian citizen.
- He should complete the age of 30.
- He shouldn't carry any job under central or state government.
- He should have the qualification to be elected to Rajya Sabha.

NEED OF PARLIAMENT IN A COUNTRY

- Parliament is essential for the democratic country.
- Parliament is the basis of representative democracy.
- Parliament have responsibility towards people.

BICAMERAL LEGISLATURE

- The countries with large size and much diverse prefer bicameral legislature.
- It is possible to take every decision with reconsiderable.

- It can give representation to all section of society, the all-geographical region of the country.

Some States have Bicameral Legislature

Bihar, Maharashtra, Jammu and Kashmir, Uttar Pradesh, Karnataka ,Andhra Pradesh.

FUNCTIONS OF PARLIAMENT (DUTIES)

1. Legislative function
2. Controlling executive
3. Financial function
4. Debating function
5. Constitutional function
6. Electoral function
7. Judicial function
8. Representative function

1. LEGISLATIVE FUNCTION

Parliament makes law needed for a country. Money bill and non-money bill is introduced in the parliament. While spending money for the development activities the consent of parliament is essential.

2. CONTROLLING EXECUTIVE

Parliament can control president, vice president, prime minister and council of ministers through different ways. If president and vice president try to violate the constitution, the parliament can remove them through the process of impeachment.

3. FINANCIAL FUNCTION

Budget is passed by the parliament as well as parliament have decided to tax rate. Parliament effect the treasury.

4. DEBATING FUNCTION

All the members are free to speak any matters without fear. It helps to analyse every issues that causes the nation.

5. CONSTITUTIONAL FUNCTION

All constitutional amendment should be approved by the government.

6. ELECTORAL FUNCTION

President, vice president are elected by the parliament.

7. JUDICIAL FUNCTION

Parliament can remove president, vice president, judges of Supreme Court and High Court in the case of violation of constitution.

8. REPRESENTATIVE FUNCTION

Parliament represent the members from different part of country.

POWER OF LOK SABHA

- Subject included in the union list and concurrent list can be controlled by Lok Sabha.
- Lok Sabha have the power to amend the constitution.
- Lok Sabha can introduce money bill and non-money bill.
- Lok Sabha has the power to elect and to remove president and vice president.
- Lok Sabha has the power to remove the judges of Supreme Court and High Court.
- Lok Sabha can control executive by asking question.
- To introduce non-confident motions.
- Lok Sabha appoint different committee and commission.

POWER OF RAJYA SABHA

- Rajya Sabha has the power to elect and remove president and vice president.
- Rajya Sabha has the power to remove the judges of Supreme Court and High Court.
- To amend the constitution.
- Rajya Sabha have the right to implement laws related to state.
- Rajya Sabha can only face the non-money bill but it can recommend changes on money bill.

BILL

Bill means “A MP presented a subject in the parliament”. It is called bill.

There are different types of bill.

1. Private bill
2. Government bill
3. Money bill
4. Non-money bill
5. Ordinary bill
6. Constitutional bill

1. Private Bill

The bill presented by a non-minister. It is called private bill.

2. Government Bill

The bill presented by a minister. It is called government bill.

3. Money Bill

Money bill is closely related to money. Money bill is passed by Lok Sabha.

4. Non-Money Bill

Non-money bill is not closely related to money.

5. Ordinary Bill

This bill is closely related to common people.

6. Constitutional Bill

The bill is presented for the amendment of constitution is called constitution bill.

DIFFERENT STAGES OF LAW-MAKING PROCEDURE IN INDIA

Law making procedure consist of 5 stages or phases and 3 reading.

1. First stage and first reading
2. Second stage and second reading
3. Third stage (Committee stage)
4. Fourth stage (Report stage)
5. Fifth stage and third reading

1. First Stage and First Reading

First stage and first reading mean the presentation of a subject by a MP.

2. Second Stage and Second Reading

If there is any disagree in the subject presented the MPs can rediscuss about the same subject.

3. Third Stage (Committee Stage)

If the problem is not solved even after the re-discussion of a subject by the MPs a committee is formed to study about that subject. It is called committee stage.

4. Fourth Stage (Report Stage)

The Committee study about that subject and make report.

5. Fifth Stage and Third Reading

The report is presented in front of the MP.

How Does Parliament Control the Executive?

Discussion and analysis are conducted in the parliament for evaluating the government.

Question Hour

Parliament conference start with question hour. Here the minister has responded to the question raised by the members. Its duration is one hour. The question hour starts from 11 am to 12 pm.

Zero Hour

Zero hour start after question hour. The duration is only from 5 minutes to 15 minutes. Here the ministers shouldn't respond to the questioned raised by the member.

Adjournment Motion

The opposition party presented adjournment motion related to public issue.

E.g. Price hike, availability of food grains.

Approval or Rectification of Law

Parliament approve the laws needed for the country. Parliament neglect the laws that negatively affect the country.

Financial Control

Money is essential for all developmental activities. The recognition of parliament is needed for spending of money.

Non-Confidence Motion

If the opposition party finds that the government lost their majority to rule the nation while opposition party presented a resolution in the parliament. It is called non-confidence motion. As a result a election conducted in the house through this election the ruling party prove their majority. Government can continue their power. But the government lost their majority it will affect their power.

Other Methods to Control Executive

- Give more time to discussion
- MPs should give interest in discussion.
- There should be a good coordination between ruling party and opposition.
- Contribution of Parliamentary Committee
- To form different types of committee for making laws.
- To analyse the expense of government.
- To investigate about corruption.

Types of Committee

1. Standing committee (permanent committee)
2. Joint parliamentary committee (temporary committee)

How Parliament Self-Control

- Constitution control the parliament
- Speaker control the parliament
- Control the behaviour of members itself
- Anti-defection law control the parliament
- Anti-defection Law
- The MPs and MLAs participated in a party should not change the party.
- But they can change the party by resigning their position.

The following circumstance considered as defected

- Parliament passed anti-defection law in 1985. this was brought through the 52nd constitutional amendment.
- If a person disobeyed to present in party meeting.
- Resigning party membership.
- Violating party view.
- Working against party view.

CHAPTER - VI

JUDICIARY

Judiciary is the branch of government which protects the law.

DUTIES OF JUDICIARY (FUNCTION)

- To punish the criminals
- To protect the laws in the country
- To maintain peace and security in the country.
- To protect the right of the citizen.
- To control the government.
- To give advices needed for the country.
- Judiciary is also known as “Guardian of Constitution”.

Why do we need and Independent Judiciary?

In any society there will be conflict between individual and government and there will be conflict between individuals. So, to solve all these conflicts independent judiciary is needed.

What is Independent Judiciary?

Indian judiciary have more responsibility towards executive and legislative. Judiciary is also responsible towards constitution, democracy people and shouldn't cheat them.

How is Independent Judiciary Protected?

- Appointment
- Tenure
- Salary
- Protection from personal criticism
- Separating executive from judiciary

Appointment

- Judges of Supreme Court and High Court are appointed by the President.
- Politician have no right to appoint judges.

Tenure

Judges have a fixed tenure. Judges can continue in their position till the age of retirement. But they can be removed in the case of violation of constitution and by misbehaviour, before their age of retirement.

Salary

Judges have high salary. By these judges can be remained from corruption and make decision justiciable.

Protection from Personal Criticism

Judges are protected from criticism. Judiciary have the right to punish the persons those who are found guilty of contempt of court. The parliament should not discuss about the behaviour of judges.

Separating Judiciary from Executive

The main duty done by executive is to rule the nation, so they are separated from judiciary. If executive got the duty to implement justice the idea of independent judiciary should be lost.

Appointment of Judges

Judges are appointed by president after consulting the chief justice. Chief justice should recommend names of person to be appointed in consultation with four senior most judge of the court, this is called the principle of collegium.

Removal of Judges

- In the case of constitutional violation
- By misbehaviour
- Inability

For the removal of judges, the special majority in both house of parliament is needed.

Structure of Judiciary

Supreme Court

High Court

District Court

Subordinate Court

SUPREME COURT

Supreme court was known as federal court of India at the time of British rule which is established in 1935. Later it was renamed into Supreme Court on 28th January 1950. There is no right for the judge of Supreme Court to establish a relation between ordinary people.

Qualification to be a Judge in Supreme Court

- He should be an Indian citizen.
- He should have experience as judge in High Court for 5 years.
- The allowances of judges are taken by the government.

Power of Supreme Court

- Original Jurisdiction
- Appellate jurisdiction
- Advisory Jurisdiction
- Writ jurisdiction
- Court of records

Original Jurisdiction

- The cases which begin and ends in the Supreme Court itself is known as original jurisdiction. E.g., Legal disputes arise between central and state government.
- The cases related to president and vice president.
- Violation of fundamental rights according to Article 32.

Appellate Jurisdiction

The cases don't begin in Supreme Court but they are transferred from the High Court to Supreme Court to reconsideration.

- E.g., Criminal case
- Case related to constitution
- Civil case

Advisory Jurisdiction

- The Supreme Court enjoy the power of advisory jurisdiction.
- The president of India can refer any matter of public importance to the Supreme Court for its opinion.
- Judiciary may involve for the interpretation of constitution.

Writ Jurisdiction

If there is any violation in the fundamental rights, we can approach Supreme Court according to Article 32. In such cases court can propagate some laws is called writ jurisdiction.

Court of Record

The judiciary is also known as court of record. It maintains record of all previous judgement and makes these available in future.

HIGH COURT

The 1st High Court was established in 1861 at the time of British rule. At present there are 21 High Court in India. President appoints the judges of High Court and their retirement age is 62. First High Court formed at Madras, Kolkata and Bombay.

REMOVAL

- They can be removed in the case of constitution violation.
- Misbehaviour
- Inability

The majority of parliament is needed for the removal of judges of High Court. (The Supreme Court chief justice appointed by the judges of High Court after a discussion with state governors).

POWER OF HIGH COURT

- Original jurisdiction
- Appellate jurisdiction
- Writ jurisdiction

Original Jurisdiction

The case which can be directly considered by the High Court itself is called original jurisdiction.

E.g., According to Article 226 the citizens can approach High Court in the case of violation of fundamental rights.

Appellate Jurisdiction

These cases don't begin in High Court. They are transferred from district court for reconsideration.

Writ Jurisdiction

We can directly approach High Court in the case of violation of fundamental rights, according to Article 226.

JUDICIAL ACTIVISM

If executive and legislature fail to do their duties, judiciary involves in their activities. Judicial activism introduced in India in 1979. Even though it has merits and demerits.

Merits

- The rights of court increase
- People become more trust on court.
- Help to reduce the expenses of court.
- It helps to do the duties of executive.

Demerits

- The job burden of court increases.
- It causes conflict between executives and judiciary.

JUDICIAL REVIEW

Supreme Court and High Court have the right to examine the constitutionality of laws passed by parliament and state legislature. This right of court is known as judicial review. Court has the right to declare a law in applicable or it is against the constitution.

PUBLIC INTEREST LITIGATION

The basic function of public interest litigation is to take consideration of rights of those section who cannot easily approach the courts, for this purpose the judiciary allowed public spirited citizens and social organisation to involve the needy and the deprived.

CHAPTER - VII

FEDERALISM

India adopted federalism from Canadian constitution, which mean treaty or agreement.

Federalism means, the treaty between central and state government. It is also known as combined nation.

- Central government works at national level.
- State government works at regional level.

THE BASIC FEATURE OF INDIAN FEDERALISM

- Dual government
- Division of power
- Independent judiciary
- Supremacy of constitution

1. DUAL GOVERNMENT

Indian politics is divided into two government at national level and state government at regional level.

2. DIVISION OF POWER

The power is divided for central and state government. 7th schedule deals with division of power.

Division of powers are three. They are:

- Union list
- State list
- Concurrent list

Union List

- The subjects that are maintained by central government is called union list.
- There are 97 subjects.
- E.g., Defence, banking, Foreign affairs

State List

- The subject that is maintained by state government is called state list.
- There are 66 subjects.
- E.g., Agriculture, police, public health, land

Concurrent List

- The subject that is maintained by central and state government is called concurrent list.
- There are 47 subjects.
- E.g. Education, forest, marriage and divorce

Residuary Power

- The subjects which is not included in any of the above list.
- E.g. Cyber laws

3. INDEPENDENT JUDICIARY

Judiciary is known as the guardian of constitution. Protecting is the duty of Judiciary.

4. SUPREMACY OF CONSTITUTION

Another basic feature of Indian federalism is the supremacy of constitution.

Sarkariya Commission

Sarkariya commission is established by the central government in 1983, to study about the relation between central and state government. After the study the report was submitted in 1987. Chairman of this commission was S. Sarkariya.

Main Content of the Report

- Centralisation is dangerous towards national integration.

- Gives more power to state.
- Appointed governors should be a non-politician.

JAMMU AND KASHMIR

- Enjoy special status
- Article 370 deals with Jammu and Kashmir.
- Jammu and Kashmir has its own constitution and flag

Central government have no right to impose financial emergency and DPSP in the state.

In our constitution Jammu and Kashmir was the right to self-rule.

Central government need the consent of the state to implement the subject included in union and concurrent list.

Conflict in the Indian Federal System

- Central state relation
- Demand for autonomy
- Role of governor and president rule
- Demand for new state
- Interstate conflict
- Special provision

Central-State Relation

During the beginning the central and state relation was peaceful. Because central government and state government ruled one party.

Demand for Autonomy

- Give more power for state.
- Provide an independent income source.
- Demand for more financial power.
- Demand for administrative power.
- Demand autonomy in the field of culture and linguistic.
- Demand for New State
- Indian federalism ensures national unity and regional unity.
- Indian national movement give important to both unities.

So, the demand of state is quite natural. First - state formed based on language.

For this purpose, government appointed linguistic commission under the leadership of Fasal Ali.

Andhra, Gujarat, Punjab, Maharashtra, Haryana, Meghalaya, Manipur, Arunachal Pradesh.

In 1990 some states were partitioned

Bihar Uttar Pradesh Madhya Pradesh

↓ ↓ ↓

Jharkhand Uttaranchal Chhattisgarh

Telungana is one of new states.

Central government appointed Srikrishna Commission to study about the need of Telungana state.

The TRS (Telungana Rashtriya Samithi) party take more effort to form Telungana.

Its leader was Chandra Shekar Rao.

Interstate Conflict

Interstate conflict classified into two:

1. Border dispute
2. Sharing of river water dispute

Border Dispute

- Border dispute are the conflict based on territories or boundaries.
- E.g., The dispute between Karnataka and Maharashtra.
- There is argue for Belgaum between Karnataka and Maharashtra.
- Dispute between Manipur and Nagaland.
- River Water Dispute
- River water dispute are more serious than border dispute.
- They are related to the problems of drinking water and agriculture in concerned states.
- E.g., Dispute between Tamil Nadu and Karnataka over river Kaveri.
- River between Maharashtra, Gujarat and Madhya Pradesh over sharing the water of Narmada.

Special Provision

In India there are certain states which have special provisions based on Strategic position Peculiar socio-historical circumstances. Most of the special provisions are given to the north-eastern states like Assam, Nagaland, Arunachal Pradesh and Mizoram which consist of tribal population. Constitution gave special provision for them to preserve their culture and history. Special provisions also exist for hilly states like Himachal Pradesh, Goa, Gujarat, Maharashtra and Sikkim.

Role of Governor and President's Rule

- The appointment of governor is a problem between central and state government.
- President appoint the governors.
- Many appointed governors are retired military officials or civil service or politicians.
- Besides, governor is appointed by the central government and therefore, action of the governors is often viewed as interference by the central government in the functioning of the state government.
- The Sarkariya Commission that was appointed by the central government to examine the issues related to central state relations.
- Commission recommended that appointment of governors should be a nonpartitioned.
- Another reason for the conflict is that Article 356, which provided for presidential rule in any state.
- This is used when the ruling party lost its majority.

Federalism with a Strong Central Government

- Indian constitution represents a strong central government.
- India is a diverse nation, therefore there will be chance for conflict.
- A strong central government is needed to solve the socio-economic problems of the country.
- The Power of Central Government over State
- Parliament is empowered to form a new state by separation of a territory from any state.
- It can also change boundaries or even the name of a state.
- Central government have the right to involve in the jurisdiction of state at the time of emergency.
- Central government have many revenue sources and the state are mostly dependent on the grand from central government.
- Governor have the power to dismiss the state government and recommended for the dissolution of state legislation.
- Central government have more executive power than that of the executive power of state.
- All India service are common to the entire nation.
- It gives the central government and upper hand over the states.

Central-State Relation

- The important political incident which made a radical change in the central state relation.
- Indian National Congress was the dominant party at that time.
- Federalism became very strong.
- Under Jawaharlal Nehru and Sardar Vallabai Patel the party became popular.
- During that time central-state relation was normal.
- In the middle of 1960s, the domination of Congress party declined.
- Others party demanded more autonomy.
- The protest against the unnecessary interference of central government.
- Growth of regional party.
- In 1990s Congress domination ended.
- Began the era of coalition politics.
- The demand for autonomy become very powerful.
- It created tension in the relation between central and state.
- Influence of states really increased

CHAPTER - VIII

LOCAL GOVERNMENT

NEED OF LOCAL GOVERNMENT

- Local government is the government at village and district level.
- Local government are close to common people.
- Local government can solves the problems related to common people with immediately.
- Local knowledge and local interest are essential ingredients for democratic decision making.
- Local government can be very effective in protecting the local interest of the people.
- Local government ensure the people participation and their duties.

GROWTH OF LOCAL GOVERNMENT IN INDIA

In 1982, Lord Rippen, who was the viceroy of India, at that time found local government in India by the introduction of new administration reform. He is known as the father of local government.

The Government of India Act of 1919 supported the local government.

Following the Government of India Act in 1919 village panchayath were established in India.

Government of India Act (1935) give more contribution to the local government.

LOCAL GOVERNMENT IN INDEPENDENT INDIA

In 1952, our central government implemented a community development programme (CDP) in India.

Aim: To promote the people participation in local development

Some state like Gujarat and Maharashtra formed elected local government.

But in some states, there is no support for the formation of elected local government.

Instead of the formation of local government they appointed some officials to solve the problems of common people.

In some state they postponed the date of election from time to time.

Therefore, central government appointed different committee to overcome all these problems.

E.g., Belvanth Ray Mehta, Ashok Mehta, Hanumanth Rao Committee, P.K. Thungan Committee.

The recommendation of these committees supported the growth of local government in India.

Panchayath Raj System (Grama Panchayath)

In 1957, central government formed a committee to study about local government. The chairman is Belvanth Ray Mehta. The main recommendation of the committee is to establish 3-tier system.

Three Tier System

- Village panchayath
- Block panchayath
- District panchayath

(In 1959, first Panchayath Raj system is established in Rajasthan)

Village Panchayath

- Village panchayath works in the lowest level.
- All members are directly elected by people.
- There will be reserved seats for women and SC/ST.
- They are elected for 5 years.
- They work as an agent of block panchayath.

Function of Grama Panchayath

- To construct and maintain the panchayath roads
- Distribution of drinking water
- Establishing street lights
- Sanitation
- To record death and birth certificate
- Collection of taxes
- Welfare of backward classes

Block Panchayath

Block panchayath act as a intermediator in between district and village panchayath. And also interconnect district and village panchayath. It consists of head of village panchayath a few opted members of SC/ST, women, members of state legislature and parliament with its jurisdiction.

Function of Block Panchayath

- Construction and maintenance of road included in block panchayath.
- To encourage agriculture
- Animal husbandry
- Minor irrigation facilities
- To form village industries
- Sanitation
- Health
- Primary education

District Panchayath

- District panchayath work at district level.
- It consist of apted members of SC/ST and women, the MLA and MPs at district level head of block panchayath.

Function of District Panchayath

- Construction and maintenance of road in district level.
- Giving consideration for the budget of block panchayath is the duty of district panchayath.
- Supervising the block panchayath.
- To unify the adopted system of block panchayath.

Ashok Mehta Committee

A committee were formed by central government in 1977 under the chairmanship of Ashok Mehta to study about local government.

Recommendation

- Formation of 2-tier system instead of 3-tier system. Mandal panchayath and district panchayath.
- Compelled taxation.
- Open participation of political party in Panchayath Raj System.
- But it still exists in paper work.

73rd and 74th Amendment

Thungam Committee recommended 73rd and 74th amendment. Later parliament passed to amendment in 1992, but it came into an existence in 1993.

Features of 73rd Amendment

- To implement 3-tier system in all states of India.
- All states should follow the 3-tier system.
- To implement Grama Sabha
- Reservation of seats for SC/ST 1/3 seats reserved for women
- Made the election period as 5 years.
- Appointed of state election commission and state financial commission.
- There are 29 subjects included in the 11th schedule.

74th Amendment

74th amendment deal with urban local government or nagar palika.

- Reservation of seats for SC/ST and women.
- They are elected of 5 years.
- Appointed state election commission and financial commission (There are 18 subjects is included in 12th schedule).
- State government have the right to remove urban government.

Kerala Panchayath Raj Act

According to the 73rd amendment Kerala state government passed Kerala Panchayath Raj Act in 1994 April 3rd.

Kerala Municipality Act

According to 74th amendment Kerala government formed Kerala Municipality Act in 1994 May 30th.

Bolivia

Bolivia is a Latin American country were democratic decentralisation successfully implement in 1994.

Popular participation law decentralised power at the local level.

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Rabindranath World School

BOOK 2: POLITICAL THEORY

CHAPTER - XI

POLITICAL THEORY: AN INTRODUCTION

WHAT IS POLITICS?

There are different answers for this question., simply we can say that it is a kind of public services. We can classify politics as two: a modern definition and traditional definition. Modern politics utilise struggle for power but in the case of traditional politics, it is the study of state and government.

GOVERNMENT

Government is a politically organised group. Government is essential to protect peace and security of a nation. Government determines our economic, foreign and educational policy which are needed to fulfill our needs.

For what we are studying Political Theory?

- To study about state and government
- About human
- To study about international relation.
- Encourages us to examine our ideas and feelings.
- To polish out opinion and arguments.
- Make aware about adult franchise.

What is Political Theory?

Political theory is the study of important theories like freedom, equality, social justice, rights, citizenship, nationalism, secularism, peace and development.

Aim of Political Theory

The aim of political theory is to enable the citizen to think and analyse about contemporary political issues.

Scope of Political Theory and Relevance of Political Theory, what do we study in political theory?

- Constitution and government
- Freedom
- Equality
- Justice
- Peace and security
- Citizenship
- Nationalism
- Development
- Secularism
- Rule of law

CHAPTER - XII

FREEDOM

The word liberty is derived from the Latin word “liber” which means “freedom”.

THE 2 DIMENSION OF LIBERTY

- Liberty means the absence of constraints/central
- It also means to develop the potential and creativity of a person.

DIFFERENT TYPES OF LIBERTY

- Political liberty
- National liberty
- Economic liberty
- Civil liberty
- Natural liberty

POLITICAL LIBERTY

- Political liberty is the freedom of an individual to live as a citizen.
- It is positive in nature.
- It consists of the liberty for right to vote, to contest in election, to hold public offices, freedom to participate in the political process and making political decision.

ECONOMIC LIBERTY

- Economic Liberty means those right that are engaged by a person by consuming his livelihood.
- Political liberty and civil liberty became meaningless in the absence of economic liberty.

CIVIL LIBERTY

- Civil liberty means the freedom guaranteed to us by the state.
- It includes freedom of speech and expression, freedom of religions, freedom of life and property, freedom of assembly, freedom to seek constitutional remedies in the case of the freedom is violated.

NATIONAL LIBERTY

National liberty means freedom of the people from foreign domination.

NATURAL LIBERTY

- The concept of natural liberty contributed by the famous philosopher Rousseau.
- Natural liberty means complete freedom from interference.
- The advocates of this kind of liberty says that man is free by nature.

Safeguards of Liberty

- Democracy
- Independent judiciary
- Rule of law

- Decentralisation of power
- Economic liberty
- Harm Principle
- Harm principle was developed by John Stuart Mill.
- 'On liberty' is the book written by J.S. Mill.
- He distinguished human activities as two 'self-regarding action' and 'others regarding action'.

Self-Regarding Action

The consequences of an action done by a person affect that person itself is called self-regarding action.

Other Regarding Action

The consequences of an action done by a person, which also affect other person in the society is called other regarding action.

Gandhi's View

Gandhi's opinion on liberty is self-rule. Swaraj is the word used by Gandhi to indicate liberty.

Liberty, in the Opinion of Subash Chandra Bose

Subash Chandra Bose says that liberty means, the liberty of all section of the society as the freedom of all individuals as well as the society, freedom for rich as well as poor, freedom for men as well as women, freedom of all individual and classes.

Positive and Negative Liberty

Negative Liberty

This is an area in which no external authority can interfere and non-interference in which the individual can express himself or herself.

Positive Liberty

It is the freedom of an individual to develop his or her capabilities and talent.

Aung San Suu Kyi – Freedom from fear

Nelson Mandela – Long walk to Freedom

Deep Mehta – Water

J.S. Mill – On liberty

Freedom of Expression

- There are several incidents of denying of freedom of expression in different countries of the world.
- It may ban books, plays and films, writing books, staging play, exhibiting films, etc. are example of freedom of expression.
- Freedom of expression is a fundamental right.
- This is to protect the freedom of expression of people from those who restrict it.

- Voltair's statement is worthwhile in this context. "I disapprove of what you say but I will defend to death your right to say it".

Liberalism

- The word liberalism is originated from the Latin word 'liberals' which means free man.
- The political ideology of liberalism which emerged in the 19th century, considers freedom as a very important and essential thing.
- Liberalism gives prime importance to the freedom of individuals.
- The liberals defended the right of a person to hold and express one's opinion and belief.
- As far as liberals are concerned, family, society and community have no value in themselves.
- J.S. Mill, T.H. Green and Ranade are the exponents of modern liberalism.

Two Aspects of Freedom

1. Absence of external contacts
2. Condition of the people to develop their abilities

If there exist two aspects in a society, we call it a free society. In a free society all individuals have the atmosphere to develop their abilities. There will be only minimum social constraints.

Aubery Menon - Ramayana Retold

Salman Rushdie - The Satanic Verse

CHAPTER - XIII

EQUALITY

The term equality means, all human beings have equal right without regarding their colour, gender, race, language or nationality. Here special preference should be abolished.

EQUALITY OF OPPORTUNITY

It means that every human being has the same rights and opportunities to develop their skills and talents and to attain their goals and ambitions.

ABSOLUTE EQUALITY

It is an impossible concept because all men are physically and mentally unequal. Everyone's attitude, behaviour and capabilities are different to each other so the concept, absolute equality is an impossible.

ABSOLUTE INEQUALITY (NATURAL) AND SOCIAL INEQUALITIES

- Absolute or natural inequality are the different characteristics and abilities of a person got by his birth. These types of inequalities cannot be changed.
- Social inequalities are created by the society. This type of inequality is made by the society by exploiting the depressed class on the basis of caste, colour, gender, race and status.

TYPES OF EQUALITY

- Political equality
- Social equality

- Economic equality

Political Equality

It means granting citizenship to all the members of the state. They have equal right to vote, right to contest election, right to criticise the government.

Economic Equality

It means equitable enjoyment of economic resources by all individual the state. E.g., Equal pay for equal work, right to work.

Social Equality

It means to ensure equal status for everyone in the society.

FEMINISM

- Feminism is a political theory which is formed to the equal rights for men and women.
- According to feminist they believe that this gender partiality is made by the society.
- The reason for this partiality is the division of labour. That is women is considered as a domestic matter. A man is considered as a dominant person.

SOCIALISM

- Socialism is emerged against capitalism. Socialism aims at welfare of state and which is under the central or state government. Socialism is trying to minimise existing inequality and to distribute resource equality.
- Socialist thinker Ram Manohar Lohia, identified 5 types of inequalities.

They are:

1. Inequality between men and women
2. Inequality based on skin colour
3. Caste based inequality
4. Colonialism
5. Economic inequality

He added two more revolution to this list

1. Revolution for civil liberties
2. Revolution for non-violence

These seven revolutions were known as Sapta Kranti.

Marx's Concept of Equality

- Karl Marx didn't accept the concept of natural equality.
- Here exists socio-economic and political inequality.
- These inequalities begins with the division between mental and manual, labour, between the primary products and owner of the production.

- The division of labours led to the formation of two major classes in society, where one class exploit the others.
- Marx has the opinion that, true equality among people can be achieved only in a communist society, where all class destinations are abolished.

Liberal View of Equality

- One of the dimensions of equality is that, several liberal thinkers stress is “equality of human nature” of human beings are equal by nature.
- They are entitled to equal consideration in all respects.
- Therefore, any privilege based on birth, race, status is unjustified.
- Everyone should give equal consideration according to their merit.

How can we promote Equality?

We can achieve equality through three different ways, establishing formal equality, equality through different treatment, affirmative action.

Official Establishment of Equality

We can achieve equality by ending the formal system of inequality and privileges.

Equality through Different Treatment

It is necessary to treat people differently in order to ensure that they can enjoy equal rights.

Affirmative Action

- Inequalities are sometimes deeply rooted in our system.
- Therefore, to minimise and eliminated all such social evils.
- It is necessary to have some positive measure.
- Most of the affirmative activities are aimed at correcting the cumulative effect of past inequalities.
- Provide facilities for disadvantaged communities.
- Scholarship and hostel facilities for backward class.
- Provide reservation in the educational institution.

Protective Discrimination

Protective discrimination means the action introduced by government to being forward some socio-economic backward classes.

CHAPTER - XIV

SOCIAL JUSTICE

ORIGIN OF JUSTICE

The term justice is derived from the Latin word “Junger” which means tie or bond. The aim of justice is the welfare of nation.

SOCRATES OPINION ABOUT JUSTICE

Socrates have the opinion that, justice doesn't means doing good to our friends and harm to our enemies, as pursuing our own interests. Justice involves the welfare of people.

PLATO'S CONCEPT OF JUSTICE

- In Plato's concept society is divided into three different categories like working class, intelligent and courage groups.
- These are controlled by different factors.
- The intelligent group will become philosophers the courage people will become soldier and the working class will be farmers.
- Here each individual does his work without interfering in other.
- The famous book of Plato is "Republic".

ARISTOTLE'S CONCEPT OF JUSTICE

(Proportionate justice, Aristocratic justice, geometrical justice)

Aristotle argues that equal should be treated as equal and unequal should be treated as unequal. And each person should give justice according to their condition of work.

Different types of Justice

Justice is classified into three.

1. Social justice
2. Political justice
3. Economic justice

Social Justice

Social justice argues that there will be no discrimination between the member of society on the basis of caste, religion, race and colour.

Economic Justice

Economic justice means those rights that enjoyed by a person by consuming his livelihood.

E.g. Equal wages for equal work, right to work, removal of unemployment and poverty.

Political Justice

Political justice is the justice given to an individual to live as a citizen.

E.g. Adult franchise, Right to criticise government

Three Principles of Justice

- Equal treatment for equal
- Proportionate justice
- Recognition of special needs

Equal Treatment for Equal

- This concept is introduced by Jermy Bentham. This also called democratic justice or numerical justice.
- The resources of a country, rights, freedom, should be equally divided between its members and no one should not be discriminated on the basis of caste, class, gender and race.

Proportionate Justice

This principle conveys that equally should be treated as equal and unequal should be treated unequal and each person should give justice according to their work.

Recognition of Special Needs

Our constitution allowed for reservation of government jobs and admission to educational institution for peoples belongings to SC/ST to maintain equal justice.

John Rawls Theory of Justice

- John Rawls is an American philosopher whose famous book is “The theory of Justice”.
- He argues that the only way we can arrive at a fair and justice rule is it don’t know all position and status in the future society.
- Rawls describes this as thinking under a “veil of ignorance”.

Advantages of this Concept

- Thinking under the veil of ignorance will help [in arriving at a system of fair laws and policies.
- We can make sure that the laws and policies made by government will be beneficial for all people.
- The law made by the government will be equally beneficial for both the upper and lower class of the society.

Free Market

- In this system individuals will be free to own property and enter contract
- is with other regarding prices and wages and profit.
- Here, individuals are free to compact with others to gain profit.
- Market profit motive and based on competition. The persons with merit and talent can exist in this competition and the other will be eliminated.

Achievements of Free Market

- Equal consideration is given to equal section of society.
- Peoples can have their choices.
- Market gives better service.

Free market is profit motive, so it has on tendency to work for the growth of private individual.

CHAPTER - XV

RIGHTS

RIGHTS

- Rights are essential to lead a better life.
- Rights are necessary for our well-being.
- It aimed the welfare of individuals and society.
- Rights help to improve a person talent.

- Rights are claim which is recognise and if necessary enforced by the state.

DIFFERENT TYPES OF RIGHTS

1. Moral right
2. Legal right
3. Natural right

Moral Right

If a person behaves in the society according to his conscious and behave well in society is called moral right. E.g. Respecting elders

Legal Right

State enforces the law which are accepted by the society is called legal rights, we can classify legal rights into three: E.g., Civil right, political right, economic right

Civil Right

The rights ensured by the state for its citizen like freedom of life and property, etc.

Political Right

The different type of political rights given by the state to its citizens to ensure their participation is called political right. E.g., Right to vote, right to participate in election, right to criticise the government, right to give petition

Economic Right

The right that is enjoyed a citizen by consuming his livelihood. E.g., Right to work, equal wages for equal work, abolition of poverty and unemployment.

Natural Right

The right which a person got from the natural is called natural right. E.g., Sunshine, rain

Human Rights

On 10th December 1948, UN adopted and proclaimed the universal declaration of human right on his memory and celebrate December 10th as World Human Right Day.

Rights and Responsibilities

Every citizen should be bothered about their responsibilities. Right should be used for public virtue. Everyone has the right to enjoy their rights without endangering the right of other.

Peculiarities of Right

- We have duties along with right
- Right are recognised by the state
- It is a condition
- The basis of right is its utilisation

CHAPTER - XVI

CITIZENSHIP

- Citizenship has been defined as full and equal membership of the citizen in a particular community.
- Second chapter of Indian constitution deals with citizenship.
- From Article 5-11 of Indian constitution deals with citizenship

TWO TYPES OF CITIZENSHIP

1. Citizenship by birth
2. Acquiring citizenship

Citizenship by Birth

- Two principle for getting citizenship through birth
- First principle is the principle of blood relationship.
- Second principle is citizenship through birth place

Acquiring of Citizenship

Individual get citizenship according to some terms and conditions or to refuse the existing citizenship and adopt a new citizenship is called acquiring citizenship.

1. Long period of residence
2. To carry high job
3. Marriage
4. Pledge

Loss of Citizenship

- a. Absence of long period
- b. Marriage
- c. Anti-national activity
- d. Neglection

Global Citizenship

- Today we are living in a world, where communication has made a revolution. Now we, have interconnectivity world over, which is made possible through internet, TV, Cell phone and other communications.
- We can watch live telecast of disasters and was on our TV sets. This has helped to sympathies and sometimes hated towards the people who areinvolved in them.

Universal Citizenship

- It is a problem of refugees.

- Refugees are formed by famine. Refugees are stateless peoples who don't have any asset or property and they cannot ensure education to their children.
- Some countries are not really accepting them because of the fear of security threat and political problem.
- But some countries accept them on certain conditions. But they don't have any legal rights in that country.
- To solve this problem UNO is appointed a high commissioner for refugee's protection. Even though every country is not ready to accept refugees.
- But 1958 Indian provided Dalailama and his followers and become a role model for other countries.
- One of the main problems faced by world nations is the refuge problems. The concept universal citizenship says that we should protect and accept refugees.

Indian Citizenship Act (1955)

Parliament passed Indian Citizenship Act in 1955.

1. Citizenship by Birth
2. Citizenship by Descent (Hereditary)
3. Citizenship by Naturalization (Long term residence)
4. Citizenship by Incorporation of Territory (By annexation of a region)
5. Citizenship by Registration

1. Citizenship by Birth

A child born to an Indian citizen after on 26th January 1950, considered as an Indian.

2. Citizenship by Descent (Hereditary)

A child born after on 26th January 1950 will be an Indian Citizen if, his or her father is an Indian at the time of birth.

3. Citizenship by Naturalisation (By long term residence)

Any person of full age can become Indian citizen by naturalization on certain condition. (A foreigner can get Indian citizenship through long period of residence)

4. Citizenship by Incorporation of Territory (By annexation of a region)

If any new territory become a part of India shall specify the person of the territory to be citizen of India.

5. Citizenship by Registration

A person can acquire Indian citizenship by registration for the following categories of person.

- I. Wife of Indian Citizen
- II. Persons of Indian origin who are originally settled outside India.
- III. Persons of Indian who settled here for 5 years can get citizenship through registration.

ELEMENTS OF STATE

The term state is derived from the Roman word status which means 'existence'. Machiavelli is an Italian philosopher who is considered as the father of modern politics.

- Population
- Territory
- Government
- Sovereignty

Population

Political philosophers argue that a state cannot exist without population. People have a leading role in the formation of a state.

Territory

Other important element of a state is territory. Territory includes water, natural resources, oceans, space etc. Territory has a leading role to convert state in to rich and poor.

Government

The determined element of state is the government. Government consists of legislature, executive and judiciary.

Sovereignty

The most important element of a state is sovereignty. It is two types.

- 1 Internal sovereignty (sovereignty with in nation)
- 2 External sovereignty (Sovereignty outside the nation)

CHAPTER - XVII

NATIONALISM

The term 'Nationalism is derived from the Latin word 'Natio' which means 'together' or 'to born'.

- Nationalism is a Psychological Expression
- Feeling of oneness.
- It stand for the independent political.
- Lord Dalhousie, declared as the unitary "India as a unitary state"

FACTORS AFFECTING NATIONALISM

- 1) History
- 2) Territory
- 3) Common Belief (Shared belief)

4) Common Political Ideas (Shared political ideas)

5) Common Political Identity

History

- Each country has its own historical background. The people who see themselves as a state embody a sense of historical identity.
- It means that the state looks at past also as it looks of future.

Territory

- Territory is another important factor of state. The state should have a particular territorial area.
- Living together on a territory for several years and owing a past gives people a sense of collective identity. It helps them to think that they are one.

Common Belief (Shared Belief)

It is also another factor which also provide a sense of unity to the people.

The common belief, customs, tradition, law make sense of oneness among the people.

Common Political Ideas (Shared Political Ideas)

The major political ideas like democracy, secularism, parliamentary system was recognized by the people. These ideas make them together and attain identity in the nation.

Common Political Identity

- Common language helps to make communication easy among the people.
- As well as the religion also helps to make the oneness among the people.
- Common religion provides belief and customs that make the participant of the people in the religious celebrations.

NATIONAL SELF DETERMINATION

- Unlike other social groups, state seek the right for self-determination, people want the right of self-determination.
- The meaning of this claim is that the international community should recognize and accept the status of a national community as a distinct political entry or state.
- People who have lived together on a particular territory for a very long and who have a sense of common identity.
- Sometime the claim of self-determination can come from the desire of the people to form a state in which their culture can be well protected.

NATIONALISM AND PLURALISM

- The Indian constitution included many provisions to protect the religious, linguistic and cultural minorities.
- The constitution of many other countries also provides provisions for protecting the rights of the minorities.
- Some other countries provide representation in the legislature and other state institutions.
- Provides democratic rights to minorities.

- The state should accommodate the all type of culture, customs and traditions.

CHAPTER - XVIII

SECULARISM

- India is a secular state.
- Give equal importance for all religion and there is no discrimination. It is called secularism.
- 42nd amendment included secularism, socialism.
- 'Secularism' the term was first used by George Holyoake.
- For protecting the individual rights, the state and religion withdraw from mutual involvement. This condition is called secularism.
- State has no official religion

INTER RELIGIOUS DOMINATION

One religion try to keep domination and surrendered over another religion is called inter religion domination.

INTRA RELIGIOUS DOMINATION

One religious group try to keep domination over other groups within the religion. It is called intra religious domination.

MODELS OF SECULARISM

Western Model

State and Religion withdraw from interference (Keep Distance)

Give importance to individual and individual right

Give important for the equality with the religious group

No more important to community-based right

State not supports for religious reformation

State never provides financial assistance to the religious institution

Indian Model

State Interference on religion based on some principle

Protect the individual and the religion communities

Importance of equality between the religions

More important for community-based rights

State support for the religious reformation

State provides financial assistance for religious institution

CRITICISM FOR INDIAN SECULARISM

1. Anti-Religious
2. Western Import
3. Minorities
4. Interventionist
5. Vote Bank Policies
6. Impossible Project

1. Anti-Religious

Work against bad activity within the religion. Indian secularism against the institutional religious domination.

2. Western Impact

- Copy of western model
- Not suitable for Indian situation

3. Minorities

- Give important for minorities
- Special right for minority through provides utilizing other right.

4. Interventionist

- Intervention of Government
- For eradication of superstitions and reform the religion

5. Vote Bank Policies

Party used religion as weapons for getting more vote.

6. Impossible Project

In India, there are different religion. So, there is no possible for secularism.

CHAPTER - XX

DEVELOPMENT

Development may use in two ways;

1. Narrow Sense Development
2. Broader Sense Development

NARROW SENSE DEVELOPMENT

- High Economic Growth
- Completion of Development Activities
- Attaining the Defining Aim

BROADER SENSE DEVELOPMENT

- Progress of socio-economic, cultural and educational field.
- To enhance the standard of living of people.

CHALLENGES OF DEVELOPMENT

Most of the colonies of Asia, Africa including India enter into the development activities after the independent.

The major problems of these countries were:

- Poverty
- Unemployment
- Illiteracy
- To overcome these problems government, support the agricultural, educational and industrial reforms.
- Indian government formed planning commission for the development activities.
- Five-year plan also introduce.
- The 1st and 2 five-year plans give importance to agricultural and industrial sector.
- IIT (Indian Institute of Technology) IIM (Indian Institute of Management) formed by the government for the intelligent students.
- Also given reservation to the SC/ST in educational and employment sector.
- But there is no more effective advantage in all sector.

CRITICISM OF DEVELOPMENT

- Very high level of developing activities following by developing countries lead in to debt.
- Benefit of growth were enjoyed by a small section of the population.
- Industrialization damaged the environment.
- Uses of chemical fertilizers, pesticides, poison the land.

SOCIAL COSTS OF DEVELOPMENT

- Social costs of development mean how to affect the people.
- Displacement of people from their living places.
- Loss of livelihood
- Loss of traditional skill
- Movement of displaced people to urban areas leading to growth of slums
- Adverse impact on culture

SOCIAL COSTS OF DEVELOPMENT

- It means how to affect the environment.
- Air Pollution
- Water Pollution
- Global warming
- Soil Pollution
- Destruction of birds and animal
- Deforestation and its impact

DEVELOPMENT AND LIFE STYLE

- To avoid the life style related positively affected to environment.
- Use of solar and wind energy instead of nuclear energy.
- Formation of small-scale irrigation facility.
- Rainwater harvesting
- Use of organic fertilizers instead of chemical fertilizers and pesticides.
- Use of paper bag instead of plastic.

DEMOCRATIC PARTICIPATION

- In a democracy controversial issues are discussed and debated among the people involve in political process.
- But some decision is taken at top and implement without consulting the beneficiaries.
- The alternate concept of development demand that for getting a better life, people should have participation in development planning.
- It is proposed that people should be consulted, whenever decision which affect the people are taken.
- Popular participation in formulating of project help to use resource of benefit of people.
- If people are given participation in planning the development projects, traditional and modern technology can be affectively used.

HUMAN DEVELOPMENT INDEX

It is used for measurement of standard of living people. It is prepared by UNDP (United Nations Development Programme). While making Human Development Index, UNDP check out three factors.

- 1 Education
- 2 Health
- 3 Standard of Living

MAJOR ORGANIZATION RELATED TO ENVIRONMENTAL PROTECTION

1. Green Peace
2. World Wide Life Fund
3. Chipko Movement
4. Narmada Bachao Antholan (Metha Padkar)