

COMPARATIVE POLITICS

BA [Political Science]

Third Year

Paper III



RAJIV GANDHI UNIVERSITY

Arunachal Pradesh, INDIA - 791 112

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About the University

Rajiv Gandhi University (formerly Arunachal University) is a premier institution for higher education in the state of Arunachal Pradesh and has completed twenty-five years of its existence. Late Smt. Indira Gandhi, the then Prime Minister of India, laid the foundation stone of the university on 4th February, 1984 at Rono Hills, where the present campus is located.

Ever since its inception, the university has been trying to achieve excellence and fulfill the objectives as envisaged in the University Act. The university received academic recognition under Section 2(f) from the University Grants Commission on 28th March, 1985 and started functioning from 1st April, 1985. It got financial recognition under section 12-B of the UGC on 25th March, 1994. Since then Rajiv Gandhi University, (then Arunachal University) has carved a niche for itself in the educational scenario of the country following its selection as a University with potential for excellence by a high-level expert committee of the University Grants Commission from among universities in India.

The University was converted into a Central University with effect from 9th April, 2007 as per notification of the Ministry of Human Resource Development, Government of India.

The University is located atop Rono Hills on a picturesque tableland of 302 acres overlooking the river Dikrong. It is 6.5 km from the National Highway 52-A and 25 km from Itanagar, the State capital. The campus is linked with the National Highway by the Dikrong bridge.

The teaching and research programmes of the University are designed with a view to play a positive role in the socio-economic and cultural development of the State. The University offers Undergraduate, Post-graduate, M.Phil and Ph.D. programmes. The Department of Education also offers the B.Ed. programme.

There are fifteen colleges affiliated to the University. The University has been extending educational facilities to students from the neighbouring states, particularly Assam. The strength of students in different departments of the University and in affiliated colleges has been steadily increasing.

The faculty members have been actively engaged in research activities with financial support from UGC and other funding agencies. Since inception, a number of proposals on research projects have been sanctioned by various funding agencies to the University. Various departments have organized numerous seminars, workshops and conferences. Many faculty members have participated in national and international conferences and seminars held within the country and abroad. Eminent scholars and distinguished personalities have visited the University and delivered lectures on various disciplines.

The academic year 2000-2001 was a year of consolidation for the University. The switch over from the annual to the semester system took off smoothly and the performance of the students registered a marked improvement. Various syllabi designed by Boards of Post-graduate Studies (BPGS) have been implemented. VSAT facility installed by the ERNET India, New Delhi under the UGC-Infonet program, provides Internet access.

In spite of infrastructural constraints, the University has been maintaining its academic excellence. The University has strictly adhered to the academic calendar, conducted the examinations and declared the results on time. The students from the University have found placements not only in State and Central Government Services, but also in various institutions, industries and organizations. Many students have emerged successful in the National Eligibility Test (NET).

Since inception, the University has made significant progress in teaching, research, innovations in curriculum development and developing infrastructure.

SYLLABI-BOOK MAPPING TABLE

Comparative Politics

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UNIT 2 Approaches to the study of Comparative Politics (Historical, Institutional- Legal, Behavioural and Marxist)	Unit 2: Approaches to the Study of Comparative Politics (Pages 23-51)
UNIT 3: Types of Government: Parliamentary, Unitary, Presidential and Federal Government.	Unit 3: Types of Government (Pages 53-88)
UNIT 4: Method of representation: Direct, Indirect, Proportional, Functional.	Unit 4: Methods of Representation (Pages 89-109)
UNIT 5: Political Party and Pressure Groups: Definition and classification.	Unit 5: Political Party and Pressure Groups (Pages 111-136)
UNIT 6: Judicial System (USA, UK and China)	Unit 6: Judicial System (Pages 137-161)
UNIT 7: Party System (USA and China)	Unit 7: Party System (Pages 163-188)
UNIT 8: Executives (USA, UK and China)	Unit 8: Executive (Pages 189-218)
UNIT 9: Legislature: the process of rule making in the USA, UK and China	Unit 9: Legislature (Pages 219-241)
UNIT 10: Electoral Process: Election of the chief executives of USA, UK and China.	Unit 10: Electoral Process (Pages 243-258)

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INTRODUCTION

Since ancient times, scholars, thinkers and political scientists have been studying various models of governance and politics. The study so far may not have been conclusive but it draws upon a general systemization of socio-economic and political factors at play. The focus has been the government and political process, institution and their behaviour, and political thoughts. Comparative politics covers many of the same subject but from the perspective of parallel political behaviour in different countries and regions.

In the study of political science, while it is certainly important to learn about the facts pertaining to the institutions of three or more countries, it cannot be called comparative politics until it is a comparative study. What are the useful types of comparisons? The earliest and the most original form of comparative government is the study of constitutions. The base of this study is Aristotle's compilation of the constitutions and practice of 158 Greek city-states. Of these, only the Constitution of Athens is still existent. Although undeniably, the comparative study of different city-states consolidates a few of the generalizations in Aristotle's *Politics*. This is similar to the manner in which the comparative study of different living organisms constitutes his biological writing. However, since Aristotle, biology scaled new heights, but the comparative study of constitutions has not achieved such heights. This is partly because it is not easy to achieve the optimum balance of generality. A few research studies have compared countries all over the world. These studies provide some useful statistical generalizations. However, no academic agreement has been found on basic questions like the relationship between the economic development of a country and its level of democracy. A different way of looking at it is by considering all cases of a common phenomenon—such as revolutions, totalitarian states, or transitions to democracy. In few of the cases, this point of view is difficult to define, for instance, revolution.

The most popular form of comparative government is still the elaborate study of selected policies in two or more countries. Researchers are always focused on the issues of 'too few cases' or 'too many variables'. There may be a large number of factors which cause a country to become a corporatist nation and other factors which influence the rate of growth of economy. Yet, the present-day researchers are more sensitive to the problems pertaining to generalization and correspondingly more cautious in their conclusions, than the researchers of ancient times.

This book, *Comparative Politics*, has been designed keeping in mind the self-instructional mode (SIM) format and follows a simple pattern, wherein each unit of the book begins with the Introduction followed by the Unit Objectives for the topic. The content is then presented in a simple and easy-to-understand manner, and is interspersed with Check Your Progress questions to reinforce the student's understanding of the topic. A list of Questions and Exercises is also provided at the end of each unit. The Summary and Key Terms further act as useful tools for students and are meant for effective recapitulation of the text.

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UNIT 1 COMPARATIVE POLITICS: AN OVERVIEW

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1.0 INTRODUCTION

Comparative politics is a field of political science characterized by an empirical approach based on the comparative method. The study of comparative politics depends on conscious comparisons in the field of political experience, behaviour and processes.

The study of governments is a significant part of the study of politics. The comparative study of government and politics is an essential requirement for the field of political science. The nature of comparative politics seeks to analyse and compare different political systems that work under different societies.

One of the most important challenges in political science was to develop a broadly applicable theory of the political system. This theory was developed by David Easton. The outputs of a political system are authoritative decisions and actions of the political authorities for the distribution and division of values. This unit will introduce you to comparative politics and its nature and significance.

1.1 UNIT OBJECTIVES

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

- Define comparative politics
- Discuss the nature and scope of comparative politics
- Assess the importance of studying comparative politics
- Analyse the various approaches to comparative politics

1.2 COMPARATIVE POLITICS: AN INTRODUCTION

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Like any other form of evolutionary process, comparative government evolved into its present form over a period of time. When you study the evolution of comparative governments, you study how political systems and procedures vary across countries and across time periods. The actual evidence of undertaking such a study came to prominence in the 1950s, but its roots are even older. Aristotle can be called the ‘ancestral father’ of the study of comparative politics, since the methods that he used in assigning politics among the sciences and problems and questions that he raised are still prevalent in current political studies.

A comparative study of the diversity of lives among people of different nations is sometimes surprising. Consider the differences in the lives of the people staying in the US and Somalia. Somalia is one of the poorest nations in the world, which is located in the Horn of Africa with an area of around 6,37,657 square kilometres and a population of around 93,60,000 people. Its official languages are Somali and Arabic. Inhabited since the Paleolithic times, it is a country of pyramidal structures, tombs and ruined cities which hint at an ancient sophisticated civilization. The current circumstances, however, are far from the realms of sophistication. Most countries have raised themselves from the ashes and remerged after World War II. However, the case of Somalia has not been that good. The communist rule and the Somali Civil War, that followed, were causes of destruction of the nation. These factors disrupted the whole system in many ways and plunged the nation into great adversity. The new coalition government tried to reform the country with the help of the United Nations and other developed countries, yet the condition is far from normal.

The United States of America, on the other hand, is one of the superpowers of the world. With an area of 98,26,675 km and an estimated population of about 31,07,15,000, this country has no official language at the federal level. English is the national language. Following the American revolutionary war, the country gained its independence on 4 July 1776. The after-effects of World War I plunged the nation into a state of great depression. But the country sustained and emerged as a superpower after World War II. It became the first country in the world to possess nuclear weapons. Over the years, the nation and its citizens have progressed by leaps and bounds.

Hence, for a clear output, the study of comparative politics must depend upon conscious comparisons in the study of political experience, institutions, behaviour and the processes of the different systems of different governments.

Need for the study of comparative governments

It is now generally felt that a pragmatic evaluation of the government and politics or political system of one’s own country is made possible by recognizing the governmental processes of other countries or their political systems. A comparative study of governments not only streamlines the progress of objective and rational judgement about political systems, but at the same time disperses the dangerously ambiguous form of ethnocentrism, that one’s own country is superior to any other.

The study of governments is a significant part of the study of politics. The structure and behaviour of government makes an exciting and challenging area of concern for the students of political science. Modern governments are rising more and more as essential instrumentalities of versatile development, particularly in the developing nations of Asia,

Africa and Latin America. They also act as active forces in the formation of economic, social and environmental conditions.

The world's political systems include a vast variety of institutions, processes and interactions and no two governments, past or present, have been the same. In other words, governments have varied in complexity. Instances can be multiplied at random to confirm the rather simplistic view that different societies require different kinds of government to realize their particular needs.

Modern courses in the field of political science, thus, almost consistently include surveys of the governmental and political systems. Examples of these are the processes of Great Britain, France, Germany Italy and the US. Russia, Scandinavia, Switzerland, Latin America, Near Eastern, Middle-Eastern, Far-Eastern and other Asian and African countries are also occasional additions to this category. The decline of some former great powers and emergence of new nations have affected the processes of inclusion and exclusion.

A comparative analysis of political structures and processes, both within and across political systems, is for that reason an essential requirement for the students of political science. If comparative government and politics are broad in range (as they have actually been to include all political systems and reach forces and motives below the surface of governmental institutions) they can encompass nearly the whole of political science. Hence, practically, comparative government is not only the most important subsystem of the discipline of political science, but it is also very nuclear.

The comparative study of government and politics has preoccupied a large number of fine methodical theorists and philosophers. It is well known that Aristotle, in his time, compared and contrasted various political systems and developed an explanatory theory regarding their generation. In a way, Aristotle was certainly the first scholar of comparative government and considered the study of comparative government as the oldest and most significant to attract the attention of mankind. Since then, comparative government has been a flourishing subject.

For centuries after Aristotle, scholars have engaged themselves in the comparative investigation of foreign cultures, with varying degrees of complexity. With the increase in the tension and rivalry between democratic and undemocratic political systems, the impact of the so-called 'Third World' during the Cold War era, the growing importance of informal politics, the utility of synthesis of data and the nature and range of comparison underwent a transformation. The decreasing emphasis of the traditional approach logically concluded in the so-called 'behavioural revolution'. In the 1950s and 1960s, the study of comparative government was drastically transformed despite consequent reactions against the behavioural tidal wave. It had scaled new heights of precision, firmness and theoretical order. It had also acquired an altogether new style of analysis, which was not known till then. Improvement in concepts and methods, impulses coming from interdisciplinary emphasis on area studies and the growing significance of the politics of developing areas, all combined to bring about an unadulterated 'revolution' in the study of this subject.

1.2.1 Popular Definitions of Comparative Politics

According to M. G. Smith, 'Comparative politics is the study of the forms of political organizations, their properties, correlations, variations and modes of change.'

According to Roy C. Macridis and Robert Ward, 'Government is not the sole concern of students of comparative politics.' Comparative politics, no doubt, has to be

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concerned with the government structure but at the same time it has to take note of the following:

- Society, historical heritage and geographic and resource endowed
- Its social and economic organizations
- Its ideologies and value systems
- Its political style
- Its parties, interests, and leadership structure

According to M. Curtis, 'Comparative politics is concerned with significant regularities, similarities and differences in the working of political institutions and political behaviour.'

According to E. A. Freeman, 'Comparative politics is comparative analysis of the various forms of government and diverse political institutions.'

All these definitions provide a basis for the study of comparative governments in its contemporary term. It involves a comparative study of the institutional and mechanistic arrangements along with the empirical and scientific analysis of non-institutionalized and non-political determinants of political behaviour.

1.2.2 Nature of Comparative Governments

The nature of comparative politics seeks to analyse and compare different political systems that work under different societies. Therefore, it takes into account all the three associations of politics which are as follows:

1. Political activity
2. Political process
3. Political power

Political activity deals with the activities involved in the resolution of conflict or in the struggle for power. The basis of conflict resolution is the authoritative allocation of values; hence, it involves an analysis of the process by which the authoritative values are made and implemented. In this sense, politics stands for political power. It involves the study of all government as well as non-state agencies, through which the political process is made operational. The political process depends upon the signals and information which it receives from non-state agencies. It further transforms these signals and information into authoritative values. Politics, hence, involves the study of power and power relations in society since it is a struggle for power and a process of conflict resolution through the use of legitimate power.

The study of contemporary comparative politics is characterized by the following features:

- **Analytical research:** Great stress is laid on analytical research when it comes to the study of contemporary comparative politics, as it is no longer confined to descriptive studies. Empirical analytic research, thus, works on providing a clearer view of the actual activities of the governments along with their structures and functions.
- **Objective study of political science:** This deals with the empirical study of the various processes of political study in different environments. Since political science is a social science, it takes into account only those values whose validity can be demonstrated scientifically.

- **Study of infrastructures:** Comparative politics also analyses the actual nature of individual, groups, structures, systems and subsystems, in relation to the environment in which the behaviour manifests. The study of the dynamics of politics and its actual operation in the environment is regarded as an essential component of comparative politics.
- **Study of developing and developed societies:** Earlier, comparative politics was only confined to the study of the political systems of developed societies. However, it has evolved in contemporary times and it stresses on the study of political systems of developing nations as well. In fact, modern political scientists like David Easton and Sidney Verba, besides many others, are of the opinion that emphasis should be given to the study of politics of developing nations.

These added features of contemporary politics make us see comparative politics from a different point of view. It has completely rejected all old norms and parochial nature of traditional comparative politics. Now, it is a more realistic study of politics which is capable of explaining and comparing the phenomenon of politics all around the world.

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1.3 NATURE, SCOPE AND APPROACHES TO COMPARATIVE POLITICS

Although the terms ‘comparative politics’ and ‘comparative government’ are usually used loosely and interchangeably, there still lies a point of difference between the two.

While comparative government deals with an extensive study of different political systems with special emphasis on their institutions and functions, comparative politics has a much broader scope. It covers all that which comes under the study of the latter, along with the study of non-state politics. Hence, comparative politics covers a much wider area in the study of politics.

1.3.1 Major Approaches

But whatever the approach or the origin of its ideas, we can say that political science as a discipline is concerned with the problems of ends; the goals of good society; the means of governing in such a manner as to realize the good society, the activities of the ruled (the public), especially political actions personified in voting, public opinion and attitude formation; and the underlying connections between society and government. Its key concern is with power—how it is shared through participation and representation and how it is affected by growth and change.

—David E. Apter

Source: Apter, *Introduction to Political Analysis* (New Delhi: Prentice-Hall of India, 1978), p.17.

The study of comparative politics is so interesting because of the different approaches, methods and techniques used in the realization of ‘political reality’. A number of significant writers hold contrary viewpoints and adopt different strategies. The results, however, seem to be interrelated or synonymous. With the passage of time, some approaches have become stringent and have had to give way to new and contemporary methods.

With a view of highlighting the meanings of different themes used in the sphere of contemporary political analysis, David Apter defines some of them in the following manner:

Check Your Progress

1. State the need for the study of comparative governments.
2. Fill in the blanks.
 - (i) The nature of comparative politics seeks to analyse and compare different _____ that work under different societies.
 - (ii) A _____ study of governments streamlines the progress of objective and rational judgement about political systems.

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- **Paradigm:** It is a framework of ideas that establishes a general context of analysis. Fundamentally, paradigms combine a mixture of philosophical assumptions and criteria of valid knowledge. The resulting combinations are sharply distinguished from each other.
- **Theory:** It is a generalized statement summarizing the real or supposed actions of a set of variables, whether dependent, or independent, or intervening. Parameters represent the conditions within which independent variables operate. A macro or micro theory may deal with large or small groups or units. Moreover, it may be abstract, or formal or notational, or concrete.
- **Method:** It is a way of organizing a theory for application to data. Thus, methods are known by the names of conceptual schemes. They may be of many types like comparative, configurational, historical, simulative and experimental.
- **Technique:** It links method to the relevant data. It represents various modes of observation and ways of recording empirical information. As such, techniques vary in appropriateness, sampling, public-opinion testing, interviewing, regression analysis, factoring, scaling and testing.
- **Model:** It is a simplified way of describing relationships. It can be constructed from a paradigm, a theory, a method or a technique. It may be typological, descriptive, formal, mechanical, organismic, biological, etc.
- **Strategy:** It is a peculiar way of applying one or more combinations of the above type to a research problem. It is required that quality and integrity should be combined in a strategy. A good strategy fits a problem, theory, methods and techniques together in a systematic and coherent way.
- **Research design:** It converts strategy into an operational plan for field work or an experiment. It is a prospectus or an outline from which research is carried forward. It is a final stage in professional research preparation.

The traditional approach

The traditional approach to the study of comparative governments emerged as a response to historicism of the 19th century. It stressed the historical examination of Western political institutions from the earliest to the modern times. The traditionalists, either theoretically philosophized about democracy and other subjects, or made a formal and legal study of governmental institutions. The analysis was basically configurative and each system was treated as a unique entity. The approach was heavily descriptive rather than problem-solving, explanatory, or analytic in its method, and its description was incomplete and limited to forms of government and of foreign political systems.

Roy Macridis, author of *Modern Political Regimes*, has very systematically and clearly summarized major features of the traditional approach. He briefly points out that the approach has been essentially non-comparative, descriptive, parochial, static and monographic. Similarly, Almond and Powell have identified three major premises that have dominated the criticism of the approach to comparative government feature of the pre-World War II period. These premises are as follows:

- Its parochialism
- Its configurative analysis
- Its formalism

Harry Eckstein also points out the influence of abstract theory, formal legal studies and configuration studies that characterize the reaction against historicism in political studies.

First, as Macridis points out, the traditional approach addressed itself mainly to Western political systems. The stress was on single-culture configuration, i.e., the representative democracies of the Western world and the study was limited to Britain and the Commonwealth countries, the US, France, Germany, Italy and Russia. Undemocratic Western systems and political systems of Asia, Africa and Latin America were studied by a handful of adventurist researchers. Cross-cultural studies were almost entirely unidentified. The study was limited not only in range, but also in depth; only the isolated aspects of governmental process within the specific countries were analysed. The study was more often monographic and comparative.

Second, the comparative study of politics was extremely formal in its approach towards political institutions. The study was focused on governmental institutions and their legal models, rules and regulations, or political ideas and ideologies, rather than on performance, interaction and behaviour. It pays no attention to the influence of informal factors on decision-making and also the non-political determinants of political behaviour. Only formal institutional organs like parliaments, chief executives, civil services, etc., were applicable for institutional and structural–functional comparison. The realities of political action and behaviour within institutional structures were not given any serious thought. The traditional study in this respect was greatly unrealistic.

Third, the traditional study, as mentioned earlier, was mainly descriptive rather than analytical, explanatory or problem-solving in its method. The emphasis was on pure description in terms of a large number of facts. There was little attempt to develop a general theory by verification of hypothesis and compilation of significant data. It has been very aptly pointed out that the empirical deficiency of traditional analysis was the adjoining drive for behaviourism. This is what Robert Dahl called ‘empirical theory’ in contemporary studies.

The mood of discontent with subjectivism and formalism of the traditional approach to the study of government and politics was led by the logic of the situation to the process of reconstruction of the discipline. A number of factors worked to bring about a radical change first in the outlook of the US and then other countries.

According to some authors, three factors—changes in philosophy, changes in the social sciences and technological innovations in research—may not completely account for the behavioural innovation in political science, but provide sufficient explanation for the growth and prosperity of the movement. According to Peter Merkl, author of *Making of a Stormtrooper*, the most momentous single factor for the current transformation of the study of comparative politics was the rising importance of the politics of developing areas. With the great rush of former colonies to independence and nationhood, and with their increasing importance in world politics, these countries of Asia, Africa, the Middle East and Latin America simply could no longer be unseen.

Almond and Powell mentioned some developments being chiefly responsible for the new situation. These are as follows:

- The national emergence of a multitude of nations with a baffling variety of cultures
- Social institutions and political traits
- The loss of dominance of the nations of the Atlantic community

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- The changing balance of power
- The emergence of communism as a power factor in the process of restructuring national
- International political systems

The revolution in comparative politics

All these factors led to dynamic efforts in innovation and to an effort to create a new rational order. The result was, as Sidney Verba so aptly comments, 'A revolution in comparative politics'. Verba has adequately summed up the principles behind the 'revolution': 'Look beyond description to more theoretically relevant problems; look beyond the formal institutions of government to political process and political functions; and look beyond the countries of Western Europe to the new nations of Asia, Africa and Latin America.' In the language of Almond and Powell, the efforts at innovation were motivated by the search for more comprehensive scope, the search for realism, the search for precision and the search for theoretical order.

Nature and directions of the transformation

It is not really needed at this stage to concern ourselves with the specifics of the behavioural phenomena. A more apt thought will be the general nature of the transformation brought about by behavioural influence in the field of government and politics and the central features of this approach within the purview of our study. It must be noted that the behavioural approach has now been generally accepted and incorporated into the discipline.

Under the influence of the behavioural reform, the institutional mode of analysis has been restored by the process mode. Behaviourists study the behaviour of people and groups rather than the structure, institutions, ideologies or events. It is now largely agreed that the process mode avoids the static quality of structural analysis. It has a dynamic dimension that is particularly valuable in accurately capturing the mercurial quality of political life. Secondly, the state was no more regarded as the central organizing concept, and attention was now paid to the empirical investigation of relations among human beings. Smaller, more manageable units like individuals and groups and their interaction became the centre of study. In the third place, one of the directions of practical innovation had been the redefining of institutions as systems of related individual behaviour or systems of social action. For example, instead of studying the American Supreme Court or the American Congress as isolated institutions, behaviourists enquire about the behaviour patterns of the justices of the Supreme Court and of the members of the Congress.

In the fourth place, in terms of the methods, one finds a diverse tendency toward the building of complicated models, the use of quantitative techniques of statistical measurements and management of computers in speeding up the management of large amounts of quantitative data and in stimulating administrative or military processes of decision-making.

Lastly, as Sydney Verba has examined, some of the fruits of revolution have been a rich body of theoretical literature, a proliferation of frameworks, paradigms and theories, and elaborate system models, which are important as part of the intellectual equipment of the students of political systems. Some of these paradigms and frameworks have often been so abstract as to suggest no clear focus on problem, but nobody can question the utility of these models in accounting for the observed regularities of political behaviour and for providing a solid foundation for its further study.

1.3.2 New Approaches to the Study of Government and Politics

The discussion about the nature of behavioural political analysis and its departure from the traditional approach would enable the students to understand the major paradigms, such as:

- Nature
- Goals and methods
- Conceptual frameworks
- Contending approaches and models

The main aim of this study will be to assess their significance for the study of comparative government and politics at a time when a debate between the empirical and normative theories is still continuing.

General Systems Theory

The most well-known among these are a number of systematic approaches, which stem from the general systems theory. The systems theory had its origins in natural sciences, but on the whole, the theory originated in movements aimed at amalgamation of science and scientific analysis. The advocates of the theory wanted to find a unifying element, which would offer a broader perspective for creative analysis. In the period after World War II, this resolved itself around the concept of systems, which Von Bertalanffy, the German biologist, defined as a set of 'elements standing in interaction'. This concept is based on the idea that objects or elements within a group are in some way related to one another and in turn, interact with one another on the basis of certain identifiable processes.

The term 'system' is useful for organizing one's knowledge about many social objects. The use of the 'systems' approach to politics allows one to see the subject in a way that 'each part of the political canvas does not stand alone but is related to other parts'. The operation of the one part cannot be fully understood without referring to the way in which the whole system operates.

David Easton, one of the first political scientists to propose the utility of systems analysis for the study of politics, defines a political system as that 'behaviour or set of interactions through which authoritative allocations (or binding decisions) are made and implemented for society'. A system is marked by separation and integration. The chief function of a political system is making authoritative decisions that allot advantages and disadvantages for an entire society. At the core of this concept lies decision-making, which is the essence of the political system. The proponents of the systems theory identify three primary constituents of every political system, namely the political community, the regime and the political authorities. The political community comprises all those persons bound together by a political division of labour. The regime makes up the constitutional legal structures, political processes, institutional norms, as well as basic values. The political authorities are those individuals who exercise power as agents of the state for any given time. For example, we may regard the Indian people as one such political community.

The administration consists of Indian constitutional foundations, basic values of the politico-economic system, political parties, periodic elections and other institutions that are allied with the Indian system of government. The ruling elite in New Delhi consists of major political authorities. The general systems theory provides a broad structure for the examination of politics. It provides the theoretical equipment for both,

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looking at political phenomenon on a macro-level and the setting in which micro-analysis can be carried out. It keeps us conscious of the broad implications of political acts and institutions and of the relation between events. It provides a large-scale map of the political world, a new pattern for the discipline.

In the general systems structure, there are certain fundamental concepts that may be divided into three categories. Some concepts are primarily explanatory, as for example, those distinguishing between open and closed systems, organismic and non-organismic systems, such hierarchical levels as subsystems, orders of interaction and scale effects, such organizational aspects as integration, differentiation, interdependence and centralization and also such terms as boundaries, inputs and outputs dealing with interaction of systems with their environments. Some concepts focus on factors that control and maintain systems. In this connection, the concepts of stability, equilibrium and homeostasis are introduced. Lastly, there are concepts that focus on dynamics or change, both disruptive and non-disruptive. Here, the notions of adaptation, learning and growth, disruption, dissolution and breakdown, systemic crisis, stress and strain, overload or decay, are introduced and utilized.

The general systems theory appears to be striking from the point of view of empirical research. It gives us an excellent opportunity for fusing micro analytical studies with macro analytical ones. The notions developed by this theory opens up new questions and creates new dimensions for investigating political processes. Time and again, this theory facilitates the communication of insights and ways of looking at things from other disciplines. It provides excellent channels for maximizing the flow of interchanges with disciplines that are far removed from political science in substantive terms. It contains a number of extremely clear and accurate ways of formulating concepts that can be reduced to operational forms. It may be regarded as one of the more motivated attempts to construct a theoretical framework from within political science.

The general systems theory has been criticized for failing to sufficiently provide for concepts such as political power and influence or to handle mass behavioural aspects such as voting. It is of limited utility in studies of political policy-making. Critics also refer to the problems of empirical operation, when applied to social sciences. It is also pointed out that the entire approach is ingrained in conservatism and reaction. No fully developed attempt has yet been made to apply the theory of political analysis.

Offshoots of the Systems Theory

The behaviourists adapted the essential framework and terminology of the general systems theory; it was adopted to fit the needs of political science and then continued to develop new techniques of political analysis. One of the most important challenges in political science, to develop a broadly applicable theory of the political system, was made by David Easton. His 'input-output' model stressed the behaviour of the political system, vis-à-vis its environment, in terms of analysing inputs (demands and support) and outputs (authoritative allocation of values or policy decisions and actions).

Another significant systematic approach is structural functionalism, which is one of the most widely known offshoots or derivatives of systems analysis and a matter of considerable controversy. One important school of systematic theory stresses models of decision-making by entire political systems or parts thereof. Another kind of systems theory uses the communications theory and models of communication systems. It is used to conceptualize the process of political integration among the several countries or ethnic communities that make a new system.

1.3.3 Input–Output Analysis

David Easton has developed an original and unique systemic approach for purposes of political analysis, which was not borrowed from other social sciences. In 1965, his book, *A System Analysis of Political Life*, engaged the interest of social scientists for providing an explanation of political phenomena in a new way. Easton has criticized the structural–functional approach, mainly on the grounds that it does not provide the concepts to deal sufficiently with all kinds of systems. Its main concept of function cannot be taken as a basis of a theory and it cannot be experimentally applied because it lacks precision.

The empirical theory that Easton has pronounced is called the ‘general theory of politics’. It is general for two particular reasons. First, he rejects the idea of constructing different kinds of theories to deal with national politics and international politics. He is keen on building a ‘unified theory of politics’ for explaining the behaviour of national and international political systems and also for comparing them. Second, he states that the primary task of political science is to analyse the general problems that are common to all political systems, i.e., analysis of the conditions under which a political system survives as a system over a long period. Further, Easton rejects the type of political analysis which is concerned with power–relations between elements of a political system. He is of the opinion that the benefits provided by political and governmental processes cannot be decided by the amount of power an individual power–holder exercises.

Easton’s fundamental concept is that of a political system as one of the subsystems of a society, which then operates within an environment. Easton describes the political system as ‘that system of interactions in any society through which binding or authoritative allocations are made and implemented’. A political system has certain features. First, it is a system because it has a regularly frequent pattern of relationships among actors, i.e., the individuals and institutions involved; second, it is the system for a particular society because it is universally accepted and unquestioningly authoritative; third, it is political because it is concerned with the satisfaction of those needs of society that are beyond the scope of non–governmental capabilities. Input–output analysis takes for granted that every political system is open and adaptive. Another prominent feature of the political system is the nature of exchanges and transactions between the political system and its environment. It brings into the limelight various concepts concerning systematic boundaries and boundary conditions. It emphasizes the fact that the political system works in processing and converting a variety of inputs into outputs. The inputs include demands and support. Demands are statements of authoritative allocation that should or should not be made by those responsible and authorized for doing so. Support consists of actions, statements or attitudes that are favourable to a person, group, institution, goal or idea. Demands may be generated by the environment or may originate within the political system itself. Demands pass through conversion or weeding out procedure to reach the output stage. Only a small number of demands, in the long run, reach the output stage, leaving the rest to be eliminated in the conversion process. If the demands call for authoritative action, there is a problem of overloading. Overloading may take place due to too many demands (volume stress) or due to the qualitative elements in the nature of the demands (content stress).

Support makes both selection and processing of demands possible. Easton makes an imperative distinction between overt and covert support. An overt support is any open and direct action that an interest group would take to advance its demands. Covert support means simply an attitude or a sentiment that is not hostile or even unfavourable. Both kinds of support flow concurrently and both are vital for functioning of the political

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community, the regime and the government. It is for the authorities to process inputs from environments into outputs.

The outputs of a political system are authoritative decisions and actions of the political authorities for the distribution and division of values. According to Oran Young, these decisions and actions play a crucial role in generating specific support for a political system because of the existence of the feedback loops that complete the cycle of a political system and makes it dynamic. This is the process through which information about the performance of a system is communicated in a way to affect the subsequent behaviour of the system.

Easton's formulation pivots on two core variables, namely, a strong underlying concern for systematic persistence, sources of stress and process of regulating stress and a sequence of concepts that Easton calls 'summary variables'. The central point in the input-output analysis is concerned with the developments that may drive the essential variables of a political system beyond critical ranges, coupled with various regulatory responses to these developments. The bulk of the approach deals with the sequence of concepts.

According to this analysis, the stability of a political system, i.e., its ability to retain the basic qualities despite the impact of disturbing factors or developments, depends on the existence of structural mechanisms like political parties, pressure groups, news media and legislatures. These articulate and regulate the flow of demands; cultural mechanisms like customs, mores, etc., which establish criteria for the suitability of demands. Procedural mechanisms convert general demands into specific issues for political processing and channels of communication that effectively transmit the demands to the centre of decision-making. You have also seen that the stability of a system is further augmented by sustained and extensive support to the three main components of all political systems, namely the political community, the regime and the political authorities.

It should be remembered that a political system is not just a set of processes that converts inputs and outputs as a routine matter. It is a complex cyclical operation, with dynamism of its own. It has a programmed goal towards which it tries to move, though at every stage it may have to face problems of stress and maintenance and go through regulatory processes. Input-output analysis is certainly an outstanding technique for comparative analysis since it focuses on an overview of all political systems and has an inclusive set of concepts and categories that facilitate comparison. Oran Young has described this analysis as 'undoubtedly the most inclusive systemic approach that has so far been constructed specifically for political analysis by a political scientist'.

According to Eugene Meehan, a famous lawyer, Easton has produced one of the few comprehensive attempts to lay the foundation for systems analysis in political science and to provide a 'general' functional theory of politics. An even stronger feature of input-output analysis is its dynamic approach to the problem of pattern maintenance. It also deals with its awareness of the importance of the problems of stress, disturbance, regulation and planned reorientation of system goals. Easton claims that his method is definitely oriented towards exploring change as well as stability. There is a continuous exchange going on between the political system and its environment and the system is constantly engaged in a conversion process by producing outputs and altering the environment. The analysis suffers from some weaknesses. First, its basic presupposition that concerns system-persistence is the most important and inclusive subjects for political analysis may not always be acceptable. Second, such a focus may be productive, but does not result in a general theory of politics. Third, it is for the most part limited in scope

in terms of the interaction among different political systems. Fourth, its focus on the politically active and relevant members of society tends to give it an elitist orientation. Fifth, in its emphasis on functional rather than revolutionary processes of change, the approach is believed to be oriented towards status quo and this is not an entirely reasonable criticism. Finally, the input–output analysis is the cause of some confusion for its practitioners.

1.3.4 Structural–Functional Analysis

The structural–functional analysis is one of the primary system-derivatives in political science and a major framework for political research. As a result of the works of anthropologists of the early 20th century, particularly that of Malinowski and Radcliffe-Brown, structural functionalism emerged a political science through sociology. It has been adopted as a field of comparative politics by Gabriel Almond. This mode of analysis is primarily concerned with the phenomena of system-maintenance and regulation. The basic theoretical proposition is that in all social systems, certain basic functions have to be performed. The central question is: ‘What structures fulfil what basic functions and what conditions govern any given system?’

According to this approach, a political system is composed of several structures that are ‘patterns of action and resultant institutions.’ These institutions and patterns of action have certain functions that are defined as ‘objective consequences for the system’. A function is a regularly recurring pattern of action and behaviour that is carried on for preservation and advancement of the system. Dysfunction is the opposite of function, which means an action detrimental to the existence and growth of the system. In the words of Robert Merton, ‘Functions are those observed consequences which lessen the adaptation or adjustment of a system.’ A certain level of dysfunction is unavoidable in the operation of any pattern of action. From time to time, it is possible to identify actions or decisions that are functional for the political system, as a whole, or for some of its components.

Merton has advanced an additional distinction between manifest and latent functions. Manifest functions refer to those patterns of action, whose outcomes are intended and recognized by the participants. In latent functions, consequences are neither intended nor recognized and understood initially. The concept of structure is vital in structural–functional analysis. Structures refer to those arrangements within the system which perform the function. Merton has developed the idea that a given function can be fulfilled by many diverse structural arrangements. Likewise, any given structural arrangement may perform functions that might have different kinds of outcomes for the structure. Almond and Powell refer to the same phenomenon when they observe in a highly distinguished system, such as that of the United States. Political functions may be performed by a large number of highly specialized structures and those political structures, in turn, have a propensity to be multifunctional.

The advocates of the structural–functional analysis draw attention to certain ‘conditions of survival’, or certain functions that are vital for the maintenance and preservation of fundamental characteristics of a political system so that it stays recognizable over a length of time. Marion Levy, Jr., for example, has tried to identify the functional requisites of any social system on a theoretical basis and has compiled a list of required functions. Following the lead of Talcott Parsons, sociologists attempted to identify four such functions, namely goal-attainment, adaptation, integration and pattern-maintenance. Gabriel Almond, in applying this analysis to political science, developed a

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list of political functional requisites and divided them into four input and three output functions. The four input functions are as follows:

1. Political socialization and recruitment
2. Interest-articulation
3. Interest-aggregation
4. Political communication

The three output functions are as follows:

1. Rule-making
2. Rule-application
3. Rule-adjudication

The input functions that are performed by non-governmental subsystems, by society and the general environment, are looked upon as highly important. The output functions are performed by traditional governmental agencies like the legislature, the executive, the judiciary and the bureaucracy.

Almond's classic statement of structural-functional analysis is found in the introduction to *The Politics of the Developing Areas* that has been edited by Almond and Coleman. He is inspired by the desire to develop a more universal and clear analytical vocabulary for the study of non-Western states, especially of the politics of the 'third world' countries. He defines politics as the integrative and adaptive functions of a society, based on more or less legitimate physical coercion. He defines the political system as 'that system of interactions to be found in all independent societies which perform the functions of integration and adaptation (both internally and vis-à-vis other societies), by means of the employment or threat of employment, of more or less legitimate order-maintaining or transforming system in the society.'

Almond stresses the interdependence between political and other societal systems and suggests several common properties of all political systems. According to him, there are political structures that perform the same functions in all systems; that all political structures are multifunctional; that each political culture is a mixture of the 'traditional' and the 'modern'. Systems adapt to their environment when political structures do not behave dysfunctional. Almond's functional categories have already been mentioned, Almond is aware of the common criticism pointed against his model that it is stability-oriented and conservative. In his later works, he clarifies that his concept of 'political system' is one of 'interdependence' but not one of 'harmony'. He also admits that his framework 'did not permit us to explore development patterns, to explain how political systems change and why they change'. It might, on the other hand, be observed that Almond, in his formulation, is primarily concerned with the capabilities of the system and the problem of system-maintenance.

The structural-functional approach has been very widely adopted in the field of comparative government and politics because it claims to provide standard categories for markedly different political systems. Its heuristic value, its influence on the development of comparative politics in several different ways and the success of the model for comparative political research must be admitted.

Criticism has nevertheless been made of its value orientations, its tautological premises, and its vague and non-operational conceptual units. Neither its conceptual framework, nor the ranges of derivable propositions for research are as definite as one would like. What Almond has produced is, at best, as Meehan points out, 'a classificatory

scheme, or perhaps a model, a very imperfect and loose model that can be used to order political data and perhaps standardize observations of political phenomena’.

Meehan also thinks that the functional categories he suggests are far too broad to be of much use. Almond has not produced a theory, of course, nor even as well-articulated classification scheme. The taxonomy is incomplete and unambiguous. Oran Young has criticized its tendency to force divergence phenomena into a systematic framework of, ‘fallacy of functional teleology’, the fallacy deductive functionalism and the postulate of universal functionalism. When applied to Third World countries, the functional framework cannot analyse the empirical reality that exists in these societies. The complex political realities of these societies cannot be effectively explained with the help of the assumptions on which the theoretical scheme of the functionalists is based.

One great limitation of this analysis, as we have already seen, is that it is basically a static system. Its stress on the way things are, and can lead to an inclusive assumption of stability and incapacity to deal with the challenge of change, particularly of a swift or violent character. It has a strong favouritism towards status quo and its research tends to support the existing order of things. Hence, great caution needs to be exercised in applying these analytical tools, if drawbacks are to be evaded.

1.3.5 Decision-Making Theories

Decision-making in certain respects is the least successful of all new approaches to the study of government and politics. Politics is a process of allocating values through the making of decisions. Process refers to the sum of techniques, methods, procedures and strategies by which a given decision is made. A political system is a mechanism for decision-making. The efficiency of a political system can be measured in terms of its ability to make decisions that are widely accepted. The interplay between social configuration, ideology and governmental organs constitute the dynamics of politics, the making of decisions.

1.3.6 Marxist Methodology for the Study of Comparative Government and Politics

In spite of claims by some political scientists that the field of comparative politics has experienced swift progression, no effort has been made towards the construction of sophisticated empirical models. There is no doubt that the sub-discipline is still seeking the right methodological direction and theoretical orientation. Systems analysis and structural-functionalism, along with other approaches, have been found to have fallen short of satisfactory methodological orientations and requirements. The primary questions are: To what extent does Marxism provide a scientific methodology? Can we use it in the field of comparative politics?

Roughly speaking, the whole doctrine of Marxism is based on dialectical and historical materialism. Based on the three laws of dialectics—the law of transformation of quality into quantity and vice versa, the law of negation, and the law of the union of opposites—Marx identifies the following general pattern of social phenomena: their interdependence, their movement and development, positive interconnection between opposite forces and intrinsic disagreements within the social process. To him, ‘the mode of production in material life determines the general character of social, political and intellectual processes of life. It is not the consciousness of men that determines their existence; it is their social existence that determines their consciousness.’

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Marx never defines the term 'class' except in the third volume of capital where he says, 'The owners merely of labor power, owners of capital and land-owners, whose respective sources of income are wages, profit and ground rent, in other words, wage labourers, capitalist and landowners, constitute the three big classes of modern society based upon the capitalist mode of production.'

Still, 'class' makes up the base of his discussion—individuals are dealt with only to the extent that 'they are personifications of economic categories, embodiments of particular class relations and class interests'. Even though no one agreed with Marxist's model of politics, you can identify, very reasonably, a few methodological themes: search for social bias in social 'facts'; efforts at being rigorously scientific without pretending to be value-free; explanations of human activity, partly in terms of affirmed purposes and conscious interactions and partly in terms of a given moment in historic time; emphasis on the necessary determinacy of economic elements in the social structure with recognition of reciprocal interaction of the political, social and cultural elements; search for contradictions as a key constituent in social dynamics; use of the concept of 'class' as vital in social development; recognition of technology as an important variable; and finally, recognition of a careful distinction between possibility, causes and symptoms of capitalist crisis. This theory not only reveals the dependence of social realization and the entire social structure, but also observes the totality of social relationships, structures and institutions. It is done by probing existing productive forces of society and resultant productive relations and the ideological superstructure that is built on them.

Now, let us observe how you can apply the Marxist theory in the field of comparative politics. First, one can make inquiries into the nature of property relations in different political systems. In this attempt, though, one should remember that property relations do not simply mean relation between the 'haves' and the 'have nots'. Then again, one should also keep in mind the difference between 'possession' and 'ownership'. It is, in effect, the latter on which the focus is more. Second, to what extent does the social division of labour distinguish different political systems? Although Marx speaks of different types of divisions of labour, he gives emphasis to the division of labour as leading to exchange, communication and introduction of techniques, practices and consequently, ideas. Yet again, division of labour may be found in a family, in a village and so on, but our main focus should be on the division of labour in society. Third, in order to compare different levels of political development in various countries, you ask this question: What is the stage of economic activity in a particular society? According to Marx, there are different types of state–society relationships, which are based on the diverse stages of development in different societies. In a feudal society, regardless of the feudal lord being both the owner of the means of production and of the political authority in his sphere of influence, his exploitativeness over the peasants remains 'veiled by religious and political illusions', but this is no longer true in a capitalist society where the 'state and society become abstracted from one another'. Thus, through the comparison of different stages of economic development of various political systems, both the nature of political authority as well as the extent of 'freedom' that is enjoyed by the people can be made. Fourth, the nature of the political system and its direction can best be explained only when you place it against the background of its past development. Neither the systems theory, nor the structural–functional theory lays any stress on the historical procedures. The Marxian approach is undoubtedly better than them in this respect. Fifth, you have already argued that in both systems, the structural functionalist theorists have transferred their social values and institutions into a theoretical framework which they have claimed to be universal. As a result that political reality in the Third World

remains either unclear or vague. But, on the basis of Marxian analysis, you can argue that common factors in the world are settled on by the world's economic order. In comparing Third World countries, one should start from the existing world economic order and the production relations in the societies that are being compared. Finally, by using what Warner describes in Marx's method as 'the method of specification by comparison', you can understand the conditions for the appearance of a particular historical configuration or to emphasize the features of that configuration.

Therefore, to summarize, the Marxist framework is far better adapted to analyse different systems in terms of historical development of various social structures and their interrelationships, and particularly to tackle the problems of instability and change. Marxist analysis provides a general framework within which one can search for historic process laws about particular structures that are applicable to limited and concrete situations. But one should remember that 'completeness of method, however, does not necessarily mean that one can find in Marx, everything in every specific context. Instead, these can come to light only through long, patient research, conducted on the basis of the Marxist method, which brings out the global, historical sense of a social evolution.' Again, all philosophers are the product of their own times and Marx was no exception. There were certain 20th century developments, which Marx could not visualize in his 19th century background. This did not mean that he had been disproved or was ignorant. He himself said, 'Like all other laws, it is modified in its actual working by numerous conditions.'

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1.4 SUMMARY

- Comparative politics is a field of political science characterized by an empirical approach based on the comparative method. The study of comparative politics depends on conscious comparisons in the field of political experience, behaviour and processes.
- One of the most important challenges in political science was to develop a broadly applicable theory of the political system. This theory was developed by David Easton. The outputs of a political system are authoritative decisions and actions of the political authorities for the distribution and division of values.
- For a clear output, the study of comparative politics depends on conscious comparisons in the study of political experience, institutions and behaviour.
- The study of governments is a significant part of the study of politics. The structure and behaviour of government makes an exciting and challenging area of concern for the students of political science.
- The nature of comparative politics seeks to analyse and compare different political systems that work under different societies. It takes into account the following associations of politics:
 - o Political activity
 - o Political process
 - o Political power
- Political activity deals with the activities involved in the resolution of conflict or in the struggle for power.
- Although the terms 'comparative politics' and 'comparative government' are usually used loosely and interchangeably, there still lies a point of difference between the two.

Check Your Progress

3. State the main difference between comparative government and comparative politics.
4. What is research design in the sphere of contemporary political analysis?
5. How does David Easton define a political system?

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- While comparative government deals with an extensive study of different political systems with special emphasis on their institutions and functions, comparative politics has a much broader scope. It covers all that which comes under the study of the latter, along with the study of non-state politics. Hence, comparative politics covers a much wider area in the study of politics.
- The study of contemporary comparative politics is characterized by the following features:
 - Analytical research
 - Objective study of political science
 - Study of infrastructures
 - Study of developing and developed societies
- The traditional approach to the study of comparative government emerged as a response to the historicism of the 19th century. It stressed the historical examination of Western political institutions from the earliest to the modern times.
- Under the influence of the behavioural reform, the institutional mode of analysis has been restored by the process mode. Behaviourists study the behaviour of people and groups rather than the structure, institutions, ideologies or events.
- The outputs of a political system are authoritative decisions and actions of the political authorities for the distribution and division of values.
- A political system is a mechanism for decision-making. The efficiency of a political system can be measured in terms of its ability to make decisions that are widely accepted.
- The Marxist framework is far better adapted to analyse different systems in terms of historical development of various social structures and their interrelationships, and particularly to tackle the problems of instability and change.
- Marxist analysis provides a general framework within which one can search for historic process laws about particular structures that are applicable to limited and concrete situations.

1.5 KEY TERMS

- **Comparative politics:** It is the study of the forms of political organizations, their properties, correlations, variations and modes of change.
- **Parochial:** It refers to an idea or issue having a limited or narrow outlook or scope.
- **Ethnocentrism:** It refers to a belief in the superiority of one's own ethnic group.
- **Infrastructure:** It is the basic physical and organizational structures and facilities needed for the operation of a society or enterprise.
- **Paradigm:** It is a worldview underlying the theories and methodology of a particular scientific subject.
- **Amalgamation:** It refers to the action, process or result of combining or uniting.
- **Articulation:** It is the action of putting into words an idea or feeling of a specified type.

1.6 ANSWERS TO ‘CHECK YOUR PROGRESS’

1. A comparative study of governments not only streamlines the progress of objective and rational judgement about political systems, but at the same time disperses the dangerously ambiguous form of ethnocentrism, that one’s own country is superior to any other.
2. (i) political systems
(ii) comparative
3. While comparative government deals with an extensive study of different political systems with special emphasis on their institutions and functions, comparative politics has a much broader scope. It covers all that which comes under the study of the latter, along with the study of non-state politics. Hence, comparative politics covers a much wider area in the study of politics.
4. In the sphere of contemporary political analysis research design converts strategy into an operational plan for field work or an experiment. It is a prospectus or an outline from which research is carried forward. It is a final stage in professional research preparation.
5. David Easton, one of the first political scientists to propose the utility of systems analysis for the study of politics, defines a political system as that ‘behaviour or set of interactions through which authoritative allocations (or binding decisions) are made and implemented for society’.

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1.7 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What, according to M. G. Smith, is comparative politics?
2. List the features that characterize the study of contemporary comparative politics.
3. ‘With a view of highlighting the meanings of different themes used in the sphere of contemporary political analysis, David Apter defines some of them.’ List any two of them.
4. Write a short note on general systems theory.
5. How does Marx define the term ‘class’?

Long-Answer Questions

1. Critically evaluate the meaning and need of comparative politics and governments.
2. What is the nature of comparative governments?
3. Describe the major features of a political system in your own words.
4. Discuss the concept of decision-making theories and their relevance in the study of government and politics.
5. Can Marxism be used in the field of comparative politics? Discuss.

1.8 FURTHER READING

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UNIT 2 APPROACHES TO THE STUDY OF COMPARATIVE POLITICS

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Structure

- 2.0 Introduction
- 2.1 Unit Objectives
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2.0 INTRODUCTION

Nowadays, comparative politics is gaining more and more importance. For studying political institutions comparatively and in a more meaningful and purposeful way, it is essential that not one but several approaches be adopted. No single approach can be universally adopted to solve every political, social or economic problem.

According to some thinkers, new approaches have brought revolution in political science; but whether that is true or not, one thing is certain—traditional approaches are slowly being replaced by newer, more novel approaches. Two of these approaches are systems approach and behavioural approach. The systems approach draws its main support from natural sciences. The behavioural approach lays emphasis on scientific outlook and objectivity. This unit discusses the traditional as well as modern approaches to the study of comparative politics.

2.1 UNIT OBJECTIVES

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

- Assess the historical, legal and comparative approaches to comparative politics
- Analyse the institutional approach and the emergence of comparative government
- Describe the behavioural approach to comparative politics
- Explain the Marxist approaches to the study of comparative politics

2.2 TRADITIONAL APPROACHES

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The traditional approach to the study of comparative governments emerged as a response to historicism of the 19th century. It stressed the historical examination of Western political institutions from the earliest to the modern times. The traditional approaches to the study of comparative politics are historical, legal and the comparative approach, and institutionalism.

2.2.1 Historical, Legal and Comparative Approach

The various methods of comparison are mentioned in this section.

Historical Method

The historical method can be distinguished from other methods in that it looks for causal explanations which are historically sensitive. Eric Wolf emphasizes that any study which seeks to understand societies and causes of human action could not merely seek technical solutions to problems stated in technical terms. The important thing was to resort to an analytic history which searched out the causes of the present in the past. Such an analytic history could not be developed out of the study of a single culture or nation, a single culture area, or even a single continent at one period in time, but from a study of contacts, interactions and 'interconnections' among human populations and cultures. The world of humankind 'constitutes a manifold, a totality of interconnected processes, and inquiries that disassemble this reality into bits and then fail to reassemble it falsify reality'.

Historical studies have concentrated on one or more cases seeking to find causal explanations of social and political phenomena in a historical perspective. Single case studies seek to produce general statements which may be applied to other cases. Theda Skocpol points out that comparative historical studies using more than one case fall broadly into two categories, 'comparative history' and 'comparative historical analysis'.

Comparative history is commonly used rather loosely to refer to any study in which two or more historical trajectories are of nation-states, institutional complexes, or civilizations are juxtaposed. Some studies which fall in this genre, like Charles, Louis and Richard Tilly's *The Rebellious Century 1810-1930*, aim at drawing up a specific historical model which can be applied across different national context. Others, such as Reinhard Benedix's *Nation Building and Citizenship* and Perry Anderson's *Lineages of the Absolutist State*, use comparisons primarily to bring out contrasts among nations or civilizations, conceived as isolated wholes. Skocpol herself subscribes to the second method, i.e., comparative historical analysis, which aims primarily to develop, test, and refine causal, explanatory hypothesis about events or structures integral to macro-units such as nation-states. This it does by taking 'selected slices of national historical trajectories as the units of comparison', to develop causal relationship about specific phenomenon (e.g., revolutions) and draw generalizations.

There are two ways in which valid associations of potential causes can be established. These methods laid out by John Stuart Mill in his *A System of Logic* are: (i) the method of agreement and (ii) the method of difference. The method of agreement involves taking up for study several cases having in common both the phenomenon as well as the set of causal factors proposed in the hypothesis.

The method of difference, which is used by Skocpol, takes up two sets of cases: (i) the positive cases, in which the phenomenon as well as the hypothesized causal relationships are present and the (ii) the negative cases, in which the phenomenon as well as the causes are absent but are otherwise similar to the first set. In her comparative analysis of the French, Russian and Chinese Revolutions, in *States and Social Revolutions, A Comparative Analysis of France, Russia and China*, (Cambridge, 1979), Skocpol takes up the three cases as the positive cases of successful social revolution and argues that the three reveal similar causal patterns despite other dissimilarities. She also takes up a set of negative cases, viz., failed Russian Revolution of 1905, and selected aspects of English, Japanese and German histories to validate the arguments regarding causal relationship in the first case.

Critics of the historical method feel that because the latter does not study a large number of cases, it does not offer the opportunity to study a specific phenomenon in a truly scientific manner. Harry Eckstein, for instance, argues that generalizations based on small number of cases 'may certainly be a generalization in the dictionary sense.' However, 'a generalization in the methodological sense' ought to 'cover a number of cases large enough for certain rigorous testing procedures like statistical analysis to be used' (Harry Eckstein, *Internal War: Problems and Approaches*, 1964).

Legal Method

Since we are exploring the traditional approaches, we will also refer to methods like legal and juridical. As evident, this means that we shall analyse political systems along with the institutions and legal processes that comprise it. For political scientists using this method, law and justice are not limited to being the matters of jurisprudence but the state itself is treated as in charge of an equitable and effective system of law and order. Therefore, for political scientists, organizational matters, as well as those related to jurisdiction and independence of judicial institutions, are matters of concern. State has been analysed as a corporation or a juridical person by analytical jurists from Cicero in ancient times to Dicey in the modern period. Politics thus became a science of legal norms, independent of the science of the state as a social organism. This approach, therefore, treats state as the prime entity to craft and implement laws.

Applied to the study of national and international politics, the legal method presumes that any action which is to be taken in case of an emergency is prescribed in law. It forbids action taking in some other situations, thus fixing the limit of action permitted. Moreover, it emphasizes that where rule of law prevails, its very knowledge among the citizens can help in determining their political behaviour. However, by its very nature, the legal method is very narrow.

Philosophical Method

Principles of political theory were laid with the help of history, law, ethics and philosophy. This approach significantly contributed to literature on normative political theory. Thinkers like Plato and Burke successfully laid down the principles of political theory and developed concepts like liberty and equality, rights, law and justice. On the one hand, with traditional approach, Plato, Kant and Hegel idealized the state; on the other hand, Aristotle, Hobbes and Machiavelli became more practical and developed theories of the state which could be practiced for real. Relationship between politics and law was adopted by Grotius, Bentham, Austin and Dicey. This approach continued to remain in operation for a very long time and examined every political institution with the help of available evidences.

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Comparative Approach

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The comparative method, its nature and scope, has its own supporters and critics. Theorists like A. N. Eisenstadt argue that the approach has no specific method but involves focuses on cross-societal institutional or other macro aspects of societies for social analysis. On the other hand, theorists like Arend Lijphart, contend that comparative approach is a method and not just a vague term that symbolizes or indicates towards the focus of one's research. Lijphart defines this method as a basic method compared to others that are more experimental, statistics-based or rely on case studies to make generalizations. Another theorist, Harold Lasswell, argues that the comparative nature within the scientific approach cannot be avoided and thus to anyone who uses such an approach to a political phenomena, a completely independent comparative method, seems redundant.

Comparative approach has also been equated to the scientific method by Gabriel Almond. Yet, there is a general agreement between different scholars that the comparative method is not a method of measurement but aimed at discovering empirical relationships between variables. The first step is to measure variables before a relationship is explored among them. It is the latter step which is referred to as the comparative method. Theorists argue that a distinction must be made between the technique and the method and identify comparative method as a broad, general method and not a narrow, specialized technique. Keeping these arguments in mind, theorists refer to it as the comparative approach method or a method of comparison because it lacks the nature and principles of a method. Therefore, the comparative approach can also be thought of as a more basic research strategy than a strategic tool of research.

When compared with the experimental, statistical or case study methods, the comparative approach can be better understood. For instance, the experimental method is a process to understand the relationship between two variables in a controlled environment. Such experiments are rare and difficult in political science, therefore, an alternative is used by the way of statistical method. Within statistical method, the empirical data is conceptually manipulated to discover controlled relationships among variables. Control is ensured through division of the sample into many different groups, also referred to as parting correlations or cross tabulations, like differentiating on the basis of age, income, gender, education. This is followed by finding the correlation between two selected variables in each case. This is the standard procedure followed in this method and applied to most empirical research. The two methods—experimental and statistical—use the same logic and are often referred to as the approximation of each other.

Therefore, comparative method essentially resembles the statistical method except that the number of cases it deals with is often too small to permit statistical methods. But it is necessary to understand that the comparative method is not an adequate substitute for the experimental method as in the case of natural sciences. But these weaknesses can be minimized in a number of ways. The statistical method is best to use as far as possible, except in cases where entire political systems are being compared, then the comparative method has to be used. The two can also be used in combination. In this comparative analysis it is the first stage in which macro hypotheses are carefully formulated, usually covering the structural elements of total systems, and the statistical stage is the second, in which through micro replications these are tested in as large a sample as possible. Second, too much significance must not be attached to negative findings: for example, rejecting a hypothesis on the basis of one deviant case especially when the sample is small. Rather, research should aim at probabilistic and not universal generalizations. Third, it is necessary to increase the number of cases as much as possible

(though small samples are not of much use). Comparative politics has advanced because of the formulation of universally applicable theories or grand theories based on the comparison of many countries or political phenomenon within them. For example, structural functional analysis theory opened up a world of comparative research unknown before. Fourth, increase the number of variables if not the number of cases; through this more generalizations are possible.

Fifth, focus on comparable cases, i.e., those that have a large number of comparable characteristics or variables which one treats as constants, but dissimilar as far as those variables which one wants to relate to each other. This way we study the operative variables by either the statistical or comparative method. Here, the area or regional approach is useful, for example, while comparing countries within Latin America or Scandinavia or Asia. But many scholars have pointed out that this is merely a manageable argument, which should not become an imprisonment. Another alternative is studying regions within countries, or studying them at different points of time as the problem of control is much simpler as they are within the same federal structure. Here, it may be mentioned that the states within the Indian Union provide a rich laboratory for comparative research that has not yet been undertaken. Many scholars feel that focus should be on key or contextual variables, as too many variables can create problems. This not only allows manageability but also often leads to middle range theorizing or partial comparison of political systems. This has been used successfully in anthropological studies as tribal systems are simple. Political scientists can also do this by limiting the number of variables.

The case study method is used whenever only one case is being analysed. But it is closely connected with the comparative method, and certain types or case studies can become an inherent part of the comparative method whenever an in-depth study of a variable is needed prior to comparison with other similar ones. The scientific status of the case study method is somewhat ambiguous because science is neither generalizing nor a ground for disapproving an established generalization. But its value lies when used as a building block for making general propositions and even theory building in political science when a number of case studies on similar subjects are carried out. Case studies can be of many types, for example, a theoretical or interpretative, theory confirming or informing each useful in specific situations. Thus, the comparative and the case study method have major drawbacks. Due to the inevitable limitations of these methods, it is the challenging task of the investigator in the field of comparative politics to apply these methods in such a way as to capitalize on their inherent strengths and they can be useful instruments in scientific political inquiry. Many scholars have spent much of the post war period constantly improving the use of these methods.

2.2.2 Institutionalism

The study of institutions goes a long way back, starting possibly with the philosophical explorations of Plato's *Republic*. In this section, we will get a general idea of the historical evolution of the institutional approach.

We are, for the most part, concerned with studying the approach within the field of comparative political analysis. Therefore, our main concern is with the historical moment at which the institutional approach took on a comparative character. Ethnocentrism is a typical feature of this approach. A major portion of the works which represent the institutional approach in comparative politics have only taken into account governments and institutions in the West. Inherent in this approach is the belief that western liberal democratic institutions are dominant. Thus, according to this view, western

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liberal democracy is not only the best form of government, but it also has a normative and universal character. The widespread nature of western liberal democracy takes for granted that not only is this style of government the best, but also relevant across the world. The 'normativity' of western liberal democracies is a consequence of this belief.

If it is the best form of governance which is also appropriate in all contexts, liberal democracy is the form of government which should be implemented everywhere. But an important exception also arises from this prescribed norm of liberal democracy. This exception implies: (a) that the institutions of liberal democracy were specifically western in their origin and contexts and, (b) that non-western countries were incapable of democratic self-rule and would only be fit to do so if they underwent training under western imperialist rule.

In the following sections, we shall undertake a detailed study of the beginning of the institutional approach from ancient times to the first quarter of the present century when it became a prime method which made comparative study possible.

Historical Background

Aristotle studied constitutions and practices in Greek city-states. Possibly, this is the oldest comparative study of governments. Aristotle contrasted them with politics in the so-called 'barbarian' states. He established similarities and differences between governments differentiating between monarchies, oligarchies and democracy, and between these 'ideal' governments and their 'perverted' forms. An interrelation between facts and values marked the study of comparative politics at this stage. At the initial stages, an attempt was not made to analyse the theory and practice of government, as James Bryce had emphasized in the late nineteenth century. In its place was an irresistible desire to explore 'ideal' states and forms of governments. More emphasis was given to assumption, on what should be instead of on what 'is' or what is actually present. Practical details and knowledge of existing state of affairs, however, came to be known due to the efforts of Machiavelli (*The Prince*) in the sixteenth century and Montesquieu (*The Spirit of Laws*) in the middle of the eighteenth century. A large number of constitutional lawyers were the followers of Montesquieu. Their profession demanded that they concentrate more on the contents, i.e., the theoretical (legal-constitutional) framework of governments rather than the manner in which these frameworks unfolded in practice.

The forbearer of the study of 'theory and practice' was Tocqueville. This theory later became the real spirit of the institutional approach in comparative political analysis. Another noteworthy contribution to the expansion of this element of the institutional approach was made by Bagehot (*The English Constitution*, 1867) in his examination of the British cabinet. In this, he drew points of comparison with the American executive. In the last quarter of the nineteenth century, Bryce, Lowell and Ostrogorski contributed significantly to a comparative study of institutions and by doing so, to the development of a distinct branch of study that dealt with comparative governments.

Institutional Approach and the Emergence of Comparative Government

At the end of the nineteenth century and the beginning of the twentieth century, there was a drastic change in the contents of the institutional approach, and thereby the nature and scope of comparative politics. This was due to the contributions of Bryce, Lowell and Ostrogorski.

In his appraisal of their work, Jean Blondel asserts that Bryce and Lowell were, indeed, the true founders of comparative governments as it developed as a separate

branch of study in the latter part of the nineteenth century. The *American Commonwealth* (1888) and *Modern Democracies* (1921) were two noteworthy works of Bryce. In *Modern Democracies*, Bryce focused on the theory of democracy and examined the working of the legislatures and their decline. Lowell's works, *Governments and Parties in Continental Europe* (1896) and *Public Opinion and Popular Government* (1913), where he undertakes separate studies of France, Germany, Switzerland, etc., and a comparative study of referendums and its impacts respectively, were equally important.

In the same way, another pioneering work was Ostrogorski's study *Democracy and the Organization of Political Parties* (1902) which aimed to test the hypothesis of the 'democratic' or 'oligarchical' character of political parties.

It becomes significant to see how these works improved and changed the way in which institutions were being studied until now.

- (i) **Theory and practice of governments:** It has been mentioned earlier that comparative study of governments was inclined to be philosophical-speculative or largely legal-constitutional, i.e., they were either concerned with theoretical concepts like the 'ideal state', or with data regarding the legal-constitutional frameworks and structures of governments. With the liberal constitutional theory as a base, the formal institutional structures were examined with emphasis on their legal powers and functions. This formed part of studies on 'Comparative Government' or 'Foreign Constitutions'. These works were a result of the effort of the elites in institutional-building in different countries. This is the reason institutionalism acquired some fascination in the newly independent countries.

According to Bryce and Lowell, the existing studies were partial and incomplete. An all-inclusive scrutiny of governments should comprise the working of the legal-constitutional frameworks of governments. They emphasized that such a study not only necessitated a study of the theoretical bases or contexts of governments (i.e., the legal-constitutional framework and governmental institutions) but also equally important was the emphasis on the study of 'practices of government'.

Focussing just on constitutions, as was done by lawyers, was inadequate as it would result in ignoring the difficulties of their operation and implementation. Alternatively, focusing completely on practice without putting it in its theoretical (constitutional) perspective would not give the complete picture as one could lose sight of the contexts within.

It was, thus, primarily with Bryce and Lowell that the content of institutional approach in comparative political analysis came to be defined as a study of the 'theory and practice of government'.

- (ii) **Focus on 'facts':** An important part of these studies was the concern to study 'practice' through an analysis of 'facts' about the functioning of governments. To examine practice, one required to find out and 'amass' facts. Bryce categorically backed his view that it was essential to base one's analysis on facts, without which, he said, 'data is mere speculation': 'Facts, facts, facts, when facts have been supplied each of us tries to reason from them'. A major complication encountered during collection of data regarding practices of governments was the tendency among governments to conceal facts than to make them public. This made it difficult to acquire facts because governments and politicians often hid facts or were reluctant to clarify what the real situation was. However, this difficulty did not discourage them from stressing the importance of collecting data

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about almost every aspect of political life, parties, executives, referendums, legislatures, etc. This effort was sustained by later comparativists like Herman Finer (*Theory and Practice Institutional Approach of Modern Government*, 1932) and Carl Friedrich (*Constitutional Government and Democracy*, 1932).

- (iii) **Technique:** While searching for facts, Bryce and Lowell came across the use of quantitative indicators, on the basis of the realization that in the study of government, qualitative and quantitative types of verification have to be fair. Finally, however, Bryce and Lowell felt that findings could be reliable only on the basis of as wide a range of facts as possible. Keeping this in mind, they extended their studies geographically to a large number of countries which, at the time, had institutions of a constitutional or near constitutional character. They, therefore, endeavoured to focus their study on governments of western, central and southern Europe. But it was with Ostrogorski's work that comparative political analysis began to focus on studying particular institutions on a comparative basis. In 1902, Ostrogorski published a comprehensive analysis of political parties in Britain and America.

The institutional approach faced much criticism in the 1950s from 'system theorists' like Easton and Macridis who stressed upon the building of overarching models having a general global application. They attempted to understand and explain political processes in different countries on the basis of these models. These criticisms and the defence offered by institutionalists will be discussed in the next section.

Institutional Approach: A Critical Evaluation

Criticisms of the institutional approach in comparative political analysis have come in consecutive waves, in the early part of the twentieth century and later in the 1950s. A refined version of the approach reappeared after each wave of criticism.

The approach was criticized before the study of institutions attained a comparative nature (however restricted) at the turn of the century. It was said to be not only: (i) speculative but also (ii) prescriptive and normative. (iii) It was concerned with only irregularities and regularities and ignored relationships. (iv) It focussed on individual countries and therefore was non-comparative. It was said to be (v) ethnocentric as it focused on western European democracies. (vi) As it focussed on formal structure, both constitutional and governmental—it was said to be descriptive. (vii) It did not focus on analysis but at the same time was historical. (viii) The contributors tended to ignore the upper chambers of UK, the US and the USSR. (ix) Methodologically, they were said to be incomplete, at least in part. Theoretically, however, they were said to have failed to recognize the essence of political life.

With Bryce and his contemporaries, the nature and content of the institutional approach went through a phase of transformation. The approach attained a comparative character and at the same time attempted to combine theoretical contexts with governmental practices. In the 1950s, the institutional approach, as it developed with Bryce, Lowell and Ostrogorski, once more faced severe criticism by political scientists like David Easton and Roy Macridis.

David Easton criticized Bryce's approach in his work *The Political System* (1953), calling it 'mere factualism'. Easton claimed that this approach had affected American Political Science admitting that although Bryce did not neglect 'theories' his aversion to making explanatory or theoretical models, had led to a 'surfeit of facts' and as a result to 'a theoretical malnutrition'.

It will not be difficult to understand why Easton felt that Bryce's approach had misguided American Political Science in the wrong direction. Jean Blondel defends the institutional approach from critics like Easton who attacked its 'factualism'. Blondel argued that the charge of 'surfeit of facts' was incorrect since very few facts were actually available to political scientists to analyse politics comprehensively.

Actually, there was hardly any knowledge of the structures and activities of key institutions of most countries, especially about the communist countries and the underdeveloped countries. It was important, therefore, to collect more facts, considering that governments tended to hide facts rather than pass them on.

Any successful study had to be based on facts. Reasoning would not be possible in the absence of 'facts' or 'data'. This, along with the point that facts were not easy to get hold of, made them vital to the study of political analysis.

In 1955, Roy Macridis felt that the comparative study of governments should be reoriented. He felt that in the present form, comparative study had been 'comparative in name only'. According to Macridis, the orientation of the institutional approach was 'non-comparative', 'parochial', 'static' and 'monographic'. He said that a fair amount of work was 'essentially descriptive'. He owed this to the analysis being historical or legalistic, and therefore quite narrow.

In the 1950s, it became obvious that there was a dearth of facts which was a cause of concern. It was not possible to make proper generalizations. According to Blondel, there was, a 'surfeit of models' instead of a 'surfeit of facts'. He pointed out that building models without basing them on facts would lead to misinformation. It was not easy to obtain information about certain countries. Also, wrong information was likely to influence and reinforce preconceptions about those countries.

In 1971, while writing about Latin American Legislatures, W. H. Agor stated that legislatures in that part of the world were not strong. With no facts available for the purposes of the study, the reliance was more on evidence which was 'impressionistic'. Thus, those who followed the institutional approach emphasized the need for collecting and coming up with ways of collecting facts.

The criticisms were, however, followed by works that had a more comparative focus and included non-western countries.

2.3 MODERN APPROACHES

The modern approaches to political science play a very important role in studying comparative politics. It includes approaches like the behavioural system, structural-functional and the Marxist approach. Many thinkers and theorists have given their views and theories with regard to these approaches. This section deals with the behavioural approach.

2.3.1 Behavioural Approach

As you know, behaviouralism is related to the rise of the behavioural sciences and is based on the natural sciences. It examines the behaviour, actions and acts of individuals instead of the characteristics of institutions like legislatures, executives and judiciaries.

Before the Behaviouralist Revolution, critics saw the study of politics as being primarily qualitative and normative. They also claimed that it lacked a scientific approach

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Check Your Progress

1. What have historical studies concentrated on?
2. Name the methods by which valid associations of potential causes can be established.
3. How did David Easton criticize Bryce's work on institutional approach?
4. What does the theory of institutionalism state?

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which was necessary to call it a science. However, behaviouralists would go on to use strict methodology and empirical research to validate their study as a social science. The behavioural approach was innovative because it changed the attitude of the purpose of inquiry moving towards research supported by verifiable facts.

Behaviouralism uses the following methods to understand political behaviour:

- Sampling
- Interviewing
- Scoring and scaling
- Statistical analysis

David Easton was the first to differentiate behaviouralism from behaviourism in the 1950s. In the early 1940s, behaviourism itself was referred to as a behavioural science and later called behaviourism. The two disciplines were given distinct meanings by Easton.

Easton also listed the 'intellectual foundation stones' of behaviouralism, which are as follows:

- **Regularities:** This is related to the generalization and explanation of regularities.
- **Commitment to verification:** This refers to the ability to verify one's generalizations.
- **Techniques:** This represents an experimental attitude towards techniques.
- **Quantification:** Results are to be expressed as numbers wherever it is possible and meaningful.
- **Values:** The approach also keeps ethical assessment and empirical explanations distinct.
- **Systemization:** The importance of theory in research also must be considered.
- **Pure science:** It defers to pure science rather than applied science.
- **Integration:** It aims at integrating social sciences and value.

Objectivity and value-neutrality

According to David Easton, behaviouralism must be 'analytic, not substantive, general rather than particular, and explanatory rather than ethical.' Therefore, the theory aims to evaluate political behaviour without 'introducing any ethical evaluations'. Rodger Beehler calls this 'their insistence on distinguishing between facts and values'.

Criticism of behaviouralism

The approach has been criticized by both conservatives and radicals for the purported value-neutrality. Conservatives see the distinction between values and facts as a way of undermining the possibility of political philosophy. Neal Riemer feels this approach does away with 'the task of ethical recommendation' because behaviouralists believe 'truth or falsity of values (democracy, equality, and freedom, etc.) cannot be established scientifically and are beyond the scope of legitimate inquiry'. Christian Bay believed behaviouralism was a pseudo political science and that it did not include 'genuine political research'.

Bay objected to empirical consideration taking precedence over normative and moral examination of politics.

Post-Behaviouralism

The theory of post-behaviouralism questioned the prevalent notion that academic research needed to be 'value neutral'. They also claimed that despite the alleged value-neutrality of behaviouralist research, it was biased towards the status quo and social preservation over social change.

This school of thought argued that values should not be neglected and that behaviouralism was biased towards observable and measurable phenomena. Simply put, this meant that trivial issues that could be easily worked on were being emphasized at the cost of more important topics. The post-behaviouralists believed that research was very relevant in society and intellectuals had a positive role to play in the same.

Criticism of Post-behaviouralism

Well-known American political scientist Eulau criticized post-behaviouralism as a 'near hysterical response to political frustrations engendered by the disconcerting and shocking events of the late sixties and early seventies'.

2.3.2 Traditionalists versus Behaviouralists

Traditionalism in political science is a continuation of classical political philosophy in the modern times. It is represented by political scientists of varied professional inclinations, having an affinity with practitioners of moral or social philosophy. It also includes institutional analysts. Contrary to traditionalism in political science, behaviouralism postulates that social sciences can more closely approximate to methods and goals of natural sciences. On the other hand, traditionalism takes the stand that political science can never become a science in the real sense. The traditionalists continue to argue that even if it were possible for political science to become a science, it would be undesirable to attempt it.

The traditionalists' challenge to behaviouralist methods is the most outspoken. Their basic premise is that political science can never really become a science. To support their view, they advance the proposition that units of analysis in political science are not comparable to those of natural science. Unlike the stable units found in natural sciences, human beings are unique by virtue of their self-consciousness. They have the capacity to alter any plan about behaviour on the basis of past, present and future expectations and experiences. Therefore, any claim to general predictive laws would be highly presumptuous and inaccurate. Political behaviour by its very nature is not amenable to experimental enquiry. For, in a historical sense, it is unique and not recurring at intervals. Hence, the very search for regularities which the behaviouralist analysis undertakes is in vain.

The traditionalists maintain that quantification and analysis do not suit political science. The discipline as a whole is lacking in both precise concepts and the required metrics. Significant issues usually cannot be quantified, while those quantifiable easily are usually trivial. The traditionalists doubt the extent to which significant human behaviour can actually be apprehended and observed in a systematic manner.

Moreover, the traditionalists argue that additional subject matter differences between social and natural science. They are convinced that social scientists cannot

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examine or investigate their subject matter dispassionately. Nor is it possible to achieve objectivity as demanded by the scientific method. In fact, the scientific method confronts social scientists with the pervasive reality of their biases at all stages of investigation. This detracts them from keeping values and facts separate.

As in methods, the differences between the traditionalists and behaviouralists also focus on scope and objectives. The traditionalists uphold such appropriate objectives that are action oriented. They appear in the role of humanitarian advocate, critic and reformer. Indeed, the traditionalists' position implies a special characterization of the scientific method. On one level, it amounts to rejecting the scientific method, claiming that the pattern of justification varies between natural sciences and social sciences. On another level, the traditionalists' position implies that techniques of discovery differ in natural and social sciences. The former claim is much more radical in import than the latter one. Much of the current debate fails to articulate this important distinction.

On the contrary, it is possible to establish such broad meanings that almost any systematic accumulation of information can be so designated. When it is not clear what claims are being made for or against science, there is an artificiality about these debates. In recent years, philosophers of science have persuasively stated the case for a view of science and scientific methods that falls between the above extremes. Thus, a middle path has emerged in recent times. To quote the political scientist Malcolm B. Parsons, 'It is possible to define sciences and scientific enquiry so narrowly that only a few areas in the physical sciences could qualify.'

At this stage, it would be worthwhile to explain the differing implications of the traditionalist and the behaviouralist positions in political science. The debate between them points to one significant conclusion. It is at least possible to set the requirements of a genuine science whether so narrowly as to rule out all but a few natural sciences or to make it so broad-based that it could include almost any kind of common sense speculation. If we limit science only to those areas of enquiry for which there exists fully formalized theories, offering explanations that are strictly deductive in form, this would considerably narrow down the range of scientific enquiry. On the contrary, if the difficulty in obtaining relatively unbiased observational data is overemphasized, and the importance of law-like generalizations is underscored, a vast array of pre-scientific and philosophical enquiries would lay claim to be included in a scientific discipline.

The role of theory is central to all scientific explanation. It is on this score that social science has been found most lacking. To date, social science has singularly failed to produce a widely accepted account that can serve as a paradigm for further research. It has not been able to produce even the grounds for adjudicating the relevance and law-likeness of empirical generalizations and far less the grounds for explanation of social behaviour. Traditionalists treat this failure as endemic to political science. Not only has the discipline failed to measure up to the requirements in the past, but there are overriding reasons for assuming that it can never satisfy these demands. In a way, it is an empirical claim resting on past history and the present condition of political science. Evidence is quite adequate for predicting a continued failure of the discipline to measure up to the requirements of a genuine science.

Contrary to this, the behaviouralists' plea is that social scientists have been successful in applying a variety of sophisticated statistical techniques to data. In a large number of cases, these techniques have been used to make accurate predictions. As a result of this, many empirical theories have been propounded which have attained some

measure of support. However, if we were to expect from a science a total theory which does for social science or at least for one of its major divisions what Newton's theory did for physics, the traditionalists' denigration of the accomplishments of empirical theorists would be deemed plausible. It is, however, doubtful whether even physics has a theory of such cosmic significance.

Distinguished American sociologist Robert K. Merton rightly maintains that the proper aim, at least in current conditions, and the proper measure of social science, is its success in providing theories of mid-range. Such theories are more than empirical generalizations or summaries of observed uniformities. They comprise specific testable assumptions that can be falsified or confirmed by observation. They occupy a middle position between isolated observational generalizations and all-embracing speculative theories. Merton's characterization of the theories of the mid-range embraces such classic accounts as Emile Durkheim's theory of suicide and Max Weber's theory of relationship between Protestantism and capitalism. More recent examples include the reference-group theory and the role set theory.

Given the numerous theories of the middle range, it is wrong to lament the death of theories as the traditionalists do. Moreover, the failure of political science to produce widely accepted and well-established grand theories (in a period of only 30 years or so) which can be used to predict future developments is naive and immature. This cannot be deemed a sufficient ground for denying politics its scientificness of its accomplishments in the realm of scientific theory. If the history of the development of other sciences is any guide, the gestation period for a new natural science often has been much longer.

The traditionalists' attack in relation to political behaviour is three-fold:

- (i) The human political behaviour involves too many variables. It is too complex to visibly exhibit the regularities necessary for the determination of empirical laws and theories.
- (ii) The subject matter, that is, human behaviour, precludes explanation by empirical laws and theories.
- (iii) That even such laws and theories as might be presented are inevitably biased in such a way as to prevent scientific objectivity in evaluating them.

Each of these criticisms has been widely challenged. These have, however, failed to establish that it is impossible for social sciences to resemble natural science in method. In fact, political science, if properly practised, can be a genuine science. This does not mean that social science must or will develop to meet the requirements of scientific explanations and if possible, predict as well.

Reproductive Fallacy

The traditionalists' objection that social and political behaviour is too complex to be explained in terms of law-line generalizations drawn from adequate empirical theory, suffers from a few confusions. The primary one among them is called the 'reproductive fallacy'. This means that an adequate explanation of a given event must account for that event in all its uniqueness. Any event is susceptible of many descriptions and it is argued that no complete description is possible, that language in general is inadequate to capture experience and that describing a thing is different from actually perceiving and reacting to it. However, this in no way implies that descriptions are somehow necessarily inadequate. Nevertheless, an adequate explanation of social behaviour is possible under only one of the many possible descriptions.

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Social and Natural Science—Points of Divergence

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Similarly the objection that the uniqueness governing social behaviour is not merely uniqueness governing all events, but rather the kind of behaviour that does not recur. In other words, it is that behaviour that appeals to political science as a matter of fact and applies to a single instance or at best to a few cases. As against this, the descriptions of interest to physicists apply to large phenomena for purposes of explanation. This limitation of social science is shared by other physical sciences like geology and meteorology. These natural sciences too are interested in explaining unique events, but lack adequate tools and techniques of explain the phenomena before them. This is not a failure of the younger natural sciences alone but also older sciences like physics. They lack knowledge of the contingencies and variables governing the infinite diversity of particular conditions.

Moreover, the kinds of concepts employed by physicists are idealisations that actual physical objects only approximate to. Physical laws apply in their purity to rigid bodies like objects in a vacuum or frictionless mass. Explanation and prediction apply to objects and events only when we accept simplifying assumptions that exclude some variables. For example, the rational economic man is a construct or idealisation that involves simplifying assumptions. Actual economic agents only approximate to this ideal. However, this does not mean that we cannot adduce law-like generalizations which apply to actual economic behaviour.

Philosopher Karl Popper supports the viewpoint that social science deals with the phenomena that are more complex than those investigated by natural scientists. He finds the source of complexity of subject matter of social science in the tendency to compare concrete social or political situations with those found in the laboratory of natural scientists. But the laboratory situation is shaped exactly to limit the effect of certain variables.

Another source of the assertion of complexity, Popper argues, is the belief that social scientists must give an account of social phenomena. This somehow includes the mental condition of all participants. This requirement is highly unrealistic. It is tantamount to demanding that physicists know the behaviour of each molecule before they can employ concepts like pressure or temperature that relate to the collection of a large number of molecules.

The traditionalists claim that human behaviour is different in kind from the behaviour of inanimate objects. This is so because human beings are clearly conscious of their own behaviour. This points to the fact that human beings can alter their own behaviour. They can do so despite or precisely because social scientists have preferred a theory or made a prediction. Besides, human beings can give meaning to their actions and their institutions. There can be no complete or even adequate explanation of human political behaviour and institutions unless it takes account of this factor. Moreover, this meaning or significance cannot be understood in terms of some theory which abstracts from the overt behaviour responses. Consequently contemporary behaviouralism misses the most important dimension of human behaviour due to abstracted empiricism.

Most scholars agree that dissemination of the results of political enquiry in social sciences may have effects altogether different from the publication of conclusions in natural science. For example, the publication of preference poll results may affect outcome of the election, while nobody expects the publication of tide tables to affect the tides. Nevertheless this difference between the natural sciences and social sciences may not be significant as may be first imagined. The effects of publishing preference polls are

themselves open to empirical study, just as are the effects of using a thermometer. Herbert Simon's work on the bandwagon effect offers a good example of how publication of preference polls may be treated as an empirical variable.

Peter Winch supports the claim that the subject matter of social science enjoys a methodology which may radically differ from that employed in natural science. According to Winch, the description of human behaviour as an action, rather than merely as a piece of physical behaviour, demands that the actor possesses in advance certain concepts in the light of which he views his action. What he does is intimately connected to what he perceives himself to be doing. Indeed all meaningful behaviour, and social behaviour, in particular, can be adequately described only when it is treated in terms of the concepts the agents actually have. More importantly, since the ideas and theories of people change and develop social behaviour and social relations are not suited to making broad generalisations. As a corollary to this, social science differs from natural science in two ways.

First, the criteria for determining evidence are not those of the observer, but those of the observed.

Second, appropriate explanation does not come through assumption of particular behaviour under law like generalisation. It emanates from an understanding of behaviour as an instance of some social practice or activity.

British philosopher Winch aligns himself with Max Weber against the position taken by Pareto and Durkheim. The latter plead for a vocabulary of recurring observable social features. In their view, these can be developed and (at least in principle) are suitable for inclusion in scientific generalization. Social facts may describe social behaviour in terms radically different from those employed by the actors themselves. Durkheim's concept of *anomie* as it functions in his discussions of suicide is a case in point.

Winch and Weber argue that social scientists must attempt to obtain a *Verstehen* which means an emphatic or interpretative understanding of human action. For both, this understanding is not merely a case of a social scientist attempting to put himself into the other man's shoes, and seeing the world as the social actor sees it, but more than that.

Weber sees *Verstehen* as a first step in social research to be supplemented by a search for statistical generalization. In contrast, Winch suggests that social scientists should engage in an enquiry akin to that of philosophers. They should try to grasp the standards or social rules relevant to the behaviour under study as a result of which this behaviour becomes intelligible.

Winch, admittedly, is justified in joining out the importance of the agent's own account of social and political behaviour, which behavioralists can take into consideration. Normal social and political concepts or categories provide a focus for investigation and specific individual explanations can be included as data. The demand to account for human behaviour in all its uniqueness is only another example of the reproductive fallacy. In a sense bureaucratic behaviour cannot be understood or appreciated unless we see it from the viewpoint of a practising bureaucracy. Nevertheless, it does not imply that there is an alternative explanation of understanding to be gained from subsuming this behaviour under law-like generalizations. This may be so even when the concepts employed in framing these generalizations and in describing specific pieces of behaviour, differ radically from those that the agent himself would employ.

As against Winch's position, social science has been described as the study of the unintended consequences of human action. This description understates the relevance

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of Winch's argument, while this position itself misses one vital aspect of social enquiry. Conceding that one important task of social science is to characterise the rules which constitute various social practices or activities, one need not accept the suggestion that his is all there is to social enquiry. Such an analysis is conspicuously static. It does not leave room for equally important questions that arise about the origin and development of various practices and activities.

Problem of Objectivity

The traditionalists emphasize the intrusion of values at every stage of political analysis. This tends to make objective judgements impossible. Bias or prejudice will surely enter the collection and evaluation of data, allocation of funds for research and admission or rejection of certain variables in theories. Even behaviouralism leads to concern with problems which are not politically relevant. It, thus, given at least tacit support to existing political institutions and practices.

Another objection is that all our complex judgements are reflection of ideology. They are, therefore, historically relative rather than objective.

The given logic has been countered by the behaviouralists or other practitioners of scientific methodology in political analysis. Undeniably, particular pieces of research have been infected by bias or they have been characterized by an unacceptable intrusion of particular judgements of value and by the investigator's points of view. Probably this happens more often in social sciences than in natural science. However, empirical evidence does not show that the intrusion of values is unique to social science or that it can be eliminated. Furthermore, judgements of value enter into the evaluation and reception of results in natural as well as in social sciences. In this respect, social science may be seen, in principle, as no worse than natural science.

Social science also does not vary in kind from natural science. However, it cannot be denied that some research in social science has been trivial and irrelevant to immediate social and political problems. But it is also wrong to assume that all or even most investigations in natural science are endowed with special significance or scientific importance. Triviality in choice of research problems, unimaginative research design, lack of insight into the relationship between particular pieces of research and larger problems in a field, and finally, the relative stupidity of the investigator can result in banality and trivialisation of research in both natural and social sciences.

The lack of direct relevance or application often besets basic research in both natural and social sciences. Theorizing is always some steps removed from practical application and what may lead to a fruitful development is not known in advance. Freedom is, therefore, necessary in matters of choice concerning a research problem. It is difficult to see how the demand for relevance at the expense of theorising is different from the charge that a scientist should turn away from some basic research. Both may be worthwhile and not necessarily exclusive undertakings. It does not mean, however, that, in particular cases, priorities cannot be established. If funds are limited, the more important of the research areas may be given priority.

Finally, even if biases and verifying value systems create greater difficulty in social science, it does not follow that they cannot be eliminated. For example, when the application of the Western developmental model to the Third World hides a value bias and is culture-bound. It is a case of intrusion of values into scientific enquiry.

Problem of Value-Relativism

The traditionalists advance the thesis of relativism. They deny scientific objectivity to social science research. In their view social science fails to be objective, that is, truly scientific because it is but one instance in which human ideology intrudes upon our judgement. Absolute truth existing independently of the values and position of the subject and unrelated to the social context is impossibility.

In support of this position, the traditionalists adduce American philosopher Samuel Kuhn's thesis called the *Structure of Scientific Revolutions*. They seize upon those passages in which Kuhn talks about replacement of one paradigm by another in natural sciences as a Gestalt Switch or conversion to reinforce their argument. They assess that even in natural science, individual and group prejudices shape judgements. Thus there is no objective procedure for ultimately adjudicating various claims.

Such a global indictment does not clearly distinguish the problems faced by social scientists from those faced by natural scientists. In fact both are tarred with the same brush. Moreover, behaviouralists need not commit themselves to finding some absolute truth. Indeed, they may develop laws and theories adequate to their subject matter in the same sense that laws and theories are adequate in natural science. Such a global relativism generates what is known as Mannheim's paradox, 'Since all judgements about social life are relative to the social and the individual perspective, they, therefore, lack of objectivity cast doubts on particular judgements about social life, then doubt is cast equally on the relativist thesis itself.'

As a matter of fact, part of the initial appeal of relativism comes from the identification of absolute truth with objectivity. To hold that scientific statements are tentative or hypothetical is to acknowledge that they are open to revision. This would amount to rendering them non-objective, i.e., merely relative. However such a claim attempts to hold scientific judgements or good evidence of an appropriate standard.

The assumption that objectivity must entail neutrality further complicates the questions about objectivity. Science can be seen as providing institutionalised control procedures. These are necessary in as much as observers and theorists are not neutral. In this connotation, redundancy, duplication, and overlap are essential to maintain the integrity of the system of scientific enquiry. From this, it follows that objectivity in science is possible even though people may be conditioned or shape in several different ways. It is not necessary that scientists should claim neutrality but should accept responsibility in the joint enterprise of collecting and assessing evidence and of considering and evaluating alternative theories.

2.4 MARXIST APPROACHES

There are a number of Marxist concepts that are related to the study of political science—political economy, historical materialism and rational choice theory. The term 'political economy' denotes the distribution of political and economic power in a particular society and how it influences the directions of development and policies that bear on them. Karl Marx's concept of historical materialism also examines the process of capitalism as a whole. Extensions of Marxism such as analytical Marxism and the rational choice theory move beyond traditional Marxist studies and help in analysing social and economic behaviour.

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Check Your Progress

5. What methods does behaviouralism use to understand political behaviour?
6. State the aim of behaviouralism theory.
7. What do you understand by traditionalism in political science?
8. Why is the human behaviour different from that of inanimate objects?

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2.4.1 Political Economy and Historical Materialism

Karl Marx explains his approach on the subject of political economy in his work, *Das Kapital*. *Das Kapital* is a wide-ranging discourse on political economy written in German by Karl Marx and edited (*in part*) by Friedrich Engels. *A Contribution to the Critique of Political Economy* was also written by Karl Marx and it provides a significant scrutiny of capitalism. The concept of ‘political economy’, according to Marx, is not a moral exposition. It is an attempt to examine the process of the capitalist system as a whole, its origins and future. Marx tried to find out the causes and dynamics of the addition of capital, the growth of wage labour, the alteration of the workplace, the concentration of capital, competition, the banking and credit system, the tendency of the rate of profit to decline, land-rents and many other things. According to Marx, the strength of capitalism lay in the misuse and alienation of labour. The ultimate source of capitalist profits and surplus was the unpaid labour of wage labourers. Employers could claim the new output value because of their ownership of the productive capital assets which was protected by the state through property rights.

Marx said that the political economists could study the scientific laws of capitalism in an objective way because the expansion of markets had in reality objectified most economic relations. The cash nexus had stripped away all previous religious and political illusions.

Marx also says that he viewed ‘the economic formation of society as a process of natural history’. The growth of commerce happened as a process which no individual could control or direct, creating an enormously complex web of social interconnections globally. Thus, a ‘society’ was formed ‘economically’ before people actually began to consciously master the enormous productive capacity and interconnections they had created, in order to put it collectively to the best use. The concept of capital does not propose a theory of revolution (led by the working class and its representatives). Instead, it throws up a theory of crises as the condition for a potential revolution or what Marx refers to in the *Communist Manifesto* as a potential ‘weapon’, ‘forged’ by the owners of capital, ‘turned against the bourgeoisie itself’ by the working class. Such crises, according to Marx, are rooted in the contradictory character of the commodity, the most fundamental social form of capitalist society. According to Marx, in capitalism, improvements in technology and rising levels of productivity increase the amount of material wealth (or use values) in society while simultaneously diminishing the economic value of this wealth, thereby lowering the rate of profit. This tendency leads to a paradox characteristic of crises in capitalism of ‘poverty in the midst of plenty’ or more precisely, crises of overproduction in the midst of under-consumption.

Karl Marx also wrote that the term ‘political economy’ most commonly refers to interdisciplinary studies drawing upon economics, law and political science in explaining how political institutions, the political environment and the economic system—capitalist, socialist, mixed—influence each other.

The term was originally used for studying production, buying, and selling and their relations with law, custom and government, as well as with the distribution of national income and wealth, including the use of the budget process. Figure 2.1 shows the essence of Marx’s concept of the political economy.

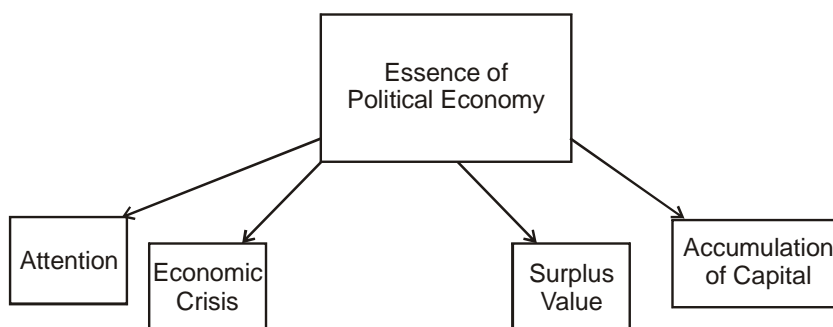


Fig. 2.1 Political Economy

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Social Production of Existence

In the theory of the social production of existence, men usually enter definite relations, which are independent of their will. This includes relations of production that are appropriate to a given stage in the development of their material forces of production. The totality of these relations of production constitutes the economic structure of society. This is the real foundation on which a legal and political superstructure arises and with which the definite forms of social consciousness corresponds. The mode of production of material life conditions the general process of social, political and intellectual life. It is not the consciousness of men that determines their existence, but their social existence that determines their consciousness. At a particular stage of development, the material and productive forces of society come into conflict with the existing relations of production or with the property relations within the framework of which they have operated hitherto. From forms of development of the productive forces, these relations turn into their bindings. This leads to changes in the social economic foundation that lead sooner or later to the transformation of the whole superstructure.

In studying such transformations, it is always necessary to understand the material transformation of the economic conditions of production. This can be determined with the precision of ideological forms in which men become conscious of this conflict and the fight begins. Just as one does not judge an individual by what he thinks about himself, so one cannot judge such a period of transformation by its consciousness. On the contrary, this consciousness must be explained from the contradictions of material life, from the conflict existing between the social forces of production and the relations of production. No social order is ever destroyed before all the productive forces for which it is sufficient have been developed and new superior relations of production never replace older ones before the material conditions for their existence have matured within the framework of the old society.

Mankind, thus, inevitably sets itself only such tasks as one is able to solve, since closer examination will always show that the problem itself arises only when the material conditions for its solution are already present or at least in the course of formation.

Broadly speaking, the Asiatic, ancient, feudal and modern bourgeois modes of production may be designated as epochs marking progress in the economic development of society. The bourgeois mode of production is the last antagonistic form of the social process of production but the productive forces developing within the bourgeois society create the material conditions for a solution of this antagonism also.

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Historical Materialism

The concept of history according to Karl Marx is known as dialectical or historical materialism. 'To Marx', explains Larson 'matter is not a product of mind: on the contrary, mind is simply the most advanced product of matter.' Though Marx rejected Hegel's content orientation, he retained the dialectical structure. Historical materialism is the Marxist theory of society. This is clear in a detailed passage in the Preface to *A Contribution to the Critique of Political Economy*.

Stages of Human History

One of the primary themes contained in Karl Marx's *The Communist Manifesto* is the stages of human history. He differentiated the stages of human history on the basis of their economic regimes and categorized them into four modes of production which he called the Asiatic, the ancient, the feudal and the bourgeois.

Being a materialist, Karl Marx believes thoughts to be based on facts. According to Marx, 'It is not the consciousness of men that determines their existence, but on the contrary, it is their social existence that determines their consciousness.'

In this way, social laws change along with the history of social and economic evolution. There have always been conflicting classes in society. From historical evidence, these conflicting classes have three major forms, which are as follows:

- Society of slave tradition
- Aristocratic society
- Capitalist society

According to Marx, only a communist society can resolve the conflict.

Even the economic basis of social evolution has two parts:

- Means of production
- Economic relations

The first comprises machines and second, ownership and ways of distribution. The order of society underwent a change with the development of the classes. With the development of agricultural implements, it entered into a state of agriculture.

The industrial age was conceived with the discovery of industrial machinery. In the same way, society underwent important changes with the entry of banks and currency into the medium of distribution.

Modes of Production and Practical Aspects of Historical Materialism

Therefore, the history of society is reflected in the history of development and the law governed during the successive modes of production. This succession passes through six consecutive modes of production.

- **Primitive society:** This was the first and the lowest form of organization of people. It existed for thousands of years. In this stage, men made use of primitive implements. The relations of production and the productive forces were not very developed. Everything was done on communal basis. The people tilled the communal land together with common tools and lived in a common dwelling, sharing products equally. The productive forces developed slowly. With the growth of productivity, the clan began to break into families. The family became the

owner of the means of production. Thus, private property arose and with it, social inequality. This resulted in the first antagonistic classes—masters and slaves.

- **Slave society:** In the earlier stages of human society, called primitive communism by Marx, the community was a society. People did not have the need to accumulate. However, when man started using the result of one day's labour over a number of days, the tendency to accumulate increased. This was the beginning of the convention of wealth.

Ownership of objects spread to ownership of men because slaves helped to increase the inflow of objects. In this way, the slave and master classes came into being in society and consequently, master and slave morality grew. This increased dissatisfaction which in turn led to class conflicts. Slaves revolted against masters for equal rights.

- **Feudal society:** As time passed, the masters did concede some rights to slaves. Though the slaves possessed some ownership over land, a major portion of the yield still went to the master. It was the inception of 'lordship society'. In this society, too, there were two conflicting classes—serfs and lords. Lords were superseded by kings or emperors. The serfs laboured and the lords or kings benefited. In order to give sanction to the authority of kings and lords, religion was resorted to.

In this way, religious ethics were born and the concepts of Heaven and Hell came into being. God was recognized as the religious emperor under whom lay many gods and goddesses. The serf was taught to pray to this God and to rest satisfied with his lot, which was allocated to him by God. It was God who had vested authority in the king. Also, there were lords authorized by the king. Thus, to obey their orders was the duty of the public. There was a vast difference in the status of the ruler and the ruled.

- **Capitalist society:** In this age, conflicts in the lordship system became more intense. On the other side, steam was discovered in the forces of production and factories derived power from steam engines. The lords abandoned their dukedoms and entered the industrial field. They created the capitalist or owner class. They joined hands with businessmen and white-collared middle class people. The serfs went on to become the labour class. Thus, society was again stratified into two layers or classes—the bourgeoisie and the proletariat. In the bourgeois and proletariat morality too, there is a tremendous conflict as in all conflicting classes. The policy of the bourgeois is one of exploitation. They have nothing to do with the problems of the proletariat. Resorting to secular orders, laws of action and religion, they preach lessons of humbleness and patience to the labourers.
- **Socialist society:** After the working class has been exploited to the hilt, it looks for an escape. Class consciousness is built up that leads to revolution against the capitalists and if it is successful, socialism is gained. In socialism, production is directed by the elected councils of the workers. The means of production are transferred from the hands of capitalists to that of the workers. He called this change the 'dictatorship of the proletariat'. Economically, each worker is paid according to the amount of labour he contributes to the society.
- **Communist society:** The communist society, according to Marx, is the future society aimed at by all form of development and revolution in society. This is best defined by the Party Programme in USSR as, 'Communism is a classless social

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system with one form of public ownership of the means of production and full social equality of all members of society under it, the all-round development of people will be accompanied by the growth of the productive forces through continuous progress in science and technology; all the springs of cooperative wealth will flow more abundantly, and the great principle, "From each according to his ability, to each according to his needs" will be implemented. Communism is a highly organized society of free, socially conscious working people in which public self-government will be established, a society in which labour for the good of society will become life's prime want of everyone, a necessity recognized by one and all, and the ability of each person will be employed to the greatest benefit of the people.'

In the communist state, the class struggle will come to an end. The disparity between mental and physical labour will lose recognition and the government and religion will be destroyed. Only then will true morality be conceived.

An Assessment of Historical Materialism

Historical materialism or the materialist conception of history is the direct application of the principles of dialectical materialism to the development of society. Karl Marx made it the cornerstone of his social and political philosophy. Even though Marx does not explain what he means by his theory of historical materialism, it is based on the economic interpretation of history. Marx probably used the word 'materialistic' to contrast his theory with that of Hegel as sharply as he could.

The theory of the materialistic conception of history starts with the belief that economic activities are the basis of political, legal, cultural and religious institutions and beliefs. Various forms of state or varieties of legal system cannot be taken as results of the development of human mind but have their origin in the material conditions of human life. The theory starts with the simple truth that man must eat to live and in order to eat, he must produce. Thus, his survival depends upon the success with which he can fulfil his needs.

Production is the most important of all human activities. Society is the result of these necessities of man. Marx grouped the efforts of man in this regard into four main stages:

- Primitive or Asiatic stage
- Ancient stage
- Feudal stage
- Capitalist stage

In all these stages, the class which controls the means of production controls the rest. It is this fact of domination which creates a perpetual state of tension and conflict. In all stages of human life, the forces or conditions of production determine the structure of society.

Marx's theory of materialistic conception of history contains a greater amount of truth than his dialectical materialism. According to the Marxist thinker Carew Hunt, all modern writers on social sciences are indebted to Marx, even if they do not admit it. In this sense, Marx's historical materialism or economism represents a very valuable development in the methods of social sciences.

However, it is impossible to explain all historical movements exclusively in economic terms. Marx's theory ignores the fact that human passions, sentiments, emotions and religion also influence human behaviour. As a philosophical doctrine, the economic interpretation of history is incapable of universal application.

We may see reason in the emphasis laid down by Marx on economic factors though history cannot be explained in terms of decisions made by politicians and kings acting in vacuum. The major problem arises when the views of Marx are offered as a complete explanation of an extremely complex phenomena. Many ideals which, according to Marx, were only reflections of material interests of one's place in the economic order, actually attain independent status. It is possible that Karl Marx and his colleague Engels recognized the over-emphasis that was laid on the economic factors. The excessive zeal of some of his admirers to make his ideas rigid led Marx on one occasion to say that he was not a Marxist. By this, he seems to have meant that he was rigid when they were applying the materialist conception of history.

2.4.2 Rational Choice

The rational choice theory provides a framework for not just understanding but also modelling behaviour, both social and economic. Not only is it important in the school of microeconomics, that is presently dominant, but it is also of great significance in modern political science, sociology and philosophy. It is the same as instrumental rationality, which involves the identification of the most cost-effective method for achieving a specific goal without affecting the worthiness of that goal.

Individual preferences

The rational choice theory is based on the idea that behavioural patterns in societies represent the choices made by individuals during their attempt to maximize benefits and minimize their costs. In other words, the decisions of people regarding the way they act is made by comparing the costs of different actions with their benefits. As a result, patterns of behaviour will develop within the society the results from those choices. The concept of rational choice, wherein comparison of costs and benefits of certain actions are made by people, is quite evident in economic theory. Since people want to get as many useful goods as possible at the lowest price, they will consider/weigh the benefits they get from a certain product (for example, how useful or appealing it is) compared to similar objects. They will then compare the prices. Simply put, most consumers will select the object which will give them the maximum reward at the minimum price or cost. It is claimed that rational choice theory makes certain unrealistic assumptions to generate predictions that are tractable and testable. These include: An individual possesses complete information regarding what exactly will result from a certain choice. Models that are complicated depend on the probability of describing the outcomes. An individual possesses the cognitive ability and time to consider and weigh each against every other choice. Studies about the drawbacks or constraints related to this assumption are included in theories of bounded rationality.

Proponent of Rational Choice Theory

The application of rational choice theory was supported by Gary Becker, recipient of the Nobel Memorial Prize in Economic Sciences in 1992 for his studies on crime, discrimination and human capital. In the late 20th century, the rational choice theory was the school of thought that dominated the study of political science. Rational choice is more

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self-consciously theoretical than other research programmes. History and culture are irrelevant for rational choice theorists, who wish to understand political behaviour. All they need to know is the interest of the actors and the assumption that these interests are pursued in a rational manner. While the decision-making approach in the past chose to explain the decisions of elite groups (usually in foreign policy-related issues), rational choice theorists chose to apply their formal theory (at times requiring mathematical notations also) to all aspect of political life.

Rational Choice Theory: Practical Applications

The main feature that defines the rational choice theory is that people attempt to always maximize their interests in situations where their vote is required or where they are required to volunteer politically. There are many variants to the approach. Decision theory, for instance, is based on cost-benefit analysis done by individuals without reference to anyone else's plans. The game theory, on the other hand, examines how people make choices on the basis how they expect others to act.

The primary idea of the rational choice, economic and public choice (although these variants differ in important particulars) is that behaviour is purposive. Political behaviour is not just an outcome of psychological drives, socialization or organizational norms. In fact, individuals possess goals which they attempt to achieve, acting as rationally as possible given the level of knowledge, available resources and the situation.

Rational Choice Theory in Political Economy

The rational choice theory refers to the interaction between the society, state and markets. It makes use of sophisticated analytic tools and techniques in its investigations. Rational-choice theorists examine individual behaviour as well as the state policies in terms of benefit maximization and cost minimization. The rational choice theory has become more and more involved in social sciences other than economics, such as sociology and political science in recent times. It has had far-reaching effects on the study of political science, especially in fields like the study of interest groups, elections, behaviour in legislatures, coalitions, and bureaucracy. Models that depend on rational choice theory often adopt methodological individualism, and assume that social situations or collective behaviours are solely the outcome of individual actions; that larger institutions play no role. The mismatch between this and sociological conceptions of social situations is responsible for the limited use of the theory in sociology. Among other things, sociology focuses on the determination of individual tastes and perspectives by social institutions, conflicts with rational choice theory's assumption that our tastes and perspectives are given and inexplicable.

Rational choice theory defines 'rationality' more narrowly and specifically so as to simply mean that an individual tries to balance costs against benefits to decide on an action that gives maximum personal benefits. In general, the rational choice theory does not take into account or address the role played by an individual in terms of morals or ethical decision-making. Thus, economist and Nobel Prize winner Amartya Sen refers to those who follow the rational choice model as 'rational fools'. This is because the rational choice theory is bereft of the understanding of consumer motivation. Some economists restrict the use of theory to understanding business behaviour where there is more clarity of goals.

Check Your Progress

9. What does political economy refer to?
10. Fill in the blanks.
 - (i) The concept of history according to Karl Marx is known as _____ or _____ materialism.
 - (ii) _____ refers to the interaction between the society, state and markets.

2.5 SUMMARY

- Among the several fields or sub-disciplines, into which political science is divided, comparative politics is the only one which carries a methodological instead of a substantive label.
- The two main areas of thought are the area-specialist and that of the social scientist. This difference is further divided into those who are primarily inductive in their approach and those who prefer a more deductive approach.
- The historical method can be distinguished from other methods in that it looks for causal explanations which are historically sensitive.
- Historical studies have concentrated on one or more cases seeking to find causal explanations of social and political phenomena in a historical perspective.
- Theda Skocpol points out that comparative historical studies using more than one case fall broadly into two categories, 'comparative history' and 'comparative historical analysis.'
- Comparative history is commonly used rather loosely to refer to any study in which two or more historical trajectories are of nation-states, institutional complexes, or civilizations are juxtaposed.
- Critics of the historical method feel that because the latter does not study a large number of cases, it does not offer the opportunity to study a specific phenomenon in a truly scientific manner.
- Scholars such as A. N. Eisenstadt, argue that the term comparative method does not properly refer to a specific method, but rather a special focus on cross-societal institutional or macro societal aspects of societies and social analysis.
- It is essential to underline that scholars do recognize that the comparative method, is a method of discovering empirical relationships among variables and not a method of measurement.
- The comparative method is best understood if briefly compared with the experimental, statistical and case study method.
- Comparative method essentially resembles the statistical method except that the number of cases it deals with is often too small to permit statistical methods.
- Comparative politics has advanced because of the formulation of universally applicable theories or grand theories based on the comparison of many countries or political phenomenon within them.
- The case study method is used whenever only one case is being analyzed.
- Case studies can be of many types for example a theoretical or interpretative, theory confirming or informing each useful in specific situations.
- Matters relating to the organization, jurisdiction and independence of judicial institutions, therefore, become an essential concern of a political scientist.
- Themes of law and justice are treated as not mere affairs of jurisprudence, rather political scientists look at state as the maintainer of an effective and equitable system of law and order.
- At the end of the nineteenth century and the beginning of the twentieth century, there was a drastic change in the contents of the institutional approach, and thereby

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the nature and scope of comparative politics. This was due to the contributions of Bryce, Lowell and Ostrogorski.

- Institutionalism is the belief that western liberal democratic institutions are dominant. Thus, according to this view, western liberal democracy is not only the best form of government, but it also has a normative and universal character.
- Behaviouralism aims to offer an objective, quantified approach to the process of explaining and predicting political behaviour. This approach to the study of political science examines the behaviour, actions and acts of individual beings rather than that of institutions.
- Behaviouralism uses the following methods to understand political behaviour:
 - o Sampling
 - o Interviewing
 - o Scoring and scaling
 - o Statistical analysis
- The behaviouralist approach has been criticized by both conservatives and radicals for the purported value-neutrality. Conservatives see the distinction between values and facts as a way of undermining the possibility of political philosophy.
- Post-behaviouralism challenged the idea that academic research had to be value neutral and argued that values should not be neglected.
- Traditionalism in political science is a continuation of classical political philosophy in modern times. It is represented by political scientists of varied professional inclinations, having an affinity with practitioners of moral or social philosophy. It includes institutional analysts too.
- The differences between the traditionalists and behaviouralists also centre on scope and objectives. The traditionalists uphold such appropriate objectives as are action oriented. They appear in the role of humanitarian advocate, critic and reformer. Indeed, the traditionalists' position implies a special characterization of the scientific method.
- The traditionalists claim that human behaviour is different in kind from the behaviour of inanimate objects. This is so because human beings are clearly conscious of their own behaviour. This points to the fact that human beings can alter their own behaviour.
- There are a number of Marxist concepts that are related to the study of political science—political economy, historical materialism and rational choice theory. The term 'political economy' denotes the distribution of political and economic power in a particular society and how it influences the directions of development and policies that bear on them.
- Karl Marx's concept of historical materialism also examines the process of capitalism as a whole. Extensions of Marxism such as analytical Marxism and the rational choice theory move beyond traditional Marxist studies and help in analysing social and economic behaviour.
- Karl Marx's approach on the subject of political economy is contained in his book *Das Kapital*. *Das Kapital* is a wide-ranging discourse on political economy written in German by Karl Marx and edited (*in part*) by Friedrich Engels.

- One of the primary themes contained in Karl Marx's *The Communist Manifesto* is the stages of human history.
- The concept of history according to Karl Marx is known as dialectical or historical materialism. 'To Marx', explains Larson 'matter is not a product of mind: on the contrary, mind is simply the most advanced product of matter.'
- Though Marx rejected Hegel's content orientation, he retained the dialectical structure. 'Historical materialism is the Marxist theory of society. This is clear in a detailed passage in the Preface to *A Contribution to the Critique of Political Economy*.
- The modes of production in society, according to Marx, evolved through six stages—primitive, slave, feudal, capitalist, socialist and capitalist societies.
- Historical materialism or the materialist conception of history is the direct application of the principles of dialectical materialism to the development of society. Karl Marx made it the cornerstone of his social and political philosophy.
- The rational choice theory provides a framework for not just understanding but also modelling behaviour, both social and economic.
- The main feature that defines the rational choice theory is that people always attempt to maximize their interests in situations where their vote is required or where they are required to volunteer politically.

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2.6 KEY TERMS

- **Scientific rigour:** It means strictness in judgment or conduct; rigourism.
- **Behaviouralism:** It is an approach to the study of political science that examines the behaviour, actions and acts of individual beings rather than that of institutions.
- **Post-behaviouralism:** It is a response to behaviouralism that claimed that despite the alleged value-neutrality of behaviouralist research it was biased towards the status quo and social preservation rather than social change.
- **Political economy:** It is a Marxist terminology that refers to interdisciplinary studies drawing upon economics, law and political science in explaining how political institutions, the political environment, and the economic system—capitalist, socialist, mixed—influence each other.
- **Historical materialism:** It is a methodological approach to the study of society, economics and history that was propounded by Karl Marx.
- **Rational choice theory:** It is a framework for not just understanding but also modelling behaviour, both social and economic.

2.7 ANSWERS TO 'CHECK YOUR PROGRESS'

1. Historical studies have concentrated on one or more cases seeking to find causal explanations of social and political phenomena in a historical perspective.
2. Valid associations of potential causes can be established by the method of agreement and the method of difference.

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3. David Easton criticized Bryce's approach in his work *The Political System* (1953), calling it 'mere factualism'. Easton claimed that this approach had affected American Political Science admitting that although Bryce did not neglect 'theories' his aversion to making explanatory or theoretical models, had led to a 'surfeit of facts' and as a result to 'a theoretical malnutrition'.
4. Institutionalism is the belief that western liberal democratic institutions are dominant. Thus, according to this view, western liberal democracy is not only the best form of government, but it also has a normative and universal character. The widespread nature of western liberal democracy takes for granted that not only is this style of government the best, but also relevant across the world. The 'normativity' of western liberal democracies is a consequence of this belief.
5. Behaviouralism uses the methods of sampling and interviewing to understand political behaviour.
6. Behaviouralism theory aims to evaluate political behaviour without 'introducing any ethical evaluations'.
7. Traditionalism in political science is a continuation of classical political philosophy in the modern times.
8. Human behaviour is different in kind from the behaviour of inanimate objects because human beings are clearly conscious of their own behaviour.
9. Political economy refers to interdisciplinary studies drawing upon economics, law and political science in explaining how political institutions, the political environment and the economic system—capitalist, socialist, mixed—influence each other.
10. (i) dialectical; historical
(ii) Rational choice theory

2.8 QUESTIONS AND EXERCISES

Short-Answer Questions

1. State Theda Skocpol's approach to comparative political system.
2. Why do scholars disagree on the comparative method to comparative politics and its nature and scope?
3. Give a short historical background of institutionalism.
4. Name the thinker who was the first to differentiate behaviouralism from post-behaviourism.
5. List the 'foundation stones' of behaviouralism.
6. Write a short note on 'reproductive fallacy'.
7. What is the problem of value-relativism?
8. Write a short note on the concept of 'political economy'.
9. What is the social production of existence?
10. List the stages of human history as explained in *The Communist Manifesto*.

Long-Answer Questions

1. What are the various approaches and debates related to comparative political study? Give your views.

2. Critics say comparative history is commonly used rather loosely to refer to any study. Give your arguments.
3. Discuss the contributions of Bryce, Lowell and Ostrogorski to the institutional approach.
4. Discuss the grounds on which behaviouralism was criticized.
5. Do you think the traditionalist approach is a more suitable one than the behaviouralist approach? Justify your answer.
6. Explain the mode of production in a socialist society.
7. Critically analyse the theory of historical materialism.
8. How is the rational choice theory applicable to political economy?

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2.9 FURTHER READING

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UNIT 3 TYPES OF GOVERNMENT

Structure

- 3.0 Introduction
- 3.1 Unit Objectives
- 3.2 Parliamentary Government
- 3.3 Presidential Government
 - 3.3.1 Powers and Functions of the US President
 - 3.3.2 Comparison between the US President and the British King and Prime Minister
 - 3.3.3 Comparison of Presidential Powers in America and Britain
 - 3.3.4 Election of the US Vice-President
 - 3.3.5 Cabinet in the US
 - 3.3.6 Composition and Powers of the American House of Representatives
 - 3.3.7 Powers and Functions of the US Senate
 - 3.3.8 Procedure in the American Congress
- 3.4 Unitary Form of Government
 - 3.4.1 Salient Features of Unitary Government
- 3.5 Federal Government
- 3.6 Summary
- 3.7 Key Terms
- 3.8 Answers to ‘Check Your Progress’
- 3.9 Questions and Exercises
- 3.10 Further Reading

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3.0 INTRODUCTION

The government and the political systems in the world basically takes either of the two forms, parliamentary or presidential. Furthermore, the political structure could be unitary or federal. For instance, India has adopted the parliamentary system of government. The president in India is only a symbolic head as the president has no function to discharge authority.

On the other hand, the American president is the real head of the executive who is elected by the people for a fixed term. Parliamentary system in the UK is the oldest system of democratic government in modern times. Parliament in the UK is the most powerful political institution. The British Parliament consists of two Houses—the House of Lords (Upper House) and the House of Commons (Lower House); the former being essentially hereditary and the latter being the representative of the people.

The president of the United States of America is one of the greatest political offices of the world. The president is the chief executive head of the state as well as the head of the administration.

In this unit, you will study the parliamentary and presidential, and the unitary and federal forms of government.

3.1 UNIT OBJECTIVES

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

- Explain the parliamentary and presidential forms of government
- Assess the powers and functions of the US president

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- Compare the power of the US president and the British prime minister
- Compare the functioning of the American cabinet and the British cabinet
- Discuss the powers and functions of the US Senate
- Describe the unitary and federal forms of government

3.2 PARLIAMENTARY GOVERNMENT

In a parliamentary form of government, the tenure of office of the virtual executive is dependent on the will of the legislature; in a presidential form of government the tenure of office of the executive is independent of the will of the legislature (Leacock). Thus, in the presidential form, of which the model is the United States, the president is the real head of the executive who is elected by the people for a fixed term. The president is independent of the legislature as regards his tenure and is not responsible to the legislature for his/her acts. He, of course, acts with the advice of ministers, but they are appointed by him as his counsellors and are responsible to him and not to the legislature for his/her acts. Under the parliamentary system represented by England, on the other hand, the head of the executive (the crown) is a mere titular head, and the virtual executive power is wielded by the cabinet, a body formed of the members of the legislature, which is responsible to the popular house of the legislature for its office and actions.

Being a republic, India could not have a hereditary monarch. So, an elected president is at the head of the executive power in India. The tenure of his office is for a fixed term of years as of the American president. He also resembles the American president in as much as he is removable by the legislature under the special quasi-judicial procedure of impeachment.

But, on the other hand, he is more akin to the English king than the American president in so far as he has no 'functions' to discharge, on his own authority. All the powers and 'functions' [Article 74 (1)] that are vested by the constitution in the president are to be exercised on the advice of the ministers responsible to the legislature as in England. While the so-called cabinet of the American president is responsible to himself and not to the Congress, the council of ministers of the Indian president is responsible to the Parliament.

The reason why the framers of the constitution discarded the American model after providing for the election of the president of the republic by an electoral college formed of members of the legislatures, not only of the Union but also of the states, has thus been explained. In combining stability with responsibility, they gave more importance to the latter and preferred the system of 'daily assessment of responsibility' to the theory of 'periodic assessment' upon which the American system is founded. Under the American system, conflicts are bound to occur between the executive, the legislature and the judiciary. On the other hand, according to many modern American writers, the absence of coordination between the legislature and the executive is a source of weakness of the American political system.

What was wanted in India on her attaining freedom from one and a half century of bondage is a smooth form of government which would be conducive to the manifold development of the country without the least friction. To this end, the cabinet or parliamentary system of government was considered to be more suitable than the presidential.

A more debatable question that has been raised is whether the constitution obliges the president to act only on the advice of the council of ministers, on every matter. The controversy, on this question, was raised by a speech delivered by the President Dr Rajendra Prasad at a ceremony of the Indian Law Institute (28 November 1960) where he urged for a study of the relationship between the president and the council of ministers. He observed that, ‘there is no provision in the constitution which in so many words lay down that the president shall be bound to act in accordance with the advice of his council of ministers.’

The above observation came in contrast with the words of Dr Rajendra Prasad himself with which he, as the president of the Constituent Assembly, summed up the relevant provision of the Draft Constitution:

Although there is no specific provision in the Constitution itself making it binding on the President to accept the advice of his ministers, it is hoped that the convention under which in England the King always acted on the advice of his ministers would be established in this country also and the president would become a constitutional president in all matters.

Politicians and scholars, naturally, took sides on this issue, advancing different provisions of the constitution to demonstrate that the ‘president under our constitution is not a figure-head’ (Munshi) or that he was a mere constitutional head similar to the English Crown.

3.3 PRESIDENTIAL GOVERNMENT

The president of the United States of America is decidedly the most powerful elected executive in the world. The constitution had declared that, ‘the executive power shall be vested in a president of the United States of America.’ The framers of the constitution intended to make the president the constitution ruler. But, in due course of time, the office has gathered around itself such a plentitude of powers that the American president has become ‘the greatest ruler of the world’. He has vast powers. According to Munro, he exercises ‘the largest amount of authority ever wielded by any man in a democracy.’ It is difficult to believe that the modern presidency was deliberately created by the founding fathers in their form. They did not want to do anything that would directly or indirectly lead to concentration rather than separation of powers. Their main decision was to have a single executive head—a part of honour and leadership rather than that of ‘commanding authority’. But the modern presidency is the product of practical political experience. Three powers of the president have been supplemented not only by amendments including twenty-second amendment, twenty-third amendment and twenty-fifth amendment; but also by customs, usages, judicial interpretations and enlargement of authority by various president’s themselves.

Process of Election

The presidency of the United States of America is one of the greatest political offices of the world. He is the chief executive head of the state as well as the head of the administration. The makers of the constitution were very much agitated over the nature of the executive. In their anxiety to establish a free, yet limited government, they devised a system of government which came to be known as the presidential system; their original contribution was to constitutional law. All executive authority is, therefore, vested in the president.

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Check Your Progress

1. Fill in the blanks.

- (a) An _____ president is at the head of the executive power in India.
- (b) The framers of the _____ Constitution discarded the American model for they believed that in the American model conflicts are bound to appear in between the executive, legislature and judiciary.

2. State whether True or False.

- (a) In a parliamentary form of government, the tenure of office of the virtual executive is independent of the will of the legislature.
- (b) Being a Republic, India could not have a hereditary monarch.

The constitution provides that a candidate for the office of the president must be:

- (i) A natural born citizen of the US
- (ii) Not less than thirty-five years in age
- (iii) A resident of the United States for at least fourteen years

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The president is elected for four years. Originally, the constitution was silent about presidential re-election. US President George Washington, refused a third term on the ground that this would make the United States too much of a monarchical rule. So, a convention grew that a president should not seek election for the third time. The convention was followed till 1940, when Roosevelt offered himself for the third term election and he succeeded. He was elected even for the fourth time.

In 1951, the US constitution was amended. According to this amendment of the constitution, the tenure of the office of the president was fixed for two terms. Thus, Franklin D. Roosevelt continues to remain the only president to be elected for more than twice in American history.

Further the constitution provides that in case a vice-president assures the presidency consequent upon death, resignation, etc., of the president, he will be allowed to seek only one election provided that he has held the office for more than two years of a term to which some other person was elected. If someone has held office to which someone else had been elected, for less than two years, he can be elected for two full terms by his own right.

The constitution provides for the removal of the president earlier than the completion of his term of four years. He may be removed by impeachment. He can be impeached for treason, bribery or other high crimes. The impeachment proceedings against a president may be initiated by the House of Representatives only. The charges are framed by representatives by a simple majority. The charges thus prepared are submitted to the senate, and a copy of the charge sheet is sent to the president. Now the senate sits as a court and the chief-justice of the Supreme Court presides over its sittings. The president may either appear personally or engage counsels for his defence. After the arguments of both the sides are over, the senate may decide by two-third majority to impeach the president.

Election of the President

One of the most difficult problems faced by the framers at Philadelphia was that of choosing the president. Having decided that the head of the state must be elected, the problem before them was to decide how he would be elected. Ultimately, it was decided that the president would be indirectly elected by the people. But the growth of political parties and political practices has set up the method of presidential election. First we shall see the constitutional provisions and then examine how the election is actually held.

The plan of election as provided in the constitution is rather simple. The president is elected by an electoral college consisting of the representatives of the states. The people of each state elect presidential electors (members of Electoral College) equal to the number of representative the state has in Congress. No member of the Congress is allowed to be a presidential elector. The presidential electors meet in each state on fixed dates and vote for the president. All the votes are sealed and sent to the capital of the US. The president of the senate counts the votes in the presence of members of both the Houses of Congress. The candidate who secures majority of the electoral votes cast for

the president is declared elected. If no candidate receives a clear majority of the electoral for the president, the members of the House of Representatives choose a president from among the three candidates who have received the highest number of electoral votes and the new president assumes office.

Election in Practice

According to the constitution, the American president is elected indirectly; but in practice his election has become direct. Although the language of the constitution of presidential election remains unchanged, whether that be the party system or the means of communication and transportation, all make his election direct. The developments have reduced the importance of the Electoral College. The following are the various stages of his election.

- (i) **National convention:** The first step in the election of the president is taken by the political parties who proceed to nominate their candidates early in the year in which the election is due to take place. Both the major political parties convene a 'national convention'. The convention may be held sometime in June or July. Delegates to the national convention are chosen according to certain rules framed by the parties. About a thousand delegates take part in the Convention, and all of them are leading and active party workers in their states. The convention selects the presidential nominee and issues a manifesto which in the US is known as the 'platform'.
- (ii) **The campaign:** The campaign generally begins in the month of July and continues till the Election Day in November. The parties have their campaign managers and a very effective machinery to conduct the nationwide propaganda. The presidential candidate visits all the states and addresses as many meetings as he can, delivers a number of nationally televised speeches. His supporters use various media of mass contact.
- (iii) **Election of the Electoral College:** The election of the members of the Electoral College is held in November. Technically voters go to polls to elect members of the Electoral College; but as we have seen above, this in practice means direct vote for a particular candidate. Due to the rise in party system, the electors are to vote for their party nominee for the presidential office.

They do not have a free hand in the choice of the president. They are rubber stamps. As it is known beforehand for which candidate each elector will vote, the result of the presidential election is known when the results of the election of the presidential electors are announced.

Thus, the election of the president has become direct. It is no longer indirect. The American voters personally participate in the election of the president. Hence, the president election in the month of December merely becomes a formality. Thus, theoretically, the president is elected indirectly, but in practice he is elected directly.

3.3.1 Powers and Functions of the US President

The US president is not only the head of the state but also the head of administration. The constitution clearly lays down that all executive authority belongs to him. The constitution enumerates the powers of the president. In fact, they are much beyond those contained in the constitution. Many factors are responsible for the growth of the

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presidential powers and today many view the extent of these powers as a dangerous trend. In addition, lot of powers are enumerated in the constitution, the president has acquired a list of authority by statues.

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‘Congress has lifted the president to a status again to that of constitutional dictator’. The decisions of the Supreme Court usages have also considerably strengthened the position of presidency. The powers of the president may be studied under the following heads:

1. Executive powers

The executive powers of the American president include the following:

- (i) He is the chief executive and it is his duty to see that the laws and treaties are enforced throughout the country.
- (ii) He has the power to make all important appointments but all such appointments are to be approved by the senate. As a matter of usage, the senate does not interfere in the appointments of the secretaries, ambassadors and other diplomats. Appointment of the judges of the Supreme Court is scrutinized thoroughly by the senate. In the appointment of federal officers in various states of the US, the convention ‘senatorial courtesy’ has come into existence. The constitution says that the federal are to be made by the president and approved by the senate. The president has the power to remove any person appointed by him. The senate has no share in the removal of officers appointed with its own consent. Thus, the president has almost unrestricted power for removing the federal officers.
- (iii) The president has control of foreign relations which he conducts with the assistance of the secretary of state. He appoints all ambassadors, consultants and other diplomatic representatives in foreign countries, with the approval of the senate. Besides he may send ‘special’, ‘secret’ or ‘personal’ agents, without the senatorial approval, who take orders directly from him. The president receives all foreign ambassadors and other diplomatic agents accredited to the United States. He can, if circumstances require, send them home and even break off relations with a certain country. He negotiates treaties with foreign powers. But such treaties must be rectified by a two-third majority of the senate. The senate can block a treaty that the president has negotiated but it cannot make treaty or force the president to make one. Though his treaty making power is subject to rectification by the senate, he is free to enter into ‘executive agreements’ without the consent of the senate.
- (iv) He has the sole power to recognize or refuse to recognize new states. In fact, he is the chief spokesman of the US in international affairs and is directly responsible for the foreign policy of his country and its results.
- (v) The president is the commander-in-chief of all the three forces. He is responsible for the defence of the country. He appoints officers of the army, navy and air force with the consent of the senate and anybody’s approval during a war. He cannot, however, declare war. This power has been entrusted to the Congress but as the supreme commander of the defence war. He is the regulator of foreign relations and can handle the situation in such a way as to make war; the president may also govern the conquered territory. He can appoint officers there, make laws and ordinances.

2. Legislative powers

The US Constitution is based on the theory of separation of powers. The executive and legislative organs of the government are made independent of each other. Hence, the Congress legislates and the president executives.

But, in practice, the president has become a very important legislator. His legislative powers are as follows:

- (i) The president is required by the constitution to send messages to Congress giving it information regarding the state of the Union. It is a duty rather than the power of the president. The time, place and manner of sending the message to the Congress depends upon the discretion of the president. Formerly, the president used to deliver his messages permanently to the Congress, the senate and the House of Representatives meeting in a joint session for the purpose. Later on, the practice was given up and messages were sent to be read to the Congress on his behalf. A custom has been developed which requires that the president must send a comprehensive message to the Congress at the beginning of every session. This is a regular feature. Besides these regular messages, the president may send many more special messages every year. Sometimes, these messages contain concrete proposals for legislation. Today, the 'message' is not merely an address to the Congress; it is used as an address to the people of the country and to the world at large. In recent years, the drafts prepared by the president are introduced by some members of the Congress belonging to the president's party, in their own name. The messages exercise great influence on the legislation by the Congress, particularly when a majority of the legislature is composed of the party to which the president belongs.
- (ii) In the US, the president is not authorized to summon or prorogue the Congress or to dissolve the House of Representatives. However, the president can call special sessions of both Houses of the Congress, or any one of them, on extraordinary occasions. These extra sessions are convened, the agenda is also fixed by the president and the Congress does not transact any other business during that session only of the senate. Thus, very often the president is introduced by some members of the Congress belonging to the senate. This may be done to secure rectification of an urgent treaty.

Again the president may insist upon disposal of certain business before adjournment of a regular session of the Congress, by threatening to convene an extraordinary session soon after the regular session prorogues. Thus, normally the president has no power of convening the sessions of Congress, but to deal with extraordinary situation, he has got this power also.

- (iii) The president can also issue certain executive orders having the force of law. This is known as the 'ordinance power' of the president. Some of the ordinances are issued in pursuance of authority conferred upon him by the Congress; others are issued to fill the details of laws passed by the Congress. The number of such executive orders is very large. As a result of this, the president has been able to increase his legislative influence tremendously.
- (iv) In recent times, the presidents of America have used the device of taking the Congressional leaders into confidence by holding personal conferences with them. By this the president is able to secure their support for legislative measures.

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- (v) If president's party is in majority in the Congress, then he does not face much difficulty in getting certain laws of his choice passed.
- (vi) President can appeal to people at large. It means the president can win public opinion for his policies and measures. He tries to win public opinion through speeches on the radio, television, weekly press conferences that in practice the election of President is direct; therefore, it is easier for the president to gather opinion on his side. When Congress knows that the public is with the president, it has to pass the laws wanted by him.
- (vii) We have seen the president's position in law making which is equally important and his influence is exercised by him through his veto power. Veto power means the authority of the president to refuse his signature on a bill or resolution passed by the Congress. All bills passed by the Congress are presented to the president for his assent. The president may refuse to sign a bill and send it back to the House in which it originated within ten days of the receipt of the bill. While returning a bill that the president has voted, he is required to assign reasons for his disapproval the Congress can override a veto by passing the bill again. The only condition is that the bill must be passed by a two-third majority in each House of the Congress. So the veto of the president is only a suspensive one. But sometimes, it becomes difficult to secure a two-third majority in each House. In that case, the suspensive veto becomes an absolute one.

If a bill is sent to the president and he neither signs the bill nor returns it back to the Congress, the bill becomes the law within 10 days even without his signature. The only condition is that the Congress must be in session. If the Congress adjourns in the meantime, the bill is automatically killed. This is called 'Pocket Veto' of the president. This means that the president can simply ignore a bill (pocket a bill and forget about it), if it is passed by the Congress on a date less than 10 days before it adjourns. Many bills passed towards the close of the session of the Congress are killed in this way. The pocket veto is absolute and cannot be overridden by the Congress. Thus, the president can recommend persuading the Congress to pass legislation which he approves and can prevent too hasty or inadvisable legislation by using the weapon of veto. But it has been said 'he can persuade or guide, but rarely threaten'.

3. Financial powers

In theory, it is the Congress which controls the public purse in practice, the budget is prepared under the guidance and supervision of the president. Of course, Congress is at liberty to change the budget proposals, but it seldom makes any changes.

4. Judicial powers

The president has the power to grant pardon and reprieve to all offenders against federal laws, except those who have impeached or those who have offended against the state. He also appoints (with the consent of the senate) judges of the Supreme Court which is the highest practical organ in the US.

Leader of the party

The makers of the US constitution had rejected the parliamentary system of government because it could not function without parties and political parties which according to them were not the need of the time. It means they were against the political parties. However, today, organized political parties and the president is the leader of his party.

The moment a party selects its presidential candidate, he becomes its national leader and if he succeeds in the election then he becomes the president, he also becomes the leader of his party for the next four years. He as leader of the party has a decisive voice in the selection of party candidates for numerous elective offices. He can exert great influence in decisions such as the distribution of party funds. As chief campaigner of his party, he may be more enthusiastic in support of some of the candidates, and less in case of others. It is all the more important to note that the role of the president as a party leader is entirely extra-constitutional.

Position

The powers of the presidency in practice have varied from time-to-time with men occupying the office and the circumstances under which they came to occupy it. Whenever there has been an emergency or crisis or whenever foreign affairs have overshadowed domestic affairs, one finds strong presidents coming to power and completely dominating the Congress which recedes and becomes a body for the purpose of voting supplies as and when demanded by the president, but in times of tranquility, when domestic affairs have been to the force, we find presidents of weaker timber in saddle, lacking personal force magnetism and initiative, the Congress which recedes and becomes powerful and exercises the chief choice of policy. At any given moment, therefore, the circumstances in existence and the personality of the president, each acting and reacting upon the other, have been responsible for establishing the powers of the presidency.

We can say that the president enjoys enormous powers. He combines in himself the office of the head of state and of the head of the government and this makes the office of the American president the most powerful political office in the world and his decision can sway the destinies of the world. In the range of his powers, in the immensity of his influence and in his special situation as at once the great head of a great state and his own prime minister, his position is unique. All this does not mean that he is a dictator. The American presidency is a constitutional office. Its powers are huge, but they have to be exercised within constitutional office. Its powers are huge, but they have to be exercised within constitutional limits.

3.3.2 Comparison between the US President and the British King and Prime Minister

The American presidency is considered the most powerful executive office in the world. E. S. Griffith has described it as the ‘most dramatic of all the institution of the American Government.’

According to Munro, the American president exercises the largest amount of authority ever wielded by any man in a democracy!’ Due to his increasing powers and importance he has become ‘the focus of federal authority and the symbol of national unity.’ Laski has very correctly said that the American president is both more or less than a King; he is also both more or less than a prime minister. In a sense, he is a king who is his own prime minister.

The US president is both head of the state and head of the government. Both the queen of Great Britain and the president of the US are heads of state and mighty figures in their respective countries. Both have supreme command of defence forces in their hands.

Being heads of the state, they receive foreign chief executives. They receive diplomats accredited to them and appoint foreign ambassadors for foreign countries.

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This similarity is superficial. The British king is the constitutional head of the state and as such he has practically no hand in the administration of the country. The British king reigns but does not govern, while the American president governs but does not reign. The British sovereign being nothing more than a constitutional or titular head of the state, and government, the ceremonial functions are merely the decorative penumbra of office and forms a very small part of this work.

American president is more than a British king

The US president has vast powers. Article II of the constitution reads, 'The executive power shall be vested in the president of the United States of America.' He is the head of the state and government and runs the whole administration but the British monarch is only the head of the state and not of the government. In all his official functions, he acts on the advice of his ministers. It means the king has to do what ministers tell him to do. He is held, no doubt, in great esteem and still exercises in Bagehot's wordings the right 'to be informed, to encourage and to warn the ministers.'

Position of the US president in relation to the cabinet

The position of the US president is superior to the British king in relation to his cabinet. In the US, there is a cabinet; but its members are not equal to the president, they are not his colleagues.

In fact, ministers are his subordinates. He is their boss. They are nominees of the president and they work during his pleasure. He is not bound to act according to their advice or even to consult them. On the other hand, the British king is bound to act according to the advice of his ministers, who form *de facto* executive. There was a time when ministers used to advise and king used to decide but now the case is just the reverse. He has no hand in the selection of his ministers. Nor can he dismiss them. He can advise them but cannot override the decisions of the cabinet. The king is outside the cabinet and cannot participate in its proceedings. It is the prime minister who leads the cabinet.

Executive powers

The US president exercises vast executive powers. He has the power of appointing a large number of officers with the consent of the senate but he enjoys absolute power in the removal of the officers. But the British king has to exercise all his executive powers with the advice and consent of his ministers.

Legislative powers

The US president has an important role to play in the field of legislation. He can send messages to either house or both, in extraordinary session. He has suspensory and pocket veto powers. On the other hand, the British king has no legislative powers. In reality, it is the cabinet which exercises his power to summon, prorogue and adjourn the legislature. His speech is prepared by the cabinet. As a convention, his absolute veto power has not been used since the time of Queen Anne.

Judicial powers

The US president exercises judicial powers given to him by the constitution. He has an important role to play in the appointment of judges. While the British king exercises his judicial powers on the advice of his ministries.

Foreign affairs

The US president plays a leading role in the formation of his country's foreign policy by virtue of his being the commander-in-chief and the chief manager of his country's relation.

American president is also less than the British king

It is also true that the president is less than the king in certain respects.

1. Appointments

The American president is elected directly by the people. He is eligible for re-election for only one extra term. The British king, on the other hand, is a hereditary monarch born and brought up in the royal family.

2. Term of office

The American president is elected for a term of four years. He is eligible for re-election for only one extra term. As a president, he can remain in office for 10 years at the most. On the other hand, once the British king or queen becomes a monarch, he or she remains on the throne for the rest of his/her life.

3. Party relations

The British monarch has no party affiliation and renders significant impartial advice to his ministers. He can view problems from a national angle, much above the narrow partisan viewpoint. He gains experience, while acting as an umpire in the game of politics being played by leaders of the ruling party and the opposition party. As for the American president, he is elected on party lines. He does not reign, though he has been called 'the crowned king for four years.' He occupies the White House for a short duration and after his term of tenure, he becomes an ordinary citizen. The monarch is head of the church as he is regarded as the 'Defender of Faith' and commands respect of all the subjects, but it is not so in the case of the President.

4. Impeachment

Lastly, the president of America can be impeached by the Congress on the ground of 'Violation of the Constitution' and can be removed even before the expiry of his term. But the British monarch is immune to such sort of impeachment.

From the above points of comparison, it can be concluded that there is truth in Laski's saying that 'the president of America is both more or less than the British king.' He rules but does not reign and the American president combines in his person the office of the king and prime minister. But on the whole, he enjoys vast and real powers than the British king.

3.3.3 Comparison of Presidential Powers in America and Britain

It is worthwhile comparing the office of the president of the US with that of the prime minister of the UK. There are significant and marked differences between the two. Both the offices occupy topmost position in the government structure of their respective countries, following large democracies. It is rather difficult to point out as to whose position is superior to the other one. Both are the choice of the people. They are the representatives of the people, and are popularly elected but in an indirect way. Both the offices wield enormous power in peace time as well as in time of war. The relative

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strength of the two most powerful executive officers in the world depends upon the form of government prevailing in their respective countries.

If the president of the United States is the 'uncrowned king', he is at the same time, his own prime minister. He is the head of the state as well as of the government. Administration is carried out not only in his name, but by him, and under his direct supervision by his subordinate officers. But he is not a dictator as certain limitations are imposed upon him. He combines in him the offices of the head of the state as well as head of the government. On the other hand, the British prime minister is only head of the government. He is a *de facto* executive. It is he, who carries on the administration, in reality, but in the name of the president, who is a *de jure* executive. Dr Jennings, while talking about the Atlantic Charter, once said, 'the president pledged the United States, while the war cabinet, not the prime minister, pledged the United Kingdom.'

Appointment

Strictly speaking, the American president is indirectly elected by an electoral college, but in reality, his election has almost become direct in actual practice due to strict party discipline. The British prime minister is appointed by the king. Normally, he has no choice as he 'has to call the leader of the majority party in the House of Commons'.

Term

In the parliamentary government of Great Britain, the prime minister and other ministers are collectively responsible to the House of Commons. They continue in office as long as they enjoy the confidence of the House. They have no fixed term of office. The House of Commons can dismiss them any moment, if they lose confidence 'of the House, that is, if they lose their majority in it.' On the other hand, in the presidential form of government in the US, the president enjoys a fixed tenure of four years. He stands outside the Congress. He is neither a member of either house of Congress nor is he responsible to it. Of course, he can be impeached by the Congress on grounds of 'Violation of Constitution', and can be thus removed. This has happened, so far, only once in the American history in the dismissal of President Johnson.

The president is then in a position to pursue his policies persistently and with firmness, while the prime minister has to submit the political pressures in the parliament. Therefore, administration in England lacks promptness and firmness.

Administrative Powers

Apparently, the American president is more powerful than the British prime minister. He is the *de jure* as well as *de facto* head of the executive. He is commander-in-chief of the armed forces. He conducts foreign relations on behalf of the country. He concludes treaties and makes high appointments though, of course, with the consent of the senate. He wields a vast patronage.

The British prime minister and his cabinet colleagues work under constant responsibility to the parliament. They have to answer a volley of questions regarding their omission and commissions. But the British prime minister with a strong and reliable majority behind him in the House of Commons, can do almost everything that the American president can. He can conclude treaties and offer patronage without seeking the approval of the parliament.

Their relation to their respective cabinets

The relationship of the president of America with his cabinet is markedly different from that of the prime minister of England with his cabinet colleagues. The president is the master or boss of his cabinet and completely dominates its members. They are his subordinates or servants. They are his nominees and hold office during his pleasure. It is purely a body of advisors to the president known as his 'kitchen cabinet', 'family cabinet.' They have been rightly described by President Grant as 'Lieutenants to the President'.

In the words of Laski, 'It is not a council of colleagues with whom he has to work and upon whose approval he depends.' President Roosevelt turned to his personal friends more than to his cabinet for advice. On the other hand, the prime minister's relations with members of the cabinet are more or less like a chairman of the Board of Directors of a government enterprise. They are his trusted colleagues, not his subordinates. They are public men and have the support of the people. The British prime minister is the recognized leader of his cabinet, but he is neither its master nor a boss but only a captain of his team. The phrase, 'first among equals', does less than justice to his position of supremacy but it does indicate that he has to carry his colleagues with him; he cannot drive them out. He runs a great risk, if he provokes the antagonism of any of his eminent and powerful ministers.

In relation to Legislation

The American president is often spoken as the chief legislator in the United States, but in fact, he has no direct legislative powers. Thus, he cannot get legislation of his choice enacted by the legislature. Though, of course he can apply brake in the enactment of a law by exercising his veto power. But that is only his limited power. He can only request the Congress to make a law but cannot force or compel it. Laski has said, 'he can argue, bully, persuade, cajole, but he is always outside the Congress and subject to a will he cannot dominate.' He is neither a member of the Congress nor has any intimate relation with it.

Hence neither he nor his ministers can participate in the proceedings of the legislature. He can only pressurize the legislature through his power of sending messages and convening special sessions. He can issue ordinance and executive orders.

On the other hand, the prime minister is a member of the legislature along with his colleagues. They are rather important members of the parliament and participate actively in its proceedings, the prime minister enjoys vast legislative powers. He prepares the ordinary bills and monthly bills with the help of his cabinet and being a leader of the majority in the house, can easily get those enacted. The king cannot exercise his veto power over such law as according to convention this power has become obsolete. Hence, no bill can become an Act without his consent. But the president can issue ordinance and executive orders; the prime ministers cannot do so.

The US president is the Supreme commander of the American armed forces and can order general mobilization. But this power is enjoyed by the king in England and not by the prime minister.

The prime minister wields enormous powers which the American President does not. As far as the American president is concerned, he is a constitutional dictator during emergencies; obviously the powers of the president and the prime minister are greater and less than those of the other at different Points. Much depends on the personality of the occupant of the office.

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From the above discussion it can be summed up that the American president is both more or less than a king; he is also more or less than a prime minister. Brogan has also rightly stated that the American president combines in his person the choice of the king and the prime minister.

3.3.4 Election of the US Vice-President

The framers of the constitution have provided for a vice-president of the limited states. Many of the delegates at the Philadelphia convention, which framed the American Constitution, expressed the view that the office was unnecessary. One of the delegates said that the vice-president might aptly be called 'His superfluous Highness'. Ultimately the office of the vice-president was created with qualifications similar to those laid down for President.

He must be a natural born citizen of America. He must have attained the age of 35 years and must have been a resident of the United States for at least 14 years. The original constitution did not provide for separate election to the office of vice-president. The presidential candidate obtaining the second highest vote electors were declared as the elected vice-president. This arrangement was changed by the 12th Amendment to the Constitution, which provided for, separate nominations for the offices and separate ballot papers. The candidate for vice-presidency, who polls an absolute majority of the votes of 'Presidential electors', is elected vice-president. If no candidate receives an absolute majority, the senate makes the choice between the two obtaining the largest number of votes. The vice-president of the US receives a salary of 62,500 dollars per year.

The constitution assigns two functions to the vice-president, one potential and the other actual. Vice-president is the presiding officer of the senate. He is not a member of the Upper House, but presides over it. He has no vote except in case of a tie, when he can exercise a casting vote. As the presiding officer of the Senate, vice-president performs normal duties of a chairman. Roosevelt, when he presided over the Senate referred to it as 'an office unique in its functions of rather in its lack of functions.'

Succession to the Presidency

The potential function of the vice-president is to fill the office of the president 'in case of the removal of the president from office, or his death or inability to discharge the powers and duties of the said office'. Thus, the vice-president does not get or officiate as the president for a short period. But the moment the office of the president falls vacant, the duties of the chief executive shall devolve upon the vice-president'. He assumes the presidency and remains in office till the next election of the president. The Constitution has authorized the Congress to decide by law, who will succeed, in case of death, resignation, removal or disability both of the president and vice-president.

The office of the vice-president has developed along a line different from that expected from the constitutional makers of the US. According to Munro, the founding fathers intended the office to be 'a dignified one and a sort of preparatory school for the chief executive position'. Actually, the vice-president has been 'forgotten men in American history'.

The vice-president of the United States is generally regarded as an object of pity. In this connection Laski says, 'the vice-president has been little more than a faint wrath on the American Political horizon.' Much, however, depends upon the personal relationship

between the President and his number two. Mr Johnson was sent out by President Kennedy as his envoy to renew contacts with foreign governments. Nixon was also sent to various foreign countries as special envoy of the president to iron out differences with those governments or to improve relations with them. However, the fact remains that most presidents have not availed themselves of the limited assistance the vice-president may render.

3.3.5 Cabinet in the US

The president's cabinet is not known to the law of the country. It has grown by conventions during the last 200 years. The founding fathers did not regard it as an essential institution.

Many of the constitution makers assumed that the senate—a small body of 26 members at the time of its creation would act as the president's advisory council. The first president, George Washington actually tried to treat the senate as such. But the experiment was so discouraging that it was never repeated. Naturally, therefore, the American president developed the practice of turning for advice to the heads of the executive departments. In this connection, the constitution provides that the president may require the opinion in writing of the principal officers in each of the executive department. The meetings of the heads of executive department soon come to be called cabinet meetings. Thus, the cabinet has arisen as a matter of convenience and usage. According to William Howard Taft: 'The cabinet is a mere creation of the President's will. It is an extra statutory and extra constitutional body. It exists only by custom. If the President desired to dispense with it, he could do so.' Though unknown to law yet it has become an integral part of the institutional framework of the United States.

Composition: The size of the cabinet has undergone a steady growth. George Washington's cabinet included only four heads of the existing departments. The cabinet's strength has increased to twelve with the creation of more departments. Besides, President may include others also. Some presidents invite the vice-president to the meetings of the cabinet. Frequently, the heads of certain administrative commissions, bureaus and agencies are also included in the cabinet meetings. The actual size of the cabinet, therefore, depends upon the number of person the president decides.

Manner of selection: The members of the cabinet are heads of executive departments and are appointed by the President with the approval of the senate. Constitutionally, the consent of the senate is necessary but in practice, the senate confirms the names recommended by the President as a matter of course. Though the President is free in the choice of his ministers, he has to give representation keeping in mind the geographical considerations, powerful economic interest and religious groups in the country. He has to pay 'election debts' by including a few of these persons who helped in securing nomination and election to the like. He also has to appease the various sections of his party by including their representations in the cabinet. Tradition dictates that every President selects a 'well balanced' cabinet, a group of men whose talents backgrounds and affiliations reflect the diversity of American Society.

States of the cabinet: The US Cabinet is purely an advisory body. It is a body of President's advisors and 'not council of colleagues' with whom he has to work and upon whose approval he depends. The members of the cabinet are his nominees and they hold office during his pleasure. President Roosevelt consulted his personal friends more than his cabinet members. President Jackson and his confidential advisors are known as 'Kitchen Cabinet' or 'Place guards'.

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In the words of Brogan, the President is 'ruler of the heads of departments'. The President may or may not act on the advice of his cabinet. Indeed, he 'may or may not seek their advice. The President controls not only the agenda but also the decision reached. If there is voting at all, the President is not bound to abide by the majority view.

The only vote that matters is that of the President. In fact when the President consults the cabinet, he does so more with a view to collecting the opinions of its members to clarify his own mind than to reaching a collective decision. In short, the members of his cabinet are his subordinates or mere advisors while the President is their boss. The Cabinet is what the president wants it to be. It is by no means unusual for a cabinet ministry to get his first information of an important policy decision, taken by the president through the newspapers.

Thus, the cabinet has no independent existence, power or prestige.

Comparison between the American and the British Cabinet

Both America and Britain have cabinets in their respective countries, but they fundamentally differ from each other. The American cabinet can be said to resemble the British cabinet in one thing only. Both have arisen from custom or usage. While in all other respects the American Cabinet stands in sharp contrast to its American counterpart. The chief differences between the two are as follows:

(i) Difference regarding constitutional status: The contrast is because of the different constitutional systems in which the two cabinets function. The British Parliamentary government is based on the close relationship between the executive and the legislative branches of government. So, all the members of the British Cabinet are members of the Parliament. They are prominent leaders of the party. They present legislative measures to the Parliament, participate in debates and are entitled to vote.

On the other hand, the American constitutional system is presidential, which is based upon the principle of separation of powers. So, the members of the cabinet cannot be the members of the Congress like the president himself. They may 'appear before Congressional committees, but they cannot move legislative measures or speak on the floor of either House of Congress.'

(ii) Membership of legislature: In the presidential system like the US, in case a member of either House of Congress joins the presidential cabinet, he must resign his seat in the House.

Whereas in Britain, if a member of the cabinet is chosen from outside the parliament, he must seek membership of the parliament within a period of six months; otherwise, it will not be possible for him to continue as minister.

(iii) Political homogeneity: The British cabinet is characterized by political homogeneity, all its members being normally drawn from the same party. The American cabinet may be composed of politically heterogeneous elements. Presidents frequently ignore party considerations informing their cabinet.

(iv) Ministerial responsibility: The British cabinet holds office so long as it enjoys the confidence of the House of Commons, which is the Lower House of the British Parliament.

But in the US, the ministers act according to the wishes of the president and they are responsible to him alone.

(v) **Collective responsibility:** The British cabinet always functions on the principle of collective responsibility. Its members are individually as well collectively responsible to the parliament. But this is not the case with the US. As Laski says 'The American cabinet is not a body with the collective responsibility of the British cabinet. It is a collection of departmental beads that carry out the orders of the president. They are responsible to him'. They can remain in office during the pleasure of the president.

(vi) **Official status:** Membership of the British cabinet is a high office which one gets as reward for successful parliamentary career. It may be the stepping stone to prime ministership. Whereas, in America, many of the persons appointed to the cabinet have little or no Congressional experience. It is not even, necessarily towards the presidency. According to Laski, it is 'an interlude in a career, it is not itself a career'.

(vii) **Position of their heads:** Members of the American cabinet stand on a completely different footing in their relations with the president from that of the members of the British cabinet in their relations with the prime minister. The prime minister is the leader of his cabinet team. His position with his colleagues is that of a *primus-inter-pares* or first among equals. He is by no means their boss or master. He hazards his head when he dispenses with a powerful colleague. In other words, he cannot disregard a powerful colleague without endangering his own position.

On the other hand, the members of the American cabinet are not the colleagues of the president. They are his subordinates. The president is the complete master of his cabinet, which, in fact, is his own shadow. Members of the cabinet are his subordinates, at best advisors and at worst his office boys. According to Laski 'the real fact is that an American Cabinet officer is more akin to the permanent secretary of government departments in England, than he is to be a British cabinet minister.

Keeping in view the composition, position and the relationship of American cabinet with that of president, Laski describes that 'the cabinet of USA is one of the least successful of American federal institutions'. Being completely over-shadowed by the President and being excluded from Congress, the cabinet officer has no independent forum and no independent sphere of influence. An influential member of the Senate is in a better position to influence public policy because he has a sphere of influence in which he is his own master. Prof. Laski, rightly contends that 'the American Cabinet hardly corresponds to the classic idea of a cabinet to which representative government in Europe have accustomed us.'

The Congress

The legislative branch of the American federal government is known as the Congress. Congress consists of two Houses—the House of Representatives and the Senate. The organization of the Congress on the bicameral pattern was the result of a compromise between the claims of more populous states who wanted representation, in the new legislature, and the smaller states that were keen on equal representation to ensure equality of status in the new set-up. In accordance with the formula devised, aspirations of bigger and smallest states were fulfilled. Each state irrespective of its population, sends two members to the senate and representation of the States in the House is in proportion to their population.

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Each state, however, has at least one member in the House of Representatives. The founding fathers had intended the Senate to act as an advisory council to the President, but their intention, however, did not materialize.

3.3.6 Composition and Powers of the American House of Representatives

The House of Representatives is the Lower House of the American Congress and represents the whole nation. The House was initially known as the popular branch of government, as this was the only branch of federal government which was directly elected by the people.

At present, the total strength of the House is 435. Every state is given representation in the House on the basis of population. According to a law of 1929, seats are to be reapportioned among the states after each decennial census. Each state, irrespective of its population, is given at least one seat. Since the membership of the House is linked with the population of the states, the number of its members from each state is not fixed by the constitution. The number of representatives from different states is determined by the Congress. Generally one representative represents about 3,50,000 people.

The qualifications requisite for a person to be a representative are that, he shall be a citizen of the United States:

- (i) He must be 25 years of age.
- (ii) He should have lived in the United States, (as a citizen) for at least seven years;
- (iii) He should be a citizen of the state from which he is seeking elections and;
- (iv) He should not hold any office under the authority of the United States.

Although he is usually a resident of the district in the state which he represents, it is not mandatory under the law. Members of the House of Representatives are elected for two years. The House cannot be dissolved earlier than two years. Its tenure cannot be extended beyond two years period. The idea of two-year term is to keep the members closely in touch with the people. Members of the House of Representatives are elected by the single-member constituencies. The constituency is known as the electoral district. Each representative gets an annual salary of \$3,000 besides many other allowances and facilities. It has been rightly said that the House of Representatives is the most expensive law-making institution of the world.

The House has full control over its method of procedure. It publishes a journal of its proceedings. It meets for every annual session on the first Monday in December and elects its own speaker and another officer. Speaker is a party man and while discharging his function as a Speaker, he favours members of his own party. The House is elected in November but the members occupy their seats on 3 January following the actual date from which the life of every house is counted.

Powers and functions

The House of Representatives can be discussed under the following heads:

- (i) **Legislative powers:** To legislate is the primary duty of the House of Representatives.

The house has coordinate rights with the senate in ordinary legislation. Ordinary bills can originate in the House also. Differences between the two chambers over

a bill are referred to a conference committee made up of selected members from the House and the Senate. If it fails to arrive at an agreement, the bill is killed.

- (ii) **Financial powers:** The House of Representatives have the sole right to introduce money Bills. Money Bills cannot originate in the senate. But the senate has the authority to amend a money bill in any way it likes. Thus, in this field also both the chambers are equally powerful.
- (iii) **Executive powers:** The American executive is of the presidential type. So the executive is not responsible to the House of Representatives. The House can, however, control indirectly the executive by its control over public money. Moreover, it shares with the Senate the power to declare war.
- (iv) **Judicial powers:** The Congress has been given the important judicial power of impeachment. The president, vice-president, judges of the federal courts and other high public official cannot be removed except through impeachment. The House of Representatives has the exclusive right to initiate impeachment, proceedings by preparing charges against the official concerned.
- (v) **Miscellaneous powers:** The miscellaneous powers are as follows:
 - (a) The House of Representatives has the sole right to elect the President of the US from among first three candidates if none of them is able to secure an absolute majority of votes in the Presidential election.
 - (b) The House of Representatives shares with the Senate the power to propose amendments to the constitution.
- (vi) **Position:** A student of comparative governments will feel a little bewildered when trying to understand the powers and practical working of the House of Representatives. In all, the democratic countries of the world, the lower chambers enjoy greater power than the upper ones. But in America, the House of Representatives is less influential and powerful than the Senate, though the intention of the, constitution makers was to make it more powerful than the upper chamber. The House of Representatives is much less respected and powerful than the House of Commons of England which controls the government itself. The reasons for its weakness can be summed up as:
 - (a) House of Representatives is elected for a period of two years. Therefore, the members of the House are always worried about their re-election. The result is that they cannot discharge their duties seriously.
 - (b) The constitution has confessed certain executive powers on the Senate and the House of Representatives have been deprived of those powers. So the men of ability and experience try to become members of the Senate.
 - (c) The small membership of the Senate makes its discussion more effectively and vigorous than those of the House of Representatives.
 - (d) House has placed restrictions on its discussions. The result is that the members do not have opportunity of taking part in detailed discussions and debates.
 - (e) The Senate is also a directly elected chamber. This fact has enhanced the importance of the Senate at the cost of the House of Representatives.

Speaker

The speaker is the presiding officer of the House of Representatives. He is elected by the members from among themselves. He is elected on party basis and remains a party

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man throughout. His election is always contested. He is elected for the duration of the House of Representatives. When the next election for the House takes place he must seek election from his district. Even if he is re-elected to the House, his re-election as the speaker depends upon the party position. If his party is again in, he is sure to be elected as the speaker.

The framers of the US Constitution did not define his powers. They left it to develop its own traditions. The earlier speakers had little to do except keeping order and signing the bills passed by the House. He gradually assumed the importance and role entirely different from that of the British speaker. He acts as the party leader and uses the power of his office to promote the ends of his party. His position and powers were at one time next only to the president's and he called the dictator of the lower chamber. It was he who decided the composition of the various which really govern the House. He was himself, normally the chairman of the most important of those committees, namely, the Committee on Rules. Being essentially a party man he can neither be impartial not judicious and he has a right to vote and participate in discussion. Under the rules now the speaker is not allowed to Vote except in case of a tie or when the voting is by secret ballot. Today speaker's powers have been curtailed to a large extent.

He still decides all points of order which arise in the House but no longer wields the controlling power of appointing members to the House committees. Perhaps the most important power of the speaker today is to allow members to take the floor. When two or more members rise to speak he may see anyone of them and recognize him. He has to maintain proper decorum and order in the House. As has been said, 'He has to protect the House itself'. In the line of succession to the presidency, in case of death of the president in office, he comes next only after the vice-president.

The dignity and prestige of the chair in the US has depended on the incumbent himself and the circumstances in his party, in the Congress and in the country. Great speakers like Reed, Cannon and Longworth built up the authority and prestige of the House to an amazing degree, lesser occupants were content to play the humble role of a mere presiding officer. In the end we can say, the speaker is not a dictator now; but still is a partisan, powerful and influential presiding officer of the House of Representatives.

Comparison between the British Speaker and the American Speaker

The framers of the US Constitution adopted the designation of their presiding officer of the House of Representatives from Britain. In Britain, the presiding officer of the House of Commons is known as the 'Speaker'. Apart from the similarity in name, both the speakers are elected by the House from amongst its members. There is some similarity in the functions of both the speakers. Like his counterpart in England, the American speaker presides over the meetings of the House, maintains order, decides disputes, points and 'recognizes' members on the floor of the House when they stand to speak.

But the similarity between the two ends here. They play different roles. There is a marked difference between the two. In this connection, the following points may be noted:

- (i) The American speaker is strictly a party man and he safe-guards the interest of his party jealously. He shows every favour to his party and supports party measures. He retains partisan character and acts as the leader of his party. On the other hand, the speaker of the British House of Commons resigns from his party immediately after his election as speaker and assumes non-partisan character. On his appointment as speaker, he has to lay aside his political affiliations and

party connections. He must become a non-party man and in all his functions acts most impartially. The speaker of the British House of Commons must accept with his office a sentence of exile from politics.

- (ii) As the American speaker continues to remain an active member of his party, this office is keenly contested in every new House of Representatives. He can be re-elected only when he is returned by his constituency and the same party is able to control the House. In this way his election is always contested, it is never unanimous. When the next election for the House takes place, he must seek election from his district. On the other hand, the British speaker, because of his neutrality in politics is always re-elected even if a different party comes into power. It is very common in the House of Commons to find a Conservative serving as speaker under a Labour government and vice versa. He is even returned unopposed by his constituency.

Thus, there is practice of once a speaker always a speaker. The American speaker is always a prominent member of his party and after his election becomes its leader. Although the speaker is formally elected by the House, in practice he is chosen by the census of the majority party. On the other hand the British speaker is a back-bencher. He is formally selected by the prime minister in consultation with the leaders of the opposition parties.

- (iii) The American speaker exercises a right to vote in case of tie or when the vote is taken by ballot or when his vote is needed to make up the two-third majority. He must exercise this right in favour of his party.

On the other hand, the British Speaker votes only in case of a tie, and he gives his casting vote in accordance with well-established tradition and not according to his own political convictions. He casts vote in such a way as to maintain the status quo.

- (iv) The Speaker of the British House of Commons enjoys, under the Parliamentary Act of 1911, the power to decide whether a particular bill is a money bill or not. On the other hand, power is exercised by the American Speaker.

- (v) The American speaker once appointed the House of Committees and nominated their chairman. The committees control the legislative business of the House. So the speaker was able to dominate legislation. In 1911, this power was taken away from him. But even now, he has a powerful position in the House of Representatives.

On the other hand, in England, the legislative leadership is in the hands of the cabinet. No bill can be passed without the support of the cabinet.

In the end we can say that the American speaker is a prominent party leader and tries to influence the course of legislative business.

Unlike his American counterpart, the British speaker is a non-party man. He refrains from any display of personal sympathies or partisan leanings. He never publicly discusses or voices an opinion on party issues. He is famous throughout the world for his political neutrality.

3.3.7 Powers and Functions of the US Senate

The US Federal Legislature is, the Congress which is bicameral. Senate is its Upper or Second Chamber. It was created to protect the interests of small states and to check the radical tendency of the Lower House, the House of Representatives. Thus, the senate is indispensable and the most important branch of the American Government. 'The Senate

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was looked upon by the framers of the constitution as the backbone of the whole federal system'. They wanted to give the Senate a dominating share in the government of the United States. In this connection Munro says: 'It was by no mere slip of the pen that the article of the Constitution is establishing a Congress if the chambers, gives the Senate priority of mention. The men who framed this document—most of them—looked upon the Senate as the backbone of the whole federal system.' As Washington said: 'The Senate is the saucer in which the boiling tea of the House is cooled.' 'The Senate of the United States has long excited the admiration and the wonder of foreign observer', Brogan in 'American System,' and added, '...what conservates in other lands have deemed of is here achieved. Presidents come and go, every two years a House of Representatives vanishes into the dark backward of time but the Senate remains. It is the only branch of American government that never dies'.

The Senate has one hundred members, each state being represented by two members. Article V of the constitution safeguards this principle of equality between the federating units by providing that no state shall be deprived of its equal suffrage in the senate without its consent. It means irrespective of their population strength all the states are equally represented in the Senate.

The constitution had originally provided for indirect election of the Senate's. They were chosen by the legislatures of the state concerned. This practice was followed up to 1913. This system now has been changed. The seventeenth amendment has provided for direct elections of the senators by the same voters who vote in the election of the House of Representatives. Thus now senate has become as much a popular chamber as the House of Representatives. The senate is a permanent body. It is never dissolved. The term or office of a senator is six years, one-third of the senators returning every two years. In case of a casual vacancy the governor of a state may appoint a senator till a regular member is duly elected. To be eligible to be a member of the senate:

- (i) He must be a citizen of the United States
- (ii) He must have resided in the country for at least nine years
- (iii) He must not be less than thirty years of age
- (iv) He must be an inhabitant of the State he wishes to represent

Salary and allowances of the Senators, fixed by the Congress, are practically the same as far as the representatives. They are allowed the same privileges and immunities as the representatives do. Like the Lower House again the quorums of the Senate is the majority of the total membership. The Senate like the House of Representatives is the sole judge of the qualifications of its members.

The vice-president of the United States is the ex-office presiding officer of the senate. He is not a member of the senate and has no vote except in case of a tie. This casting vote has proved decisive on some occasions. In his absence the senate elects a President pro tempore and being a member of the senate he votes on all issues. Sessions of both the Houses of Congress commence simultaneously and are adjourned at the same time.

Powers and Functions

The American Senate is now the most powerful second chamber in the world. In all other democratic states the powers of second chambers have waned. But the authority of the US Senate has waxed. In the words of Munro: 'The fathers of the constitution intended it to be a body which would give the states as states, a dominating share in the

government of the nation. They had on mind something that would be more than a second chamber or a co-equal branch of the Congress. To that end they gave the Senate some very important special powers such as the approval of treaties, the confirmation of Presidential appointments and the trying of impeachments—powers in which the House of Representatives was given no share'. Its powers and functions can be discussed under the following heads:

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1. Legislative powers

In the legislative field, it is a co-ordinate chamber of the Congress and shares the function of law making with the House of Representatives. There is one exception to this equality. 'All measures for the raising of revenue must originate in the House of Representatives'. Similarly, usage requires that all appropriation bill, must originate in the House of Representatives. This limitation has proved to be of little importance. The Senate can virtually initiate new financial proposals under the guise of amendments. The Senate can therefore, originate financial legislation in fact if not in form. If the two chambers do not agree on a Bill the disputed points are placed before the conference committee made up of selected members from both chambers of the senate and the House of Representatives. The conference committee tries to arrive at a compromise. If it fails to do so the bill is regarded as rejected. Thus, no bill can become law without the concurrent of the Senate.

The position of the senate in the legislative sphere is much better than that of any other second chamber in democratic countries. The House of Lords is now a shadow of its former self. It is now only a delaying chamber. The Indian Rajya Sabha has very little control over financial matters. It is now only the American senate which stands on a level with the House of Representatives in legislation and finance.

2. Executive powers

The US constitution allows the senate to perform the following executive functions:

- (i) The investigating powers of the senate deserve not merely mention but attention. The senate has a right to demand information about any administrative matter. It establishes administrative committee for this purpose. The senate committee may sit at Washington or it may go about the country hearing testimony. These committees have the power to summon witness, compel the production of papers, and take evidence on oath, and in general exercise the authority of a court. They do their job very thoroughly and expose the weakness of the administration. Recent investigations have covered crimes, un-American activities and juvenile delinquency.
- (ii) As the US constitution embodies the theory of checks and balances, and as the President has been given powers in respect of the appointment of federal officers, it was felt desirable that the legislature should exercise some control over the executive department in this matter. Also it was felt that the States ought to have some control over federal appointments. Thus, it was provided that the president's power regarding federal appointments should be shared by the senate as representing both the legislature and the states.

The power of ratifying the president's nominees for federal posts is conferred by the constitution on the Senate. In this sphere one convention—Senatorial Courtesy—plays a very important role. It means that if the President nominates a local officer with the approval of the senators from the state concerned then the senate will by convention approve the nomination. These senators must, of course

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belong to the same political party as the President otherwise the rule does not apply. The approval of the senate is however not necessary when the President removes some officers.

- (iii) Likewise the constitution makers deemed it imprudent that the President should have absolute control over foreign affairs. The President was therefore given the power 'with the advice of the senate to make treaties, provided two-thirds of the senators present concur.' Thus the treaties concluded by the President do not become effective without the approval of the Senate.' There is a long record of treaties killed by the Senate. A wise President always keeps himself in touch with the leaders of the Senate, especially with the Committee on Foreign Relations.
- (iv) Moreover, the Senate shares with the House of Representatives the power to declare war.

3. Judicial powers

In case of impeachment the Senate sits as the chief court of justice. Impeachments are preferred by the House of Representatives and the trial take place in the Senate. The President, the vice-president and all civil officers can be impeached before the Senate. A two third majority of the Senate is required for conviction.

4. Miscellaneous functions

They are as follows:

- (i) If in the election of the vice-president of the USA, no candidate secures a clear majority of electoral votes, the Senators voting as individuals elect one from the first two candidates.
- (ii) As far as amendments to the constitution are concerned, Senate has coordinate powers with the House of Representatives in the matter of proposing amendments.
- (iii) The Senate has coordinate power with the House of Representatives in the matter of admitting new States to the Union.

The Position and Prestige of the Senate

It is difficult to form a just estimate of the Senate. Both lavish praise and censure have been heaped upon it due to over emphasis on one aspect or the other. It is a complex, many-sided body not capable of being described by facile generalization, yet hardly one can deny that the Senate is probably the most powerful second chamber in the world and is certainly the dominating partner in the US Congress.

It is a well-known fact that most leading figures in public life in USA are to be found in the Senate and not in the House of representatives. He comes into business with a greater variety of public business. He has confidential relations with the President and greater contact with federal outlets as all federal appoints are subject to his approval. He is normally in close touch with foreign affairs as a wise President takes the 'Senate in his confidence on this matters. The senate is also regarded as the guardian of State rights and every Senator is a champion of his State.

Senate in the most powerful Second Chamber in the World

The Senate is decidedly an indispensable institution in the political system of the United States. A comparative Study of the Senate and the Upper House in other parliaments of the world, show that Senate is the most powerful second chamber in the world.

The British House of Lord was once a very powerful chamber, but today it is the shadow of its former self. Now it is only a second but a secondary chamber. Probably it is the weakest chamber in the world. In Russia, the two Houses of Supreme Soviet are equally powerful. The Upper House, the Soviet of Nationalities is in no respect superior or more powerful than the Lower House—the Soviet of the Union. Likewise in India, Rajya Sabha is weaker than the Lok Sabha.

This comparative study shows that in some countries the two Houses are equally powerful and in some other countries the Upper House is weaker than the Lower House. But Senate is the only upper chamber in the world which, in comparison to its lower chamber is more powerful. It is due mainly to the following factors:

- (i) Senate is a very small body. Its total strength is only 100, whereas the strength of the House of Representatives is 435. The small size of the Senate makes possible effective discussions. To quote Prof Laski: ‘Discussion in the House of Representatives is formal and static; discussion in the Senate are living and dynamic.’
- (ii) The constitution itself has given vast powers to the Senate. The Senate not only enjoys co-equal power with the House of Representatives, it also enjoys important executive and judicial powers which the House does not enjoy. Treaties and all important appointments made by the President must be submitted to the Senate for its approval. The Senate has also the power of trying impeachments. Such powers are, normally, not enjoyed by the Second Chamber of any democratic country of the world.
- (iii) Senate is a permanent chamber. After every two years one-third of its members retire and are re-elected. In this way, the life of one Senator is six years. The House of Representatives is elected only for two years. Therefore, the members of the House are always worried about their re-election. They cannot, therefore take much interest in their work. On the other hand, the long term of the Senators enables them to learn thoroughly their legislative work.
- (iv) We know that the Senate is directly elected. This direct election has added greatly to their power and prestige. The Senate can speak for the nation with the same authority as the House of Representatives.
- (v) There is almost a complete absence of restrictions on the debates of the Senate. So senators get ample time to express their views.
- (vi) Seasoned politicians and legislators try to secure seats in the Senate because its membership is associated with vast powers. Most members, of the House of Representatives like to become Senators. When they manage to enter the senate, their places in the House are filled by comparatively junior politicians. As a result of this, the Senate contains a large number of experienced politicians well versed in the art of law-making.

The fathers of the US Constitution thought that the House of Representatives would be more powerful and influential than the Senate. They created the Senate to act only as a check upon the radical tendencies of the popular chamber. ‘In its origin, it was a product of distrust of democracy. But now it can certainly be a brake on democracy’.

3.3.8 Procedure in the American Congress

The principal function of the Congress is to make laws. We know that the American Constitution is based on the principle of separation of powers. It means the government

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does not take part in the legislative process. The government can introduce the bills in the Congress. So that in America, there is no difference between the government's bills and the private member's bills. All bills are private member's bills. However, there is a difference between public bills and private bills. Public bills are those bills which concern the entire country or an unascertained people and the private bills are of special character and they apply only to particular persons, places or corporations. Further a distinction can be made between money bills and non-money bills. Money bills for raising revenue, are required to be introduced only in the House of Representatives.

Both the Houses of American Congress are equally powerful in the field of legislation. The ordinary or non-money bill can be introduced in either House of the Congress. Once a 'bill is introduced in the Congress it remains alive throughout the duration of the existing Congress, unless it is disposed of earlier. All the bills depending, in either House, at the time of dissolution of the House lapse, and the succeeding Congress can consider them only if they are introduced afresh.

Bills are introduced by the members of the Congress, but they are not always the authors of these bills. Many bills originate in the office of the president, executive departments and administrative agencies. These bills are introduced in the Congress by the Congressmen belonging to the president's party. We have also seen somewhere else that the president may initiate bill through one of his messages to the Congress.

The legislative procedure in the American Congress is in some respect the same as that followed in Britain. Every bill is introduced and is given the usual three readings. Here let us assume that an ordinary bill is introduced first in the House of Representative.

Introduction of a bill is a simple affair. A member of House of Representatives may write his name on the bill and drop it in the box known as the 'hopper' lying on the clerk's table. Thus, the bill has been introduced without any permission sought to introduce it and without any speech having been made. This completes the first reading of the bill.

Then the title of the bill is printed in the *Journal of the House*, and simultaneously it is sent to one of the standing committees which studies it clause by clause. In most of the cases there is no difficulty in deciding the committee to which a bill is to be sent. The US committees have clear cut jurisdiction and the title of the bill itself may indicate which committee will receive it. Very often many bills may be introduced by different members on the same matter. The committee may decide to consider only one of them and reject the rest. Thus a very large number of bills are killed every year by the committees because there are many bills on the same matter.

If the committee likes, it can ask executive official and other interested persons to appear before it to express their views. The committee hears all those who wish to be heard for or against the measure. Paid lawyers may appear before the committees to argue for or against a proposal. Pressure groups exert influence through their agents. The committee may: (a) report the bill in its original form; or (b) it may suggest amendments ;or (c) it may be re-draft the bill; or (d) it may not report at all and thus 'Pigeonhole' and kill it.

Many bills are killed in this way. It may be mentioned here that the House has the power to compel the committee to give its report on Bill. But this power is rarely exercised. It is, therefore, true that the committees have virtual power of life or death over every bill. A bill, which is favourably reported by one of the standing committees of the House of Representatives, is sent to the clerk of the House. The clerk places the bill depending on its nature upon one of the three lists, known as the 'Calendars'.

The stage when a bill is called up from the calendar and taken up for consideration by the House is called second reading. At this stage; it is discussed in detail by the whole House.

The bill is read line by line, amendments are moved, discussed and disposed of and members get an opportunity to express their views on the bills as a whole or a part thereof. After the debate and adoption of amendments, if any, moved by the members the House is called upon to vote the measure. If majority of the members vote in favour of the bill, it is then ready for the third reading.

The third reading is formal like the first reading. It merely means reading the title of the bill, and ordinarily no debate takes place. But sometimes in case of a controversial bill a few members may demand that it may be read in full. In that case the bill may be discussed, again new amendments may be proposed. After the discussion a vote is taken on the bill. If the vote is favourable after the third reading, the bill is signed by the speaker and sent to the Senate for its consideration.

In the Senate, the bill meets almost the same treatment. If the senate passes the bill without any change, then it is sent to the president for his assent. In case the Senate has made some changes, the measure is sent back to the House of Representatives for reconsideration.

The House may accept the changes suggested by the Senate, and transmit the bill to the President. In case the Senate does not agree with the changes suggested by the Senate, the bill is referred to the conference committee. If the conference committee fails to resolve the differences, the bill is killed.

When a bill is passed by both chambers it is sent to the President who may either give his assent to it or veto it by returning the same within a period of ten days. If each House passes the bill again by a two/third majority it becomes law even without the approval of the President. If the Congress remains in session and the President takes no action for 10 days, it becomes law. He may however 'Pocket Veto' a bill if the Congress is adjourned within 10 days.

Difference of Procedure in England and the US

The differences are as follows:

- (i) In England, there is a difference between public bills and private member bills. There is little difference in the process of becoming law. But in the US there is no difference between these two types of bills. There all the bills are private member bills.
- (ii) In England, most of the bills are introduced, defended and guided by ministers. The bill can reach at the final stage without the support of the minister. In America, there is separation of powers and bills are introduced by private members and the 'legislative leadership is in the hands of the chairman of appropriate committees. Bills are even named after the chairman of the committees.
- (iii) In England, the committee stage follows the second reading, i.e., a bill is referred to a committee when the general principles underlying the bill have been discussed and approved by the House. In this way, the House decides beforehand whether it wants a law on a particular subject or not. In the US committee stage precedes the second reading, i.e., before the House has approved the principle, of the bill and has decided whether or not it wants a law on a particular topic. The result of

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Check Your Progress

3. Fill in the blanks.
 - (a) The American Senate is now the most powerful _____ chamber in the world.
 - (b) The position of the US President is _____ to the British King in relation to his Cabinet.
4. State whether True or False.
 - (a) The US President is not only the Head of the State but also the head of the administration.
 - (b) The US constitution provides for removal of the president earlier than the completion of his term of four years.

this is that sometimes the House rejects a bill on the ground which are not acceptable. In this way the whole work of a committee is undone.

- (iv) The American second chamber, i.e. the Senate possesses greater powers than the House of Lords to amend reject bills. The British House of Lords cannot touch a money bill sent up by the House of Commons. It can delay an ordinary bill at the most for one year under the provisions of the parliamentary Act of 1949. But in America, no bill or either money bill or ordinary bill can become law without the consent of the Senate.
- (v) In England, the committees are not much powerful. Neither they can reject a bill nor can they bring such amendments in the bill which amount to amend the principles of the bill. On the other hand, in America, the committees are very much powerful. Committees decide the fate of the bill, they can even reject a bill altogether.
- (vi) In Britain, the king does not send a bill back once it is passed by the Parliament. In United States the President can veto a bill, but Presidential veto can be overridden if Congress passes the bill again by a two-third majority of each House. The suspense veto of the President can sometimes become an absolute veto.

3.4 UNITARY FORM OF GOVERNMENT

As the name suggests, a unitary form of government is a single unit state where the central government is supreme. All the power rests with the central government and any divisions in governance, for instance, in the form of administrative or sub-national units, have only those powers that the central government gives them. While democratic systems have become popular over the world, a number of states still have a unitary system of government among several other archetypes that are found in different countries. Some of the examples of a unitary form of government are dictatorships, monarchies and parliamentary governments. Some countries that follow the unitary system of government are France, Italy, Japan and the United Kingdom.

Since the power is vested in the Centre, a unitary system of government is based on the principles of centralization of power. Within such a system, a fair amount of hegemony is found between different regions in the same country. Thus, local governments follow instructions of the Centre and have only those powers which are delegated by the central government.

Yet, there are no fixed rules to this system and not all countries use the same principles of centralization and decentralization of powers. One of the major advantages of such a system is the fact that the government at the centre can make quick decision since it has all the powers of rule-making. A significant disadvantage is that there are no ways to keep a check on the activities of the central government. Moreover, most unitary governments have large bureaucracies where the members are not appointed on the basis of popular voting.

The opposite of unitary government will be a federal government where governance powers are not centralized or where central government is a weak one. Political powers are actively decentralized and individual states have more sovereignty compared to those in a unitary state. Principally, a federal government holds some middle ground between the unitary and the federal system because powers are distributed between the central and local governments. The political system of the United States of America is

an example of a federal system. One needs to also explore the nature of the state when the analysis of the form of government is being made. For instance, not every state will encourage social and political integration and some will monopolize force in their hands, thus encouraging one form of governance compared to the other.

Nonetheless, monopolization of power is also a central idea to a unitary government. Popularly in such a system, local governments will exist but they will not be independent of the central government. They are subordinate to the central government in all respects and often act as mere agents of such a government. Thus, the whole state is governed with full might of the central government. Such a system is useful in those states which do not have strong nationalities, are at risk of outside forces or are very small states.

3.4.1 Salient Features of Unitary Government

As stated above, a unitary system of government widely differs from one that is federal in its organization. Federal governments, by their very nature, constitutionally divide powers between the centre and the state. No such power division occurs in a unitary system even though the central government, by its own accord, delegate some superficial powers to various states. Moreover, in a federal system, the constitution is supreme and determines the powers between the centre and the states. Both exist as equal before a federal constitution. In contrast, centre is supreme authority in a unitary government. States function independent of the centre in a federal system whereas in the unitary system, states are subordinate to the centre. In short, Unitarianism can be referred to as: ‘The concentration of the strength of the state in the hands of one visible sovereign power, be that power parliament or czar.’ Federalism, on the other hand, is distribution of force. As has been cited: ‘The sovereign in a federal state is not like the English parliament an ever wakeful legislator, but like a monarch who slumbers and sleeps. And a monarch who slumbers for years is like a monarch who does not exist.’

A unitary government can have an unwritten yet flexible constitution but federal government cannot go about its daily chores unless it has in its possession a written constitution. Judiciary also plays a very important role in a federal government and also decides on disputes that may crop up among the central and state governments or between other units. These are some of the key differences between federal and state governments. This brings us to the characteristics and features of unitary form of government:

- **Centralization of power:** The centre is the reservoir of all powers in unitary system. There exist no province or provincial governments in such a system and the central government has the constitutional powers to legislate, execute and adjudicate with full might. There is no other institution with this kind of state to share the powers of the central government. Thus, it rules with no external pressure and runs the state and administration free of any checks and balances. Their power is absolute. What powers are to be centralized and decentralized are also decided by the central government. Local governments exist but it is the centre which decides what powers will be given to them. Even these are carried out with central control or supervision.
- **Single and simple government:** The unitary system of government is a simple system. There exist no provincial assemblies, executives or upper chambers in the Centre. One exception to this is Britain. Yet, most unitary systems are defined by single central government where the popular voting is held for unicameral legislature. It is the central legislature that legislates and executes. The expenses

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of such a system are minor and a unified command is adopted in running the state. Democratic systems can be expensive; upper chambers demand finances and weak states cannot afford them. Thus, unitary system is simple and understandable. Its structures and powers also understood easily by the citizens.

- **Uniformity of laws:** Laws in unitary system are uniform laws unlike the ones in the federal state. This is one crucial characteristic of a unitary government. Laws are made and executed by the central government for the entire state. They are enforced without any distinction being made for any state. In contrast, in a federal system, the nature of a law can vary from state to state. But in the unitary system, the laws are made uniform on the principles of justice and nature of human beings. In a federation however, laws of similar nature can have sharp contrasts, thus complicating their understanding.
- **No distribution of powers:** As stated, within a federation powers are distributed among the federal and the state. In contrast, in the unitary system, no such distribution of powers is made. All powers rest with the centre. One of the advantages of this lack of distribution of power is that the government does not have to bother about delegating powers and instead concentrate on more welfare issues and development of the state and citizens.
- **Flexible constitutions:** Flexibility is what defines the constitutions of unitary states. It is within federal systems that a rigid constitution is required so as to clearly define and maintain the relationship between the centre and the state. One of the advantages of a flexible constitution is that it can be altered as be the needs of the state amid the continuously changing circumstances. As said, a constitution is a document which is necessary to run a state according to the changing orientations. A flexible constitution ensures that the desires and changing demands of people are included in it accordingly and from time to time. It is crucial to the idea of progressiveness. Thus, constitutions in unitary systems are evolutionary and are strong to respond to contingency situations.
- **Despotism attributes a Unitary State:** A unitary state can turn totalitarian or despotic when its rulers do not follow rules or move away from the path of patriotism. Since powers are with the Centre and there is no check on the activities of the government, there are higher chances of misuse. Such a government can become absolute and abuse its powers mainly due to the absence of an internal check system.
- **Responsibility:** In contrast to a federation, a unitary system is more responsible. Certain defined institutions have fixed responsibility and this is a significant characteristic of a unitary system. The central government is responsible for legislation, executive for implementation and judiciary for adjudication. Thus, it is these institutions that are responsible for their activities and therefore they try to operate within the law of the land.
- **Local government institutions:** Usually in a unitary form of government, the powers lie in the hands of urban bureaucracy. Such a government has also been found to be limited in the city areas and have no influence in remote towns and villages. Therefore, to maintain its influence in rural areas, the central governments manipulate their affairs through municipalities and other such local institutions. In one way or other, local governments also become important and effective in unitary systems. Such examples are found in states like China and Great Britain

where local governments are very powerful. The central government maintains its influence through local governments and also gives them financial support to run their daily affairs. In fact, local representatives are elected for these institutions on the guidelines of the central government.

Advantages of Unitary Form of Government

Some advantages of unitary system include:

- (i) Throughout the state, uniform policies, laws, political, enforcement, administration system is maintained.
- (ii) There are fewer issues of contention between national and local governments and less duplication of services.
- (iii) Unitary systems have greater unity and stability.

Disadvantages of Unitary Form of Government

Disadvantages of such a form of government include:

- (i) Local concerns are usually not the prerogative of the central government.
- (ii) Thus, the centre is often at a lax in responding to local problems.
- (iii) In case the centre gets involved in local problems, it can easily miss out on the needs of a large section of other people.

3.5 FEDERAL GOVERNMENT

A federal government is the national government of a federation. It is defined by different structures of power; in a federal government, there may exist various departments or levels of government which are delegated to them by its member states. However, the structures of federal governments differ. Going by a broad definition of basic federalism, it comprises at least two or more levels of government within a given territory. All of them govern through some common institutions and their powers often overlap and are even shared between them. All this is defined in the constitution of the said state.

Therefore, simply put, a federal government is one wherein the powers are delegated between the centre and many other local governments. An authority which is superior to both the central and the state governments can divide these powers on geographical basis, and it cannot be altered by either of the government levels by themselves. Thus a federation, also called a federal state, is characterized by self-governing states which are in turn united by a central government. At the same time, both the tiers of government rule on the basis of their own laws, officials and other such institutions. Within a federal state, the federal departments can be the various government ministries and such agencies where ministers of the government are assigned. For instance, in the US, the national government has some powers which are different from those of other 50 states which are part of the country. This division of powers has been elaborated in the constitution of the US.

Thus, a federal government works at the level of a sovereign state. At this level, the government is concerned with maintaining national security and exercising international diplomacy, including the right to sign binding treaties. Therefore, as per the guidelines of the constitution, the federal government has the power to make laws for the entire country and not the state governments. For instance, the US Constitution

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initially did not empower the federal government to exercise undue powers over the states but with time, certain amendments were introduced to give it some substantial authority over states. The states that are part of a federation have, in some sense, sovereignty because certain powers are reserved for them that cannot be exercised by the central government. But this does not mean that a federation is a loose alliance of independent states. Most likely, the states that are part of a federation have no powers to make, for instance, foreign policy; thus, under international law they have no independent status. It is the constitutional structure in the federation that is referred to as federalism. This is in contrast to the unitary government. With 16 *Länder*, Germany is an example of a federation while its neighbour Austria was a former unitary state that later became a federation. France, in contrast, has always had a unitary system of government. As mentioned earlier, federation set-ups are different in different countries. For instance, the German *Länder* have some independent powers which they have started to exercise on the European level.

While this is not the case with all federations, such a system is usually multi-cultural and multi-ethnic and covers a large area of territory. An example is India. Due to large geographical differences, agreements are drawn initially when a federation is being made. This reduces the chances of conflict, differences between the disparate territories, and gives a common binding to all. The Forum of Federations is an international council for federal countries which is based in Ottawa, Ontario. This council brings together different federal countries and gives them a platform to share their practices. At present, it includes nine countries as partner governments.

Where states have more autonomy than others, such federations are called asymmetric. Malaysia is an example of one such federation wherein states of Sarawak and Sabah joined the federation on their own terms and conditions. Thus, a federation often appears after states reach an agreement about it. There can be many factors that could bring in states together. For instance, they might want to solve mutual problems, provide for mutual defense or to create a nation state for an ethnicity spread over several states. The former happened in the case of the United States and Switzerland and the latter with Germany. Just like the fact that the history of different countries may vary, similarly their federal system can also differ on several counts. One unique system is that of Australia's where it came into being after citizens of different states voted in the affirmative to a referendum to adopt the Australian Constitution. Brazil has experienced with both federal and unitary system in the past. Till date, some of the states in Brazil maintain the borders they had during Portuguese colonization. Its newest state, Tocantins, was created mainly for administrative reasons in the 1988 Constitution.

History of Federalism

In the New World order, several colonies and dominions joined as autonomous provinces but later transformed into federal states after independence (see Spanish American wars of independence for reference). The United States of America is the oldest federation and has served as a role model for many federations that followed. While some federations in the New World order failed, even the former Federal Republic of Central America split into several independent states 20 years after it was formed. States like Argentina and Mexico have in fact shifted from being federal, confederal, and unitary systems before finally settling with being federalists. Germany is another example of the same shifting since its foundation in 1815. After its monarchy fell, Brazil became a federation and it was after the Federal War that Venezuela followed suit. Many ancient chiefdoms and kingdoms can be described as federations or confederations,

like the 4th century BC League of Corinth, Noricum in Central Europe, and the Iroquois in pre-Columbian North America. An early example of formal non-unitary statehood is found in the Old Swiss Confederacy. Many colonies of the British that became independent after the Second World War also adopted federalism; these include Nigeria, Pakistan, India and Malaysia.

Many states can be federalists yet unitary. For instance, the Soviet Union, which was formed in 1922, was formally a federation of Soviet Republics or autonomous republics of the Soviet Union and other federal subjects but in practice remained highly centralized under the government of the Soviet Union. Therefore, the Russian Federation has inherited its present system. Australia and Canada are independent federations, yet Commonwealth realms. In present times, many federations have been made to handle internal ethnic conflict; examples are Bosnia and Herzegovina, and Iraq since 2005.

Advantages of Federal Form of Government

Some advantages of a federal form of government are:

- (i) There is larger federal unity though local governments may handle their own problems.
- (ii) The government at the Centre is more committed towards national and international issues.
- (iii) It is a participatory system and there are more opportunities to make decisions. For instance, what goes into school curriculums and ways in which highways and other projects are to be carried out, can be decided through participation of local populace.
- (iv) Local government/officials are more responsive towards people who elect them.

Disadvantages of Federal Form of Government

Disadvantages of federal form of government include:

- (i) Since laws are different in different states, people living in one country can be treated differently. This can happen not only in spending that each state makes of welfare programmes but even in legal systems, where different punishment can be meted out in similar offences or right laws are differentially enforced.
- (ii) Duplication of services.
- (iii) States can pass laws that counter national policy and this can influence international relations.
- (iv) Conflict can arise over power/national supremacy vs. state's rights.

3.6 SUMMARY

- In a Parliamentary form of government, the tenure of office of the virtual executive is dependent on the will of the Legislature; in a Presidential government the tenure of office of the executive is independent of the will of the Legislature (Leacock).
- Being a Republic, India could not have a hereditary monarch. So, an elected President is at the head of the executive power in India.
- The presidency of the United States of America is one of the greatest political offices of the world. He is the chief executive head of the state as well as the head of the administration.

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Check Your Progress

5. What is a unitary form of government?
6. What is meant by federalism?

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- The US President is not only the Head of the State but also the head of the administration. The Constitution clearly lays down that all executive authority belongs to him.
- Prof. Laski opines that the American President is also more or less than the British Prime Minister. It is worth while comparing the office of the President of the USA with that of the Prime Minister of the UK.
- The President's cabinet is not known to the law of the country. It has grown by conventions during the last 200 years. The founding fathers did not regard it as an essential institution.
- If a bill is sent to the President and he neither signs the bill nor returns it back to the Congress, the bill becomes the law within 10 days even without his signature. The only condition is that Congress must be in session. If the Congress adjourns in the meantime, the bill is automatically killed. This is called 'Pocket Veto' of the President. This means that the president can simply ignore a bill (pocket a bill and forget about it), if it is passed by the Congress on a date less than 10 days before it adjourns.
- The major drawback to the unitary system is that there are little or no checks and balances of power. In addition, unitary governments typically employ large bureaucracies which do not appoint members on the grounds of voting.
- A unitary government may have unwritten but flexible constitution, but a federal government cannot work successfully unless it possesses a written constitution. In a federal government, generally the judiciary plays a vital part in administration. It decides the disputes that may crop up between the central and provincial governments or between one unit and the other.
- Unitary form of government is very simple system. With the exception of Britain, there are neither provincial assemblies and executives nor the upper chambers at the Centre. There is a single Central Government at the Centre. There is unicameral legislature popularly elected. Central legislature is to legislate, executive to execute and judiciary to adjudicate without any share.
- The federal government is the mutual or national government of a federation. A federal government may have different powers at various levels authorized or delegated to it by its member states. The structures of federal governments differ. Based on a broad definition of a basic federalism, there are two or more levels of government that exist within an established territory and govern through common institutions with overlapping or shared powers as prescribed by a constitution.

3.7 KEY TERMS

- **Congress in the US:** It is the legislative branch of the federal government; consists of two Houses—the House of Representatives and the Senate.
- **Federal government:** It is one in which the powers of government are divided between a central government and several local governments.
- **Ordinance power:** This means that the US president can issue certain executive orders having the force of law.
- **Parliamentary form of government:** It is one where the tenure of office of the virtual executive is dependent on the will of the legislature.

- **Presidential form of government:** It is one where the president is the head of the states.
- **Unitary government:** It is a state governed as one single unit in which the central government is supreme and any administrative divisions (sub-national units) exercise only powers that their Central government chooses to delegate.

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3.8 ANSWERS TO ‘CHECK YOUR PROGRESS’

1. (a) elected (b) Indian
2. (a) False (b) True
3. (a) second (b) superior
4. (a) True (b) True
5. A unitary government may be defined as one in which the powers are concentrated in the hands of a Central Government. There may be local governments, but they are not free from the control of the Central Government. They derive their power from the Central Government and as such are subordinate to the same in all respects. They are the mere agents of the Central Government. The best examples of the unitary government are that of Great Britain and France.
6. The governmental or constitutional structure found in a federation is known as ‘federalism’. It can be considered the opposite of another system, the unitary state. Germany with sixteen *Länder* is an example of a federation, whereas neighbouring Austria and its *Bundesländer* was a unitary state with administrative divisions that became federated, and neighbouring France by contrast has always been unitary.

3.9 QUESTIONS AND EXERCISES

Short-Answer Questions

1. List the powers and functions of the President of the US.
2. What is the procedure of election of the President of the US?
3. Write a short note on the status of the Cabinet in the US.
4. What is the difference of procedure in England and the US?
5. What are the basic characteristics of a unitary form of government?
6. What are the advantages and disadvantages of a federal form of government?

Long-Answer Questions

1. Compare the parliamentary and presidential form of government.
2. Draw a comparison between the American and British Cabinet.
3. Describe the powers and functions of the US Senate.
4. Differentiate between the unitary and federal forms of government in detail.
5. Give a detailed account on the functioning of a unitary government.

3.10 FURTHER READING

NOTES

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UNIT 4 METHODS OF REPRESENTATION

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Structure

- 4.0 Introduction
- 4.1 Unit Objectives
- 4.2 Types of Democratic Political System: Direct and Indirect
 - 4.2.1 Direct Democracy
 - 4.2.2 Indirect Democracy
 - 4.2.3 Characteristics of Democracy
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 - 4.2.6 Classical Theory of Democracy
- 4.3 Proportional Representation
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 - 4.4.1 Merits of Functional Representation
 - 4.4.2 Demerits of Functional Representation
- 4.5 Summary
- 4.6 Key Terms
- 4.7 Answers to 'Check Your Progress'
- 4.8 Questions and Exercises
- 4.9 Further Reading

4.0 INTRODUCTION

With the growing population, it is not possible for the government to consult all people before making a law or taking any action. The extension of the territory and emergence of nation-states has led to development of indirect election. Consequently the practice of electing periodically some representative who would work as trustees of the people came to be developed. Thus, the people of a state are represented by a small group who are elected by the people.

In ancient democracies, direct popular participation in public affairs was practiced. Therefore, there was no need for any representation. However, when the Roman Republic expanded, popular participation could not be achieved. The origin of representation could be traced back to the practice of Christian church in calling together representative councils to deal with matters relating to the governance of Christendom. Similarly, in Europe, kings of feudal societies developed the custom of calling representatives from the communities.

These local representatives presented complaints and petitions and bargained on grant of money. But these representatives cannot be considered as national representatives but only agents of local powers acting under special instructions or mandates. The representatives used to represent a shire or borough in the council of the king. The shire or borough was a closely knit community with a distinctive unity of its own. Thus, the representatives did not represent a constituency but only a community. A representative to represent a nation or a constituency should rise above petty localism and represent national interest.

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In the course of time, the shire or borough type representative gave place to a constituency. A constituency, nowadays is a defined territory where the voters belonging to different caste, community and economic status live. Constituencies are drawn on the basis of population. Hence, the boundaries of the constituencies are not fixed and permanent. They are redrawn or readjusted wherever there is a sizable increase or decrease in the population. The practice of redrawing or readjusting the boundaries of constituencies gave rise to the modern theory of representation. It is the individual and not the communities, which has representation. In older days, a territory consisted of groups of people who were socially united. But this social unity has undergone changes and now in a territory, people belonging to different colour, caste, religion, language and economic status live. Though they are living together there is no social unity as was found in the past. This transformation from social unity to social diversity has led to the problem in the theory of representation. Now a question arises, whom does a representative represent? In other words, when a representative is elected, whose voice or opinion should he reflect in the parliament? A diversified society definitely consists of diversified opinion, and quiet normally even conflicting opinion. How can the diverse individual opinion be represented?

The problem in the theory of representation as whose opinion a representative should reflect is partly answered by the presence of political parties. A political party is a political group representing and advocating a particular political ideology. In democracies, political parties have become an essential feature. They get support from the people for their ideology and political parties get support cutting across local and personal differences. In a particular given constituency, people who are otherwise divided into several groups on the basis of caste etc., when it comes to supporting a political party or the other, shed all their other differences and lend or extend support to a political party. In other words, political parties help people shed or forget their differences and come together in support of a political party. Though political parties reduce divisions among the people of a constituency, divisions among the people cannot be completely eliminated. Because, political parties themselves are another source or cause for divisions among people, they divide people on political grounds.

Therefore, the representation of the multifarious interest through like political parties is not quite satisfactory. Generally, only one member is elected from a constituency. This is called single member constituency; in this case, people elect a candidate of one political party from among the candidates who belong to different political parties. The successful candidate is one who has secured more votes than the other candidates who contested in the elections. It is not necessary that the elected candidate should have secured a majority of votes in the system. The elected candidate represents the opinion of the people who have voted for him only.

This unit discusses the various methods of political representation—direct, indirect, proportional and functional.

4.1 UNIT OBJECTIVES

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

- Describe the types of democracy—direct and indirect
- Discuss the characteristics of democracy
- Evaluate the concepts of social, political and economic democracies

- Explain the classical theory of democracy
- Assess the merits and demerits of proportional representation
- Analyse the merits and demerits of functional representation

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4.2 TYPES OF DEMOCRATIC POLITICAL SYSTEM: DIRECT AND INDIRECT

In the lexicography of political science, no word is more controversial than democracy. There is no individual who does not like it but he may raise its 'question of suitability and efficacy at particular circumstances'. The suitability of democracy is related to the question of the form of government and not to that of principle. Many scholars object to the application of democracy to particular circumstances but they are not opposed to democratic principle. Today, many people ask whether the circumstances or environment will be moulded to make them suitable for democracy or democracy will be changed to mould the environment for its own development.

As to the proper meaning of the word, there is also a controversy. As G. C. Field observes, 'In recent years, controversy has arisen about the proper meaning of the word democracy...'. In spite of differences of opinion, democracy is regarded as a useful form of government. Where it does not exist, men are fighting for it and where it already exists, men are striving to make it perfect. Sukarno's Indonesia called itself a guided democracy and Ayub's Pakistan called itself a basic democracy. The communist and socialist countries call themselves socialist democracies.

Etymologically, democracy is derived from two Greek words 'demos' and 'kratia'. *Demos* means people and *kratia* means power or rule. Therefore, democracy means the power or rule of the people. Here are some more definitions of democracy. C. D. Burns says, 'Few words have been more loosely and variously defined than democracy. It has literally meant all things to all men.' Laski observes, 'Democracy has a context in every sphere of life; and in each of these spheres it raises its special problems which do not admit of satisfactory or universal generalization.' Burns also remarks, 'Democracy may be found both in social and political organization; and indeed it is possible to speak of democracy in every form of social life, in religion, in industry as well as in politics.' Abraham Lincoln defines democracy as 'the government of the people, by the people and for the people.' Seeley says that 'democracy is a government in which everyone has a share.' MacIver defines democracy as 'not a way of governing whether by majority or otherwise, but primarily a way of determining who shall govern and broadly to what ends'.

According to Maxey, 'Democracy is a search for a way of life in which the voluntary free intelligence and activity of man can be harmonized and coordinated with the least possible coercion.' In the words of Giovanni Sartori, 'Democracy denotes a political system characterized by the absence of personal power and more particularly, a system that hinges on the principle that no one can proclaim himself as a ruler, that no one can hold power irrevocably in his own name.' Ivor Brown is right when he says that 'the word has come to mean anything; or rather so much that it means nothing at all.' UNESCO questionnaire speaks of the vagueness of democracy. Robert Dahl says that a responsible democracy can exist only if the following institutional guarantees are present:

- Freedom to form and join associations
- Freedom of expression

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- Right to vote
- Right to be elected and hold public offices
- Right of political leaders to compete for support and vote
- Alternative sources of information
- Free and fair election
- Institutions for making government policies depend on votes and other expression of preferences

Democratic Government, State and Society

Democracy is not merely a form of government. Some claim it to be a form of state and some regard it as a form of society. A democratic government is one which is based on the accountability of the people; a democratic state is one which is based on popular sovereignty. Democracy, in its wider meaning, is a form of society. A democratic government implies a democratic state, although a democratic state may not imply a democratic government. For example, the United States is a democratic state but does not have daily accountability to the Congress. For a democratic government, there must be a democratic state and democratic society.

Besides, democracy is an order of society and a way of life. It has political, social and economic implications. It has faith in the equality of men and the recognition of individuality or human beings. A democratic way of life is characterized by tolerance, mutual respect and fraternity. It implies equitable distribution of wealth. If the majority government suppresses the minority opinion, it is contrary to the democratic ideal.

Democracy is of two types, viz., direct democracy and indirect democracy or representative democracy.

4.2.1 Direct Democracy

Direct democracy prevailed in the city states (polis) of ancient Greece. There, the people directly participated in the affairs of the government. All citizens would gather at a particular place and decide matters relating to legislation, taxation and policy making. It was possible because of the small size of the city states. Modern states are quite big in size and population. Hence, direct democracy as was prevalent in Greek city states is not possible in any modern state. But direct democracy can be found in Switzerland. There, direct democracy operates through the instruments of referendum, initiative and recall.

Referendum: It means 'to refer to the people'. It means that no law passed by the legislature can be effective unless it is referred to the people in a referendum and receives their approval. Similarly, constitutional amendment can be valid when it is approved by a majority of people and the majority of the Cantons in a referendum. It is a remedy against legislative commission.

Initiative: It is a remedy against legislative omission. If the legislature does not pass an act, people can propose legislation through initiative. That law will come into force when approved by the people in a referendum. It may bring the legislators in touch with the people, but it gives the people a power which they cannot utilize properly.

Landsgemeinde: In some Cantons of Switzerland, the institution of landsgemeinde or open assembly prevails. There, like the city states of Greece, people gather at a particular place and decide their own affairs. In this sense, it is similar to direct democracy, which prevailed in the Greek city states.

Recall: It means withdrawing the representatives from the Assembly or legislature if they do not work for the betterment of the people. Recall is advocated in modern democracy to withdraw representatives who do not perform their duties properly.

These devices are weapons in the hands of the people to check legislators and to enable them to take part directly in the government.

Merits of direct democracy

The following are the merits of direct democracy:

- It enables the people to gain experience of administration and the government.
- It makes the government responsible.
- It creates a sense of responsibility and patriotism among people.
- It enhances political consciousness of people.
- It keeps voters in touch with the government.

Demerits of direct democracy

Direct democracy has the following demerits:

- It is not suitable for large states.
- It misleads the people because opportunists take advantage of it.
- All the people are not suitable to give their opinion under this system. They simply say 'yes' or 'no'.
- It cannot take secret decisions on war and emergencies.
- It requires a high sense of responsibility, which the people lack.

4.2.2 Indirect Democracy

In almost all countries of the modern world, except Switzerland, indirect democracy prevails. Switzerland presents a blend of direct and indirect democracy. Due to the large size of the modern state, it is not possible for all people to gather at a particular place and take decisions. Hence, people elect their representatives who sit in the parliament and make laws. This is called indirect democracy.

Features of indirect democracy

Indirect democracy has the following features:

- It is a representative form of government in which people's representatives take decisions.
- Sovereignty is vested in the people.
- Government works on behalf of the people.
- People do not get a chance to participate in the affairs of the state.

Merits of indirect democracy

Indirect democracy has the following merits:

- It is suitable for big countries only.
- Here, political demagogues play an important role. They can mobilize the voters in their favour.

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- The government runs on behalf of the people.
- Secrecy can be maintained where it is required.

Demerits of indirect democracy

The demerits of indirect democracy are as follows:

- The voters are ignorant. Hence, it is not possible to vest power in their hands.
- Direct contact between the voters and representatives cannot be established under this system.
- After their election, the representatives seldom work for their constituencies.
- It gives rise to corruption. Political parties vitiate the atmosphere of the country.
- It is very expensive. For example, the holding of an election in a country of India's size entails heavy expenditure.

4.2.3 Characteristics of Democracy

Democracy has certain characteristics. R. M. MacIver says that democracy is not a way of governing, whether, by majority or otherwise, but primarily, a way of determining who shall govern and broadly to what ends. Democracy is not a one way traffic. It implies responsibilities both on the part of the ruler and ruled. It is based on the cooperation of both. The main characteristics of democracy are as follows:

1. **Popular sovereignty:** Democracy is based on the sovereignty of the people. That is to say people exercise supreme power in a democracy. They have the right to elect the government and the government remains responsible to them. If the government does not fulfill the wishes of the people, people have a right to overthrow it and institute a new government.
2. **Political, social and economic equality:** In a democracy, there is political, social and economic equality. As far as political equality is concerned, all rich or poor, educated or uneducated, have one vote only. In the social sphere, there shall not be any discrimination against any one on the grounds of religion, race, sex, caste or place of birth. In the economic sphere, there shall not be a great gulf between the rich and the poor or haves and the have nots.
3. **Majority rule:** Democracy is rule of the majority. It is the majority that governs in a democracy. No party can govern unless it has acquired majority of seats in the legislature.
4. **Respect for the opinion of the minority:** In democracy, no doubt, the majority rules, but it cannot ride rough shod over the minority. The opinion of the minority should be given due consideration.
5. **Rights:** Democracy provides various kinds of rights to individuals. For example, the right to freedom of speech and expression, right to form unions or associations, religious freedom, right to free movement and educational and cultural rights are some of the rights that the people enjoy in a democracy. It upholds individual dignity.
6. **Government by adjustment and compromise:** Democracy is a government by adjustment and compromise. Different opinions are likely to arise in a democracy within the ruling party itself. Therefore, it has to function with adjustment and compromise with a variety of opinions. Therefore, it allows plurality of ideas.

7. **Value system:** It is a form of government in which people can realize their best ideals and highest qualities. Therefore, it is a system of values. Three things are important in a democracy—efficiency, realization of best ideals and qualities and self–rule. If democracy lacks efficiency, it will be the worst form of government.
8. **Democracy is a welfare-oriented concept:** America, which is one of the best democracies used, realized during the Great Depression and afterwards highlights that democracy should be used to promote the needs and welfare of the people. Most of the democratic countries today are welfare countries. They aim at promoting the welfare of the people without destroying individual freedom.
9. **Rule of law:** In democracy, there is rule of law. It means the supremacy of law as against that of man. It also stands for equality of law. A. V. Dicey is an exponent of the rule of law in Britain.
10. **Independence of judiciary:** Democracy is characterized by independent judiciary with the exception of England. The judiciary acts without fear or favour, affection or ill will. It can declare a law as ultra vires, if it violates the constitution.
11. **It is opposed to coercive methods:** It is based on persuasion not coercion.
12. **Democracy is a theory of society as well as government:** A. D. Lindsay has explored this concept of democracy. The purpose of every democratic government is to serve the community. For this purpose, it has to remove disharmonies from the society and provide a congenial atmosphere for democratic values and principles to thrive.
13. **Leadership:** Democracy provides scope for producing leaders starting from the village level to the national level. Those who have the qualities of leadership have the scope to prove their talents. For example, Jawaharlal Nehru was the chairman of the Allahabad Municipality, however, he rose to the position of the prime minister. There are many such examples in which leaders have started their career from lower levels and proved to be efficient as national leaders.

Therefore, democracy is not only a form of government, but also a way of life.

4.2.4 Political, Social and Economic Democracy

Democracy has political, social and economic dimensions.

Political democracy: In the political sphere, it stands for liberty, freedom of speech and expression, majority rule and tolerance of the views of the minorities.

Social democracy: Operates in the social sphere; it means that there shall be equality and no discrimination against any one on grounds of religion, race, sex and place of birth.

Economic democracy: It means that in the economic sphere, there shall be equitable distribution of wealth. There shall not be a great gulf between the rich and poor.

Merits and Demerits of Democracy

Democracy has both merits and demerits. In a democracy, you agree upon certain common principles. You respect one another's point of view. Democracy provides the framework within which the moral life of the individual is possible. Thus, democracy is an ideal, a means and a way of life.

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Merits of democracy

The merits of democracy are as follows:

1. **A rational form of government:** It is based upon the premise that no man is infallible. Every man is liable to commit mistakes. As no man is infallible, democracy adopts a process of discussion and criticism in which every man is allowed to take part. The continuous process of discussion and scrutiny acts as a necessary corrective measure of abuse of power.
2. **It provides rights to the individual:** Democracy provides political, social and economic rights to the individuals. The right to vote, the right to life, the right to religion, the right to education, the right of minorities, the right to work, the right to a reasonable way of life and the right to rest and leisure are some of the rights, which democracy provides. There have been some movements for rights, such as the American War of Independence (1776), the French Revolution (1789) and the Russian Revolution (1917). Without these rights, life will be meaningless.
3. **Equality:** Democracy not only provides rights but also provides equality. All are equal in the political, social and economic spheres. All enjoy equal rights. There is no discrimination on the grounds of religion, race, sex, caste and place of birth.
4. **Democracy is an efficient and responsible form of government:** The method of free election at certain intervals and the method of popular control at every stage of administration, either through criticism inside the legislature or outside through public opinion, make it extremely efficient and responsible.
5. **Democracy promotes the welfare of the people:** It is clear from its definition that democracy is the government of the people. It also provides security to the individuals. Welfare is the yardstick of the security of the government.
6. **It is government by the majority:** In democracy, the majority rules. In other forms of government, it is one man or a few who form the government. Hence, in democracy, majority opinion counts.
7. **Tolerance:** Though the majority rules, the opinion of the minority is tolerated. There are different shades of opinion in the society. Every shade of opinion is given due consideration.
8. **Checks in democracy:** MacIver justifies democracy because it is less dependent on the psychology of power. There are many checks on democracy. Hence, it cannot create a consciousness of superiority in the governing class.
9. **Liberty:** John Stuart Mill's classic defence of democracy is based on the argument that the rights of the individual are secured in democracy because he is able to stand up for them. Democracy offers every individual the liberty to vindicate his privileges.
10. **Character-building:** Democracy has an ennobling influence on the character of the people. It is an active school for character building. Bryce says that manhood of the individual is dignified by his political enfranchisement and he is raised to a higher level by the sense of duty, which it shows upon him.

Demerits of democracy

Democracy has the following demerits or weaknesses:

1. **Since the time of Plato and Aristotle democracy has been criticized:** Plato criticized democracy because it put his master Socrates to death. Aristotle regarded

it as a preventive form of government. It is the government of average men and women. The average men, in the words of Maxey, are sheep-minded, ape-minded and wolf-minded.

2. **It is said that democracy is based on numbers:** It counts the heads but not the contents in the heads. Hence, it is based on quantity instead of quality.
3. **Cult of incompetence:** The French writer Emile Faguet describes democracy as the cult of incompetence. Bryce says that it is government by the incompetent. It is the ignorant and inefficient men who come to power. Such men are unintelligent, uninformed, prejudiced, emotional and resentful of the superiority of others. They are the most numerous in society.
4. **Tyranny of the majority:** The majority may impose their will on the minority. The minority view is either suppressed or ignored. The majority in the legislature walk like a colossus. Hence, it may ignore the view of the minority.
5. **Expensive:** Democracy is very expensive. There are frequent elections in democracy. Besides, much money is spent on propaganda and mobilizing public opinion. There is wastage not only of money, but also of time and opportunity. It is the most extravagant and indifferent system.
6. **Democracy is an unscientific dogma:** The psychological study of democracy is based on the study of mass psychology. As Graham Wallas says, 'Politics is only in a slight degree the product of unconscious reason.' In a democracy, where masses are supposed to take part in a government, the operation of crowd psychology and, hence, the play of the irrational are much in evidence.
7. **It is characterized by indecision and instability:** In the words of Maxey, democratic government is 'prone to indecision, feebleness, instability.' Government changes so often that administrative stability is seldom possible. Discussion also results in delay.
8. **Corruption:** Corruption is another demerit of democracy. It is said that power corrupts and absolute power corrupts absolutely. When power remains in the hands of the people, it leads to corruption. Votes are bought and sold.
9. **Unsuitable for emergency:** It cannot take quick action. Hence, it is unsuitable for emergencies like flood, famine, cyclone, war, etc.
10. The present system of democracy, based on geographical representation, is faulty. A representative cannot represent the varied interests of the individuals. So G. D. H. Cole advocates functional representation.
11. Lord Bryce sums up the weaknesses of democracy as follows:
 - (i) The power of money to prevent administration and legislation
 - (ii) The tendency to make politics a gainful profession
 - (iii) Extravagance in administration
 - (iv) The abuse of the doctrine of equality and failure to appreciate the value of administrative skill
 - (v) The undue power of party organization
 - (vi) The tendency of legislators and political officials to play for votes in the passing of laws and in tolerating breaches of order
12. Faguet attacks democracy and says that it is a biological misfit or a biological monstrosity. Democracy is not in line with the process of evolution. He argues

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that the higher we descend the scale of evolution, the greater is the tendency towards centralization.

4.2.5 Safeguards of Democracy

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Certain conditions are necessary for democracy to be successful. Aristotle pointed out the economic basis of politics. Politics cannot succeed unless people are economically sound and there is no great gulf between the rich and poor. Sometimes, it tends towards dictatorship. Hence, it is necessary to discuss at length the safeguards of democracy, which are as follows:

1. **Faith in democracy:** This is the most important condition for the success of democracy. People must have faith in democracy and should be ready to be governed democratically. Then they can develop qualities like majority rule, tolerance, responsibility, and independent voting power.
2. **Universal education:** Universal education is another condition for the success of democracy. Without education, people cannot distinguish right from wrong. Therefore, J. S. Mill said that 'Universal education should precede universal franchise.'
3. **Removal of poverty:** Removal of poverty is another safeguard of democracy. If half of the population remains below the poverty line, they cannot take any interest in the democratic process. Their time will be spent in earning two square meals a day. Instead of exercising their conscience, they will vote for money.
4. **Spirit of law-abidingness:** In a democracy, people should develop a spirit of law abidingness. It enhances discipline and builds the national character. It established and maintained political morality. In its absence, there will be anarchy and corruption.
5. **Rule of law:** Rule of law is another safeguard of democracy. It means supremacy of law as opposed to supremacy of rulers. There should be equality before law and equal-protection of law. Then only democracy can be real.
6. **Bi-party system:** Bi-party system is the best safeguard of democracy. In England and America, democracy has been successful because of bi-party system. In a bi-party system, one or the other party must secure a majority. The party that does not secure a majority sits in the opposition. In Britain, the opposition is known as his majesty's opposition and the leader of the opposition is the shadow prime minister. There is also a shadow cabinet. It is the opposition corresponding to every minister in the government.
7. **Independent media:** The media, like the press, radio, T.V. etc., should be independent and impartial. They should report news and views independently. They should not indulge in yellow or sensational journalism. If the media is free and impartial the government will function with caution.
8. **Strong opposition:** The opposition should be strong. What is necessary in a parliamentary democracy is that the opposition should be equally strong. It should not oppose for the sake of opposition but offer constructive criticism.
9. **Patriotism:** People should have loyalty towards their nation. They should be willing to sacrifice themselves for their country.
10. **Agreement on fundamentals:** People should have faith in the basic and fundamental principles of democracy. They should have some common

programmes for the development of the country. Whichever party comes to power, it should strive to implement these principles. There should be change of government through constitutional means.

11. **Wise constitution:** The constitution should ensure social, economic and political justice to the people. It will build a strong foundation for democracy. If the aim of the constitution is to create merely a police state, democracy cannot survive for long. For example, Pakistan's constitution led to the overthrow of democracy because of weak constitution.
12. **Eternal vigilance:** It is said that eternal vigilance is the price of liberty. It can also be equally applied to democracy. There may be enemies from outside the state. People should be vigilant against them. There may be danger of antisocial elements from within the state. People should keep a watchful eye on them.
13. **Decentralization of power:** It is another safeguard of democracy. It gives power to the people at the grass root level. If the above safeguards are observed, democracy can work successfully in a country.

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4.2.6 Classical Theory of Democracy

Democracy is a very old form of government and so its theory dates back to the days of the Greeks who identified it with 'people's power' (Pericles), or a system in which 'rulers are accountable to the people for what they do therein' (Herodotus). Such a view saw its reaffirmation in modern times when Abraham Lincoln in his Gettysburg oration of 1863 called it 'a government of the people, by the people, and for the people.' Great liberals like John Locke and Edmund Burke developed the same theory of democracy in the direction of a 'limited government' bound by the laws of the land. Later on, the utilitarian's like Bentham and John Stuart Mill justified the case of democratic government in the name of their formula of the 'greatest good of the greatest number' and Mill gives the same tone to the force of his moral or ethical argument. This trend continued in the present century and saw its powerful reiteration at the hands of Dickey, Bryce and Laski. Apart from this, the idealistic argument of democracy prevailed side by side that had its brilliant manifestation at the hands of Rousseau, Green and Lindsay. All such affirmations constitute, what is now called, the classical theory of democracy.

The classical theory of democracy as espoused by the liberals and the idealists of the modern age has the following salient features:

1. Power is vested in the people and its exercise is given to them or to their chosen representatives accountable to them for their acts of commission and omission. All decisions must be based on the consent of the people, whether express or majority. Thus, it stands on the premise that 'people are always right' (in theory), or the decision of the majority is always correct' (in practice). We may take note of the fact that, though a great idealist, Rousseau also went to the extent of laying down that, for all practical purposes, the general will should be taken as the will of the majority. Hence, James Bryce defined democracy as 'a government in which the will of the majority of qualified citizens rules, taking the qualified citizen to constitute the great bulk of the inhabitants, say, roughly, at least three-fourth so that the physical force of the citizens coincides (broadly speaking) with their voting power.'
2. The people have certain natural and inalienable rights, which the government cannot abrogate or diminish. The doctrine of 'natural rights', as it came to be

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known, emerged as the most powerful instrument at the hands of the democrats who struggled for the rights of the people against arbitrary power of the kings. Notably in England in the mid-17th century, the 'independents', the 'levellers' and other protagonists of the 'Commoner's set forth the ground of their resistance to the autocratic claims of the Crown, the established Church, and the entrenched hereditary nobility. During the days of the Puritan Revolution, the pamphlet issued by the Levellers, inter alia, said, 'We, the people, derive from Adam and right reason certain natural rights of liberty, property, freedom of conscience, and equality in political privileges.' Reacting against the arbitrary powers of thinking, John Milton asserted that 'all men are naturally born free' and from this principle he derived 'the liberty and right of freeborn men to be governed as seems them best.' Most powerful was the argument of John Locke coined to justify the glorious revolution of 1688–89 that to understand political power right, we must begin with the recognition of natural and original freedom off all men to order their actions and dispose off their possessions as they think fit, within the bound of the laws of nature, without asking leave or depending upon the will of any other man.

3. The doctrine of 'natural rights' lost its significance with the growth of the idea of positive liberalism that sought to reinterpret the relationship between individual liberty and state activity. Thus, Bentham offered his principle of utility that sought to give a new interpretation to the justification of democracy. The doctrine of natural rights was rejected rather replaced by the doctrine of the happiness of man measured in terms of material pleasures. He gave the formula of 'one person, one vote.' It implied that although all persons are not naturally the same in intelligence, energy, thrift, inventiveness and perseverance, yet all normal men—just as they have equal rights to life, freedom and access to the courts of law—have equal rights to raise voice in government because they have equal stakes in the justice and efficiency of governmental action. This argument implies that since political government has no other end than the well-being of the individual men and women that make up society and since each individual's well-being ought to count for as much as that of any other individual, a society is properly organized politically to the extent that its constitution and policy tend to promote the interests, conserve the rights and extend the capacities and opportunities for happiness of the greatest number of individuals in the community. Democratic government satisfies these requirements, since it is least likely to subordinate welfare of the majority of the community to that of any part. Democracy means government by those who have the greatest concern and the greatest awareness of the interest and rights of the people generally. The natural self-interest of human beings is the best security against political action that is oppressive or tolerant of oppression.
4. If Benthamite utilitarianism displaced the line of 'natural rights', a revisionist of the utilitarian creed like Mill replaced the materialistic content of Bentham by the force of his ethical argument in favour of democracy. The argument of Bentham was based on the self-interest of the individual that ought to be harmonized with the interest of the society in the framework of the greatest good of the greatest number. The defenders of Bentham called it enlightenment of benevolent hedonism. But Mill defended the case of democracy as the best form of government on moral grounds. As he says:

The most important point of excellence which any form of government can possess is to promote the virtue and intelligence of the people themselves. The first question in respect to any political institution is how far they tend to foster in the members of the community the various qualities... moral, intellectual and active.

Highlighting this point of difference between the views of Bentham and Mill, it is well commented; 'Bentham's principle of utility in a society of wolves would exact wolfishness; in a society of saints it would exalt saintliness. Mill was determined that saintliness should be the criterion of utility in any society whatsoever.

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5. The classical theory of democracy has a peculiar dimension when we examine the view of the idealists like Rousseau and Green. To Rousseau, democracy alone ensures prevalence of the 'general will.' In every community, there is a section of really selfless and enlightened people who think in terms of public interest and it is the inherent force of their selfless argument that ultimately prevails in any matter under discussion before a body of people. Through the process of cancellation, good would set aside the bad; all contradictions would be resolved and in the end only 'dominant good' would emerge. This good, which would be what was left at the will would emerge. This good, which would be what was left at the will becomes integrated, would be in effect the same as the 'general will'. Influenced by the idealistic interpretations of Rousseau, Green says that 'will, not force, is the basis of the state'. As he observes:

'The sovereign should be regarded not as any abstraction as the wielder of coercive force, but in connection with the complex of institutions of political society. If it is to command habitual obedience and obedience will scarcely be habitual unless it is loyal and forced.'

6. Most importantly, from a practical point of view, there are no substitutes in a democracy for excellence. While each kind of governmental system has its own merits and demerits, the merits of a democratic system far outweigh its demerits. It is thus a substitute of less form of government. However, if one analyses, the demerits of democracy appear few in number than other 'non-democratic' or anti-democratic systems. It is argued by the liberal democrats in present times that there is no form of governmental system that can revolutionize or perfect human nature because all such systems have some characteristic defects. However, even while forwarding these arguments, the liberals have adopted the view of democracy as propagated in the West. This is based on the principles of universal adult franchise, free and fair periodic polls, a multi-party system, independence of press and judiciary, basic rights to the people, freedom of dissent, tolerance of opposition. Bryce asks that if 'democracy has not brought all the blessings that were expected, it has in some countries destroyed, in other materially diminished, many of the cruelties and terrors, injustices and oppressions of former times.' Even though it has its critics and theorists offer grave indictments against the system, its supports have always reacted with the same counter-question, 'what alternative do you have?'

It is from these certain ideas of rights of man that the classical or traditional doctrine of democracy emerges in part. This is a view that believes that a government is formed to keep the rights of the man and it must conform to them. It further believes that all men have the right to participate equally in political power because they have the right to be free from enslavement or to appeal equally to judicial tribunals for protection of their lives and property against assaults, trespass or encroachment of any kind. It is part of the democratic methods which refer to those institutional arrangements where political

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decision are arrived at through the election of individuals who are expected to carry out common good. They are elected by the people and are their representatives. Common good is part of all political policies; such policies are formulated on the needs of the people, these are simple to define and can be seen by a layman through rational judgment. Therefore, in a democratic setup, it is believed that each citizen is conscious of the goal of common good, can discern what is good and what is bad and participates actively and responsibly in furthering this good and fighting the bad. People are therefore active players and thus control their public affairs.

The classical theory of democracy has been criticized on many grounds. First, it is thoroughly normative. It is flooded with high ideals and bombastic propositions like 'general will', 'people's rule', 'people's power', 'common good', and the like that cannot be subjected to an empirical verification. All these terms are quite elusive. Second, it attaches no importance to the role of numerous interest groups and organizations that play their part in the struggle for power, or which compete among themselves and that all constitute the stuff of a democratic-system in practice. The utilitarians talk about 'greatest happiness of the greatest number' without taking into consideration the powerful role of groups, functions and elites that ever strive to protect and promote their specific interests. Third, the socialists and the Marxists have their own version of democracy that stretches the system of political democracy to social and economic spheres. To the Marxists, it is all like a defence of the discredited bourgeois system.

Yet the classical theory of democracy has its own salient merits, which are thus summed up by Schumpeter:

1. Though the classical doctrine of collective action may not be supported by the results of an empirical analysis, it is powerfully supported by its association with religious beliefs. The very meaning of a term like 'equality' may be in doubt, there is hardly any rational warrant for exalting it into a postulate, as long as we move in the sphere of empirical analysis. Christianity harbours a strong equalitarian element. Any celebrated word like 'equality' or 'freedom' may become a flag, a symbol of all a man holds dear, of everything that he loves about his nation whether rationally contingent to it or not.
2. There is no one version of democracy. Different nations identify with the forms and phrases of classical democracy with the episodes and developments that are significant part of their history. Their citizens identify with such events and approve of them; even the opposition to such a regime uses the same forms and phrases, never mind what its social roots and meanings may be. Under difficult historical circumstances, the advent or adoption of democracy meant freedom and self-respect and the democratic creed meant a gospel of reason and betterment. However, even these advantages soon found themselves enmeshed between democratic principles and practice and the affair with it soon hit rough patches. Yet, its merits means the affair continues.
3. One should remember that with a sufficient degree of approximation, there will emerge patterns wherein the classical doctrine will fit facts. This will provide an effective framework to make and implement decisions. It is true with respect to small countries like Switzerland and also large and industrialized society of the United States. It has been held true in many small and primitive societies which actually served as examples for political scientists to develop the theory of classical liberalism. It can be the case with those societies also which are not primitive; however, they should have lesser degree of differentiation and should not harbour serious internal conflicts.

4. Of course, the politicians appreciate a phraseology that flatters the masses and offers an excellent opportunity not only for evading responsibility but also for crushing opponents in the name of the people.

The intrinsic merits of the democratic system cannot be defined. At the same time, some other points should be taken into account that have been stressed by the empirical theorists like role of numerous groups, factions, elites, leadership, so as to present a theory of democracy approximating the world of reality. However, before passing over to the study of empirical theory of democracy, this point must be stressed with any amount of force that the new interpretation is a revision, not a rejection, of the classical theory of democracy. The spirit of liberalism informs both. As political scientist, C. B. Macpherson, the author of *The Life and Times of Liberal Democracy* says:

What the addition of democracy to the liberal state did was simply to provide constitutional channels for popular pressure to which governments would have had to yield in about the same measures anyway, merely to maintain public order and avoid revolution. By admitting the mass of people into the competitive party system, the liberal state did not abandon its fundamental nature; it simply opened the competitive political system to all the individuals who had been created by the competitive market society. The liberal state fulfilled its own logic. In so doing, it neither destroyed nor weakened itself; it strengthened both itself and the market society. It liberalized democracy, while democratizing liberalism.

4.3 PROPORTIONAL REPRESENTATION

The fundamental principle of proportional representation is, every section of the society will get representation in the parliament, in proportion to their population.

Different minorities, who otherwise will go without representation, will get representation according to their strength in numbers.

The main purpose of proportional representation is to secure a representative assembly reflecting with more or less mathematical exactness of the various divisions in the electorate.

First we have to decide what should be the basis for the proportional representation. It can be religion, language, nationality or caste. For example, if in a country, 70 per cent of the population belong to religion X, another 20 per cent belong to Y and yet another 10 per cent belong to religion Z, the total number of seats in the legislature may be proportionally divided in to 7:2:1.

That is, 70 per cent of the seats in the legislature will be filled by the candidates belonging to religion X, 20 per cent of the seats will be filled by the candidates belonging to religion Y and 10 per cent to the total number of seats in the legislature will be filled by the candidates belonging to religion Z.

4.3.1 Arguments in Favour of Proportional Representation

Eminent political thinkers like J. S. Mill has supported proportional representation. They argue that, a legislature should represent, all the sections of the electorate and no minority should go without any representation in the legislature.

Legislatures are compared to maps. One cannot draw a map of a country ignoring any part of the country. All the parts of the country should be included in the map. Similarly, all the sections of the electorate should be represented in the legislature.

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Check Your Progress

- Fill in the blanks.
 - Authoritarianism is a principle of blind submission to _____, as opposed to individual freedom of thought and action.
 - Authoritarian systems do not allow _____ of speech, press and religion and they do not follow majority rule nor protect minority rights.
- State whether True or False.
 - An authoritarian government has the authority to govern the people without their consent.
 - An authoritarian government does permit plurality of parties of state.

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The advocates of proportional representation point out that the majority principle is based on the assumption of a biparty system, where there are only two major political parties which compete in the elections. In this biparty system the majority rules and the minority remains in the opposition and criticizes the government. But, really speaking in this society there are various sections with their own peculiar problems and opinions.

To make the legislature a true mirror of the nation, it is essential that all the sections are directly, and more so proportionately reflected in the legislature. Mill has observed that, 'In any real equal democracy every or any section would be represented, not disproportionately but proportionately. A majority of the electorate would always have a majority of representatives but a minority of the electorate would always have a minority of the representatives.'

The supporters of proportional representation further argue that under this system there will not be any necessity to readjust or redraw the boundaries of the constituency to equate the number of electors of electors in the constituency on the basis of increasing population.

4.3.2 Demerits of Proportional Representation

Proportional representation is preferable to the majority principle, because it secures representation for minorities. However, proportional representation also has some demerits. For example, it keeps the division in the society intact and never allows one section freely move with other sections. The majority will never mix with the minority and the minority will never mix with the majority.

Second, each minority will tend to organize itself into a political party. These social divisions will be carried over to the political arena. Tension caused in the social divisions will directly have a bearing on the political parties.

The political parties, which should address the social division, would themselves stand strongly divided. Proportional representation will not promote integration but will only promote disintegration of society.

Third, democracy is based on the conception of national welfare and a common interest. The idea is that various sectional interests will work out an ultimate compromise. Proportional representation, by widening the area of conflict rather than, bringing a common area of agreement, spells danger for democracy.

Fourth, it is generally believed that political parties promote national interest rather than sectional interest. Proportional representation substitutes narrow sectional interests for the national welfare.

Fifth, proportional representation promotes, too many political parties. For example, the Indian society is divided on caste basis. If every caste starts a political outfit, it will only create more problems. Moreover, no political party will get a clear majority in the legislature. Thus, proportional representation leads to political instability.

Sixth, the vast size of the electoral districts under the system of proportional representation involves a number of difficulties. The intimate connection of the candidate with the constituency is not possible. In India, the systems of proportional representation are followed for the election to the Rajya Sabha, the second chamber of the Indian parliament. The members of the Rajya Sabha are elected by the members of the State Legislative Assembly through proportional representation.

For example, the state of Tamil Nadu has 18 representatives in the Rajya Sabha. They are elected by the members of the Tamil Nadu State Legislature.

As per figures available in December 2003, the AIADMK, which holds majority in the Assembly, has 9; the DMK has 7 and the Indian National Congress has two members in the Rajya Sabha in proportion to their strength in the Assembly. A party, which has more membership in the legislature, will have proportionately more number of seats in the Rajya Sabha.

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4.4 FUNCTIONAL REPRESENTATION

This is another method of representation. Advocates of functional representation argue that in the legislature, it is not the territorial communities that are to be represented but only various interests in the society that are to be represented.

The representation should be occupational or for economic interests. Generally an urban constituency consists of various economic interests, like tradesman, employees, labourers, etc., a rural constituency consists of agriculturists, farm labourers, and small time tradesman.

If the interests of these people are to be represented in the assembly, it should be based on functional or occupational feature.

4.4.1 Merits of Functional Representation

Under this system, the legislature would be composed of the representatives of organized interests and not of the people residing in a particular geographical area. Cole, an eminent political theorist, argues that, a real democracy must contain 'as many specially elected groups of representatives as there are distinct and essential groups of functions'.

The guild socialists of British had developed the principles of occupational representation in great details. Interestingly, dictators like Mussolini and non-democrats had experimented with this type. Mussolini developed a corporative chamber, with representatives of various economic groups.

4.4.2 Demerits of Functional Representation

This system of representation is also criticized for the following reasons. First, occupational or functional representatives, will be interested only in protecting functional interest and will be more familiar with professional problems but they are not trained in dealing with problems of general nature.

The interests are divided and there is no unified national interest. The representatives do not represent the nation but only the occupation.

Second, like proportional representation, functional representation also leads to multi parties. As the number of functions or occupation increases multiple parties will also emerge, each representing one occupation.

Third, two opposing functional groups may paralyze the government. For example, agriculturists and industrialists. If any project of the government is going to affect one occupational group, to the advantage of another occupational group, there will be a deadlock as no occupational group would be willing to sacrifice its interests. Thus conflicting interest would only end up in deadlock.

Fourth, the types of occupation in a society are too numerous that is practically impossible to find representative for each and every occupation.

Check Your Progress

3. State the fundamental principle of proportional representation.
4. What is the main purpose of proportional representation?

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By way of conclusion, it can be said that democracy lives by integration and not by disintegration. As functional representation encourages disruptive forces, it is against the spirit of democracy. At the same time we should also admit that various interests in the society need to be represented in some way.

An alternate to this is creation of several advisory bodies representing several occupational or other interests and when a legislation is considered with a specific group, these advisory bodies can be consulted. For example, a board consisting of employers or employees.

4.5 SUMMARY

- With the growing population, it is not possible for the government to consult all the people before making a law or taking any action. The extension of the territory and emergence of nation-state has all led to development of indirect election.
- Consequently the practice of electing periodically some representative who would work as trustees of the people came to be developed.
- The origin of representation could be traced back to the practice of Christian church in calling together representatives councils to deal with matters relating to the governance of Christendom. Similarly in Europe, kings of feudal societies developed the custom of calling representatives from the communities.
- Democracy is derived from two Greek words ‘demos’ and ‘kratia’. *Demos* means people and *kratia* means power or rule. Therefore, democracy means the power or rule of the people.
- According to Maxey, ‘Democracy is a search for a way of life in which the voluntary free intelligence and activity of man can be harmonized and coordinated with the least possible coercion.’
- Democracy is not merely a form of government. Some claim it to be a form of state and some regard it as a form of society. A democratic government is one which is based on the accountability of the people; a democratic state is one which is based on popular sovereignty. Democracy, in its wider meaning, is a form of society.
- Democracy is of two types, viz., direct democracy and indirect democracy or representative democracy.
- Direct democracy prevailed in the city states (polis) of ancient Greece. There, the people directly participated in the affairs of the government. All citizens would gather at a particular place and decide matters relating to legislation, taxation and policy making.
- In almost all countries of the modern world, except Switzerland, indirect democracy prevails. Switzerland presents a blend of direct and indirect democracy. Due to the large size of the modern state, it is not possible for all people to gather at a particular place and take decisions. Hence, people elect their representatives who sit in the parliament and make laws. This is called indirect democracy.
- Democracy has certain characteristics. R. M. MacIver says that democracy is not a way of governing, whether, by majority or otherwise, but primarily, a way of determining who shall govern and broadly to what ends.

Check Your Progress

5. What do advocates of functional representation argue?
6. State any one demerit of functional representation.

- Democracy has political, social and economic dimensions. Democracy has both merits and demerits. In a democracy, you agree upon certain common principles. You respect one another's point of view. Democracy provides the framework within which the moral life of the individual is possible. Thus, democracy is an ideal, a means and a way of life.
- Democracy is a very old form of government and so its theory dates back to the days of the Greeks who identified it with 'people's power' (Pericles), or a system in which 'rulers are accountable to the people for what they do therein' (Herodotus).
- The fundamental principle of proportional representation is, every section of the society will get representation in the parliament, in proportion to their population.
- The main purpose of proportional representation is to secure a representative assembly reflecting with more or less mathematical exactness of the various divisions in the electorate.
- The advocates of proportional representation point out that the majority principle is based on the assumption of a biparty system, where there are only two major political parties which compete in the elections.
- Proportional representation is preferable to the majority principle, because it secures representation for minorities. However, proportional representation also has some demerits. For example, it keeps the division in the society intact and never allows one section freely move with other sections. The majority will never mix with the minority and the minority will never mix with the majority.
- Advocates of functional representation argue that in the legislature, it is not the territorial communities that are to be represented but only various interests in the society that are to be represented.
- Like proportional representation, functional representation also leads to multi parties. As the number of functions or occupation increases multiple parties will also emerge, each representing one occupation.

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4.6 KEY TERMS

- **Borough:** It is a town that has its own government.
- **Landsgemeinde:** It is a public, non-secret ballot voting system operating by majority rule, which constitutes one of the oldest forms of direct democracy.
- **Referendum:** It means 'to refer to the people'.
- **Direct democracy:** It is a form of democracy in which people decide (e.g., vote on, form consensus on) policy initiatives directly.
- **Indirect democracy:** It refers to a system of government in which the people control the government through elected political officials.
- **Colossus:** The word comes from the Ancient Greek meaning a giant statue.
- **Yellow journalism:** It is a US term for a type of journalism that presents little or no legitimate well-researched news and instead uses eye-catching headlines to sell more newspapers.

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- **Proportional representation:** It is an electoral system in which parties gain seats in proportion to the number of votes cast for them.
- **Functional representation:** It is where there is representation in a legislative or political body based on the economic and social groups in a community.

4.7 ANSWERS TO ‘CHECK YOUR PROGRESS’

1. (a) authority (b) freedom
2. (a) True (b) False
3. The fundamental principle of proportional representation is, every section of the society will get representation in the parliament, in proportion to their population.
4. The main purpose of proportional representation is to secure a representative assembly reflecting with more or less mathematical exactness of the various divisions in the electorate.
5. Advocates of functional representation argue that in the legislature, it is not the territorial communities that are to be represented but only various interests in the society that are to be represented.
6. The demerit of functional representation is that the interests are divided and there is no unified national interest. The representatives do not represent the nation but only the occupation.

4.8 QUESTIONS AND EXERCISES

Short-Answer Questions

1. Write a short note on the origin of representation.
2. What is a referendum?
3. List the demerits of democracy.
4. What are the safeguards of democracy?
5. Provide the arguments in favour of proportional representation.
6. State any one similarity between proportional representation and functional representation.

Long-Answer Questions

1. ‘Democracy is of two types, viz., direct democracy or indirect democracy.’ Describe the two types of democracy along with its merits and demerits.
2. Discuss the characteristics of democracy.
3. Critically evaluate the concepts of social, political and economic democracies.
4. Explain the classical theory of democracy.
5. What is proportional representation? What are its demerits?
6. Analyse the merits and demerits of functional representation.

4.9 FURTHER READING

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UNIT 5 POLITICAL PARTY AND PRESSURE GROUPS

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Structure

- 5.0 Introduction
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5.0 INTRODUCTION

Modern states are mass states. They cannot be governed by all people. Modern democracies, therefore, have become representative and representation has become the keystone of a democratic arch. However, direct contact with people is necessary for its health. The representatives should not turn into governors. Several methods have been suggested to keep the people in control of their government, like initiative and referendum. Initiative means the power of people to initiate legislation. Referendum means the practice of the government referring controversial legislative proposals to the people. Switzerland follows these two practices, but again, for mass democracies they are unworkable.

The solution must be found in making representation more effective. People should also have the opportunity to convey their views and grievances to the government. The media plays a vital role in this. Political parties are even more important mediators between the people and their governments. The various methods of representation have been discussed in the previous unit. This unit will deal with the meaning and types of political parties and pressure groups.

5.1 UNIT OBJECTIVES

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

- Explain the meaning and nature of political parties
- Describe Maurice Duverger's classification of political parties
- Assess the functions of political parties
- Analyse the meaning and classification of pressure groups
- Discuss the types of pressure groups

5.2 POLITICAL PARTIES

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Political parties are indispensable to any democratic system and play the most crucial role in the electoral process—in setting up candidates and conducting election campaigns. An organized group of people working under the influence of one ideology based on well-defined policies and objectives may be referred to as a political party. A political party functions under a leader and its ultimate goal is to gain political power to bring in political change and regulate political process.

Edmund Burke had defined political parties in 1770 as, ‘a body of men united for promoting, by their joint endeavours, the national interest upon some particular principles in which they are all agreed’. British political theorist Harold Joseph Laski defines political parties as ‘big or small groups of people which are organized to establish their legitimate control over the government of the country, through the process of elections. Representative government cannot function without them’.

Explaining the meaning of political parties, in the context of Great Britain, Herman Finer said, ‘The political parties are the two-way communications that bind 50 million people to the 630, who in Commons, exercise omnipotent power.’ The representational layout of the House of Commons has changed since Finer wrote in the early 20th century.

Politics is the struggle for power where organized groups have proved to be more effective. Mobs or disorganized unions will only bring disorder in this process. Generally, political parties follow the constitutional route and take to the evolutionary process, but some like the Communist Party of India (Marxist) take the revolutionary route.

The government in Britain had grown along with the evolution of political parties. It is in this context, Walter Bagehot, a journalist, had said that party government is the key in a representative form of government. On the contrary, Laski opined ‘nothing appears to us so definite a proof of dictatorship as when the dictator destroys, as he is logically driven to destroy, all political parties save his own’.

Thus, it can be said that the primary goal of political parties is to place its leader or leaders in the government so as to run the government. In order to retain its position in the government, political parties take several measures to secure popular support by means of public rallies, distribution of literature, use of media and even organizing musical evenings.

Lord Bryce, a British academic, and historian, had stated all free large countries have had political parties and cannot do without them. So far, there have been no examples of representative government working without them. They bring order out of chaos of a multitude of voters. If parties cause some evils, they avert and mitigate others.

The constitutions may not mention political parties as essential in a representative government, but they shine on the political horizon of the state. Parties are the only juncture to link the legislature and the executive. In fact, the nature of a political system largely depends on the features of its party system.

According to R. Bassett, ‘the working of any system of representative government is in large measure determined by the nature of the political parties which separate it’.

Various scholars seem to have shared this thought. Sociologist R. M. MacIver defined a party as an association organized in support of some principle or policy which by constitutional means endeavours to make the determinant of government. R. N. Gilchrist had written that, ‘A political party may be defined as an organized group

of citizens who profess to share the same political views and who, by acting as a political unit, try to control the government. Here, it must be emphasized that to be a successful party, its members must generally share the same political views, so that they may act as a single political unit.’

5.2.1 Meaning and Nature

Political party is a group of people that seeks to get its candidates elected to public offices by supplying them with a label—a *party identification*—by which they are known to the electorate. This definition is purposefully broad so that it will include both familiar parties (Democratic and Republican in the US for instance) and unfamiliar ones (Whig, Libertarian, Socialist Worker) and will cover periods in which a party is very strong (having an elaborate and well-disciplined organization that provides money and workers to its candidates) as well periods in which it is quite weak (supplying nothing but only the labels to its candidates). This definition suggests three political arenas in which parties may be found. A party exists as label in the mind of voters, as an organization that recruits and campaigns for candidates, and as a set of leaders who try to organize and control the legislative and executive branches of government.

A careful look at the above mentioned meaning of political party show certain hallmarks that distinguish it from similar groups such as temporary organizations, interest groups or factions. For instance, temporary political organizations like Food Price Committee or Famine Resistance Committee, are formed for the single purpose of supporting or opposing a particular temporary issue. Political parties, on the other hand, have some degree of permanence. Political parties are the only association groups that are both open to all (at least in theory) and have very wide interests. This is because of the fact that they concern themselves with the problems of government and cannot concentrate on specific matters. They are open to all, because they try to enlist the support of as many members of the polity as possible. It is in this context that a political party is different from interest and pressure groups which work only for the advancement of the cause of those groups.

Parties must have definite aims and objectives. The objectives are often a mixture of ultimate and immediate purposes. Party programmes contain ideas about law and government, ideas about the shape of political things to come and each party seeks to focus its own brand of political ideas. A recognition of material advantages that go with the securing of the power of government, forms a part of party programme. In fact, as we see in India, today, more often than not, political parties give priority to capturing power though they do this in the name of ideology like opposing communalism. In this sense, political parties are different from interest or pressure groups as the latter do not nurse the constituencies for competing at the polls to form the government. A political party is thus a coalition of group interests pursuing general political policies. Pressure groups, on the other hand, are the living public behind the parties. Like interest and pressure groups, and unlike political parties, factions are also not organized for political purposes. But at the same time they do not possess any continuous stable organizations. Factions may thus be characterized as a group of persons serving sectional interests within a political party rather than aggregate interests which parties usually champion for winning elections.

As the idea of a common interest and national unity sustains the constitutional appeal to the polls, the logic of party system rejects the Marxian doctrine of class struggle. This implies that parties transcend class barriers and sectional interests by mutual

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recognition of rights in the sense that in spite of their differences, political parties do not disagree on everything. On the basic features of the system to which they belong, there must be a consensus. Political parties may thus be defined as a group consisting of cross sections of human beings, more or less stable and organized, with the objective, in accordance with the constitution, of securing or maintaining for its leaders the control of a government, and of giving the members of the party, through such control, ideal and material benefits and advantages.

Marxist Concept of Parties

Political parties represent class aspirations, according to the Marxist view. This condition can be improved only through successful class struggle which would result in the victory of the proletariat. The Marxists further are of the opinion that the party that represents the working people alone has the right to exist. The parties of the bourgeois do not represent a true democratic process. Hence, they must be removed.

According to Vladimir I. Lenin, a party (i.e., the Communist Party), is a well-organized group of chosen elite, intellectuals and political activists. The Communist Party, therefore, is said to be a chosen group of intellectuals in the sense that their knowledge of Marxism maintains purity of Marxian principles and ideology, and shows the correct path to the party. Further, the members are a chosen group of political activists, for the fact that the election processes and party training enables them to be completely loyal to the party and a cause of revolution.

This definition forwarded by Lenin is limited to only the communist parties across the globe. These parties survive and are found only amongst the workers movements. They propagate revolutionary ideas, and impart training of the art of revolution. Such parties assist the working classes in the achievements of its objectives. While ushering in a revolution to fight the bourgeois, the party plays a crucial role. The party is instrumental in the destruction of capitalist order, and establishment of dictatorship of the proletariat.

According to Lenin, if the party has to play the role of vanguard of working people, it is essential for it to have complete knowledge of revolutionary ideas and rules. The objective of the party is to protect the interests of the proletariat. Lenin felt that the Communist Party alone understands what is in the interest of working people. He was of the opinion that the party's position is akin to a military organization in the proletariat's struggle to secure power and its maintenance. The party is a vanguard of the working people which has a pivotal role in class consciousness, and is always ready to make sacrifices in the interest of the proletariat.

The Marxist ideology unites the proletariat and the party, and its organization makes it all powerful. In socialist countries, Communist parties enjoyed constitutional sanction. No other political parties were allowed to survive in these countries. The government is, hence, a reflection of the party and there is no difference between the two.

The 1977 Constitution of the former Soviet Union analysed Lenin's leadership in the success of Great Revolution of 1917. The constitution upheld the party's role in the revolution and its subsequent governance.

Similarly, the Constitution of the People's Republic of China, 1982, declares the National People's Congress, under the leadership of the Communist Party, as the highest organ of state power. It declares the party chief to be the head of the country's armed forces.

According to the Marxists, in the capitalist countries, political parties represent the class interests. In other words, they act as instruments to protect the different classes. They become the source and leaders of class conflicts. However, in these capitalist countries, it is the communist parties which protect the working people against capitalist exploitation. They propagate revolutionary ideas, and prepare the proletariat for revolution. Once the revolution succeeds, the communist parties ensure their protection.

Contemporary Views about Parties

Writing about the newly independent countries of Africa, Coleman had stated that political parties are groups of people, formally organized with a view to establish and maintain formal control over the policies and service class of the actual, or likely to emerge, sovereign states. This may be done by these groups alone or in combination with other similar groups, through the process of democratic African parties as organized groups aimed at securing political power through elections. He had specified this role for the independent countries or those likely to become independent.

Agreeing with this view, British-Australian political scientist James Jupp said that ‘any group of people, organized in some manner, with a view to establish control over political institutions of the given society may be described as a political party. Thus, a party requires being a group of people, formally organized, and having goals of fighting and winning elections to control the political institutions of the state. These institutions are government organs at various levels and organized groups of people, we may add, should have clearly defined policies for governance.’

German political scientist Sigmund Neumann analysed the political parties on the basis of their ideologies. He concluded that in view of sharp differences between the democratic and authoritarian parties, it was impossible to give a single acceptable definition. Nevertheless, he said that the purpose of setting up a party is uniformity within, and distinction from other groups.

Nonetheless it is true that each party has partnership within a specific organization and separation from others on the basis of its particular programme. This definition is obviously true in case of two or multi-party democratic societies. On the other hand, in a one party system, there is total absence of competition and distinct policies and programmes. In fact, some refuse to accept the parties in a single party system as formal political parties. They believe a party must have a competitor, i.e., a second part, which is absent in one party states. Thus, in one party system, the party becomes totalitarian. Once it manages to acquire power, it retains it by one means or the other.

However, Neumann was of the opinion that in one party states opposition does exist in one form or the other. In the absence of any opposition, the authoritarian party feels insecure due to fear of possible revolt or opposition. For him, political party is the representative of social interests, which acts as a bridge, a link, between the individual and the society.

The efficient working of parties defines the success of any democracy. Whether the government is a parliamentary form of democracy or presidential form of democracy, it cannot succeed in the absence of parties. Unorganized people cannot govern any country. Its organized form is a political party.

Surprisingly, the US’ first President, George Washington, had advocated a party-less democracy. But that could not materialize. Soon, two parties emerged. In fact, a study of formation of the US Constitution would reveal the existence of two groups even

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in 1787. They were supporters and opponents of a federal system, and became forerunners of the two American parties.

In India, for some time, there was a discussion of party-less democracy. But this view, expressed under the leadership of Jayaprakash Narain, was more idealistic and hardly practical. In his analysis of political parties, Maurice Duverger had said that the primary objective of political parties is to acquire political power, or to share the exercise of such power. Duverger wrote political parties have as their primary goal the conquest of power or a share in its exercise. They try to win seats at elections, to name deputies and ministers, and to take control of the government. That is why the evolution of political parties coincided with the growth of parliamentary system and electoral processes. The origin of the parties may be traced back to the practice of collection of election funds for candidates and in the committees constituted to secure supporters and workers for the victory of candidates. Gradually, members of the legislature holding similar views and beliefs in similar ideologies came together leading to the birth and growth of political parties. While common ideology became the basis of parties in Britain and other European democracies, that was not the case in the United States.

The American political parties do not have clearly distinct ideologies. These parties came into existence as an outcome of the process of selection of presidential candidates, managing their campaign, raising campaign funds and selecting candidates for numerous other electoral offices in the United States. These parties are even now more concerned with electoral processes, rather than ideologies.

Duverger is right in concluding that political parties have been established even in those countries where elections are not held and where even legislatures do not exist. Parties are found even in the countries which conduct pseudo elections and have pseudo parliaments. The so called elections are held with only one candidate in each constituency, who invariably wins and consequently all members of the legislature belong to only one party. These are called one party system. He, however, says that these parties cannot be truly described as parties.

The word party is derived from the Latin term 'Pars', which means part. Therefore, where there is only one party, it is not a part of the whole—which means part of several parties. Nevertheless, parties are used in the dictatorial or authoritarian regimes to create the farce of elections and legislatures elected by the people.

According to Duverger, under a dictatorship regime, effort is made to put up a democratic façade with the help of the existing single party and by following the entire electoral and parliamentary process.

He also pointed out that in the latter half of the 20th century parties generally associated themselves with ideologies. The Communist parties, as Lenin and Marx saw, represented the ideologies of the working class and the struggle within them. But modern scholars such as Roberto Michel and Duverger himself studied the structure of the political parties. Their emphasis was not on what the parties are but what they did. For comprehensive understanding of parties, there is a need to assess their ideologies, social foundations, structures, organizations, and strategies.

Classification of political parties can be done on two bases—structure of parties, and the party system. One cannot ignore other aspects and mutual relations of parties while analysing the structure of parties. On the basis of structure, Duverger studied parties from two aspects—internal organization and external organization.

5.2.2 Classification of Political Parties by Maurice Duverger

Maurice Duverger's classification of parties (in 1951), based on organization, is generally accepted. The classification is as follows:

- Elitist or traditional parties
- Mass parties
- Intermediate type of parties

(i) Elitist parties

As the name suggests, elitist parties neither had mass participation nor support from the masses. These are mostly the traditional parties which did not welcome everyone in its fold. Admission or participation was selective. Political parties which emerged in the 19th century were mostly elitist. Even today, some parties tend to be elitist in their approach. Their choice of selection is based on the fact that they seek to have quality rather than numbers. In that perspective, whether they are liberal or conservative or progressive, remain immaterial. These parties could further be classified into the: (i) European type and (ii) American type.

European type: The European elitist parties have their bases in local committees, and have minimum control of central party organization. However, unlike many parties of Continental Europe, the Liberal and Conservative Parties of 19th century Britain had a powerful central organization. In the present century, there is a visible change in the central leadership control over the organizations, especially in Europe and Asia. Also, there is a big difference in the functioning of the parties in Europe and Britain. Party whips have a major say in maintaining discipline in these parties, inside the legislative bodies as well as outside. That is to say, party members in the legislature vote according to the party decision whips. They are not even allowed to speak beyond the party lines. This practice is also prevalent in India. Party members who defy the whips in Britain or even India may be punished. This may include expulsion from the party.

Despite party diktats, legislators in several countries are free to exercise their wish. One can say they have little respect for party discipline.

The disciplined parties may be described as rigid, whereas others can be called flexible parties. It is generally believed that elitist parties are flexible while mass parties are rigid. However, elitist parties in Britain, being disciplined, are exceptions. But in case of large scale defiance of party whip, the leadership may look at the other side, and take no action. For example, in February 2003, as many as 122 Labour Party members of House of Commons voted against a resolution that sought use of force against Iraq. As Prime Minister Tony Blair was keen on waging a war (in collaboration with the US) against Iraq, the vote of 122 MPs of his own party was massive defiance. Yet, no action was taken against such a large number of members. Since generally British parties are far more disciplined than in other countries, even though they are elitist parties, they may be described as rigid elitist parties. Parties in Britain are symbols of liberal democratic system. With the growth of mass parties, even those in Britain sought to expand their membership, but with little success.

In modern electoral fights, parties require more members, but this did not mean any change in the basic ideologies or features of the parties themselves. It can be said that those who have similar ideologies or have respect for the party's ideology may be allowed to join the party.

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American type: Political parties in the United States are different from those in Britain. Some of the prominent differences are as follows:

- The nature of presidential government in a federal setup, as against British and participation parliamentary democracy in a unitary state
- The US parties have remained limited to the elite, away from the masses

The parties in the US are essentially election oriented. They hold elections in the primaries and **caucuses** before the actual election. This narrows down the field of candidates before an election for office. The system of party primaries was introduced in the early 20th century. In the primaries, common citizens participate in the selection of candidates for various elected offices. This system has, however, adversely affected the power of local level party bodies. The primaries have brought party organization under the control of the people. What is to be remembered that the electoral process has become complicated and expensive. This has forced political parties to strengthen their organizations. This dual function of strengthening the party from within and increasing its organizational base, in other words, increasing the influence of the people has moved the American parties closer to the masses. But despite these changes, these parties have failed to become mass parties.

American parties are led by professional politicians, many of whom are not democratically elected. Despite this, American parties have been able to establish better contacts with the masses compared to those in Europe. Interestingly, what has happened to the parties in the US is that their local bodies have become powerful whereas the state committees enjoy lesser powers and the central organization has become weak.

Duverger's inference is that discipline in the top order of the political hierarchy is less or has gone missing, whereas it is very powerful at the local level. Similarly, it is weak at the state level and practically non-existent at the national level. This is apparent when the members of the Congress speak; they speak their mind and vote according to their own decisions. This shows a similarity with the multiparty democracies rather than the British parties.

(ii) Mass parties

It was not before the early 20th century that the support of the common man towards political parties became widespread. The British Labour Party emerged following the working people's movement. Later, the communists adopted the system of mass support. The newly independent Third World countries have a large number of parties formed with the support of the general masses. Some of the parties of European countries, like the Christian Democratic Parties and the Popular Republican Movement (PRM) of France may also be placed in the category of mass parties.

Socialist parties: Initially, masses were contacted to donate funds for the labour candidates. These candidates were considered revolutionaries, and industrialists and big business houses declined to give them any financial contribution. In fact, these elements were quite opposed to these candidates. In Britain, trade unions provided support to these candidates. Later, they organized themselves as the Labour Party. The mass parties tried to enlarge their membership, and took contributions from their members. The mass parties preferred contributions from common men and women, rather than the rich business houses. These parties, therefore, did not develop into elitist parties. The British Labour Party was described as the pioneer of the socialist parties the world over. Democratic socialist parties in several countries followed the British Labour Party. These

parties believe in socialism to be brought about by the peaceful democratic means of parliamentary process. They believe in the rule of law, rather than violence or revolutionary methods. They sought to abolish capitalism through legislative measures. But, with the commencement of rapid liberalization in the decade of 1990s, the talk of destruction of capitalism suddenly gave way to adoption of a capitalist path even by democratic parties including the British Labour Party. Under the leadership of Tony Blair, Britain adopted the New Labour as their socialist party. From the sociologist point of view, the socialist parties often face struggle. They have a strange type of conflict between two groups. One, members of the party who elect party leaders and establish party committees; and two, ordinary citizens who elect members of the parliament. Party members try to have their demands conceded as they are organized, and the ordinary voters are not. Socialist parties accept the superiority of the parliament. Therefore, they respect their members of parliament. On the other hand, legislature is ineffective in communist and fascist countries, as the real power is vested in the party concerned. Therefore, party leadership dominates over the members. Many countries in the world had or have socialist parties as important factors in the liberal democratic processes.

Communist parties: Based on the ideologies of Karl Marx and V. I. Lenin, the communist parties seek close association with the general public. According to experts, the communist parties are better organized and disciplined as compared to other parties. Their ideologies attract workers and peasants in their folds. But, unlike other parties, their local units are generally not regional in nature; they are organized at places of work. The primary units or cells maintain close contacts with the members in their work places. This makes it easier for these parties to convey the party directions and to have them implemented. Besides, the problems of members of a workplace are common. They enthuse greater unity. Initially, European communist parties were structured on the pattern of socialist parties, but after 1924 they were reorganized on the directions of Communist International headquartered in Moscow. They then began following the Soviet Communist Party pattern.

Communist parties follow the principle of ‘democratic centralism’, which implies democratic participation of members within the party structure, but decision-making is centralized and under supervision of these central characters. However, critics point out the absence of democracy process in this structure since all decisions are made by a handful of top leaders who ensure strict obedience and discipline. At various levels in the party, discussion does take place, but directions of the leadership can never be violated or defied. Every bit of information regarding the views expressed in these discussions is conveyed to the party leadership. This pattern is mostly followed by parties in the former Soviet Union and in East European countries as well as in China, Vietnam and other communist countries.

Apart from the fascist parties, no other party probably is as rigid in ideology as the communist parties are. They try to follow the Marxist- Leninist ideology in letter. The Chinese Communist Party had its own Maoist interpretation of Marxism-Leninism. But in the post-Mao period, the party had lost some of its rigidity.

Liberalization and opening up of economy in China has altered the pattern, though it still swears by Marxist ideology. Communist parties in liberal democracies, as in India, still insist on the relevance of Marxism-Leninism.

Fascist parties: The fascist parties and their rule was nothing less than dictatorship. This dictatorship, however, was different from what was witnessed under the Communists, for example Mao in China or Stalin in USSR. Fascism advocated an

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all-powerful state. One similarity that can be drawn between the Communists and the fascists were their belief in one party-rule. Neither of them liked opposition and forced everybody to follow their ideology and policies. On the economic front, the fascists supported open competition and capitalism. The leader in the fascist parties, like the Communists, was the supreme. Any disobedience to the leader would mean elimination of members. The Italian fascist dictator, Mussolini, had himself said that his party wanted to follow the Communist techniques. Fascists talk of mass base, but they use armed forces to inculcate military discipline and impart military training to the masses. The fascist youth are not only given military training, but they even wear military uniform, carry out daily disciplined exercises, and are often punished for defiance. The fascist leader takes the route of force to assume power, even as pretension of democratic process may be propagated. Fascism comes to power with the support of capitalists and big business houses. It is vehemently opposed to communism, and is destructive of democracy. Violence and wars have been important in the participation part of fascist programme.

(iii) Intermediate type parties

Maurice Duverger identified a third category of political parties—the intermediate type. Although different from both elitist and mass parties, they are closer to the mass parties. These are:

- **Indirect parties:** Many a times, small organizations, undertaking political activities, may eventually take the form of an organized political party. This may be described as an indirect party. The British Labour Party emerged in 1906, in somewhat similar situation. Initially it did not allow direct membership to the party. It started functioning with the association of trade unions, cooperative societies, the Fabian Society and other intellectual bodies. These bodies selected candidates for election, collected funds and carried out their election campaign. Socialist parties in Belgium, Norway and Sweden appeared in a similar manner in the 1940s. Earlier, the same pattern was followed in the formation of Christian democratic parties in Belgium (1919) and France (1936). The origin of these parties were similar to the traditional parties with the only difference that their members came not from rich classes, but from amongst the workers and intellectuals.
- **Parties in developing countries:** In the post-Second World War period, the Third World countries saw the emergence of a large number of political parties. In some of the developing countries, the parties followed the pattern of the United Kingdom or the United States, while in some others one party was established following the Soviet example. In some of the African countries, parties followed their own style. All of them have been described as intermediate type because they were yet to be fully organized as disciplined parties. Post-independent India too saw the emergence of several political parties. Some of them could not last long. The Swatantra Party was a breakaway group of the right wing of the Congress, but it disappeared. Very large number of small parties or regional parties came into existence. But after a while two or more of them merged into one party, or formed their own party. In the first category are those who separated from the Congress, but after a while rejoined it. In the second category are those who got together as, for example, Janata Party in 1977. But, this experiment did not last long, and many groups emerged out of it. However, one such group, the

Bharatiya Janata Party (essentially the new avatar of former Jana Sangh) has grown into a national party, and became leader of a ruling coalition of 1998. In India, there are parties that still follow the Soviet pattern of the Communist Party.

There is one problem with this classification of Duverger. At times it becomes difficult to distinguish one from the other. In his own words, in all mass parties, the leaders form a group quite distinct from the rest of the membership and from the party militants, this inner circle resembles some with the leadership of traditional parties submerged, as it were, in the heart of a mass organization.

Hitchner and Levine's Classification of Political Parties

In their book *Comparative Government and Politics*, Dell Gillette Hitchner and Carol Levine have argued that normally people are associated with one party or the other on the basis of their personal views, and that the party membership depends on several other socio-economic forces. Nevertheless, people do associate themselves with one party or the other, taking into account their class, economic interests, hereditary interests, and interests of a particular group.

The authors have classified contemporary political parties into three categories—the pragmatic parties, doctrinal parties and interest parties.

- **Pragmatic parties:** These parties are usually not committed to any particular ideology. Their policies are flexible and are influenced by the changing socio-political situations. Most of these parties are usually influenced more by the leader of the day and less by the ideology the party stands for. The American parties, the British Conservative Party (and now even the Labour Party), Canada's Conservatives, India's Congress Party and Australia's Conservative Party, all come under this category.
- **Doctrinal parties:** It is believed that parties become more pragmatic in a two-party system. This is so because they have to represent, from time to time, different socio-economic interests. The parties that are committed to a particular ideology and believe in certain principles may be described as the doctrinal parties. The policies are often altered to adjust to changes in domestic or international environment, but their ideologies remain unaltered. Socialist parties may be included in this category. For example, the British Labour Party, the Socialist parties of Belgium and France, United Socialist Party of Chile, or Komei of Japan.

It is not that the left-oriented parties alone are doctrinal in nature. There can be even parties of the right in liberal democracies that fall in this category. For example, the Bharatiya Janata Party in India has a definite ideology, but since 1998 it made several adjustments in its policies and programmes to be able to adjust with its coalition partners. On another extreme, the Communist parties and the fascists are totally doctrinal parties.

- **Interest parties:** According to Hitchner and Levine, many of the parties in the multiparty system and smaller parties, even in the two-party system, generally represent particular interests. Thus, these may be described as interest-oriented parties. When interest groups convert themselves into a party, either temporarily or permanently, they fall under this category. Nature of interests may vary from prohibition related, to those working for farmers' interests, or those seeking interests of a caste or community.

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The Swiss Farmers' Party, the German Greens, the Irish Nationalist Party are some such parties. In India, there are a number of such interest-oriented parties. These, for example, include the Jharkhand Mukti Morcha, the Peasants and Workers Party of Maharashtra, or even the Bahujan Samaj Party committed to the uplift of the Dalits. The categorization of different parties may be very relevant and useful, yet the real nature of parties can be analysed only as actors with a particular party system. It is, therefore, necessary that one must examine the major party system, and then relate individual parties to one of these systems or the other.

5.2.3 Functions of Political Parties

Parties contribute to democratic government through the functions they perform for the political system. These functions can broadly be divided under six categories:

- Political parties unite sectional interests, bridge the geographical differences, and induce cohesion. In other words, various interests are aggregated through the instrumentality of parties. This ensures both order and system maintenance.
- Political parties contribute to democratic government by nominating candidates for election to public office. In the absence of parties, voters would be confronted with a bewildering array of self-nominated candidates, each seeking a narrow victory over others on the basis of personal friendships, celebrity status or name. Parties minimize this danger by setting up their candidates in different constituencies. They carry out campaigns to win elections. They also defray the cost of contesting elections where the candidate is poor.
- Political parties help democratic government by structuring voting choice, reducing the number of candidates on the ballot to those who have real chances of winning. Parties that have won sizeable portions of votes in past elections are likely to win comparable portions of the vote in future ones also. This discourages non-party or non-serious candidates for running the office. This in turn focuses the election on the contest between parties and on candidates with established records, which reduces the amount of new information that voters need in order to make a rational decision.
- Parties also help voters choose candidates by proposing alternative programmes of government action in the form of party manifestos. The specific policies advocated in an election campaign may vary from candidate to candidate and from election to election, the types of policies advocated by candidates of one party nonetheless usually tend to differ from those proposed by candidates of other parties. In the case of the US, for example, even though the neutrality of the names of major political parties, namely, democratic and republican suggests that they are undifferentiated in their policies, in reality, however, these parties regularly adopt very different policies in their platforms.
- Parties help co-ordinate the actions of public officials. A government based on the separation of powers like that of the United States, divides responsibilities for making public policy. The President and leaders of the House and Senate are not required to cooperate with one another. Political parties are the major means for bridging the separation of powers, of producing co-ordinated policies that govern country effectively. Individuals of the same party in the presidency, the House, and the Senate are likely to share political principles and thus to cooperate in

making policy. In a parliamentary political system, where the formation and continuance of the real executive, i.e., the Council of Ministers, depends on the support of the majority in legislature, political parties perform the task of disciplining the members of the majority to keep them united for providing the life line support to the government. This role of political parties has, in fact, made them informal governments in democracies as the powers of the legislature has now been usurped, to a great extent, by political parties. Though victory is certainly the first commandment of a political party, in a democracy, defeat of party also does not mean its demise. In that case, a party functions as a critic and watchdog of the government's policy. Political parties thus play an extremely significant role in democracies. While, on the one hand, they have to maintain and strengthen the structure of democratic norms and values; on the other, they have to secure maximal community mobilization for social and economic development. Political parties thus induce both political and socio-economic development.

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5.3 PRESSURE GROUPS

Pressure groups are voluntary associations of people who have common interests to promote and protect. These interests may be economic, social, cultural, linguistic or religious. They do not have any political characteristics which differentiates them from political parties. As the name suggests, they create pressure on the ruling political party and government to acquiesce to their demands.

While political parties seek political power of governance, the pressure groups are essentially concerned with interests of their members, and for that purpose they apply pressure. The most common device of pressure politics is lobbying.

Pressure groups are usually organized associations, unions or organization of people having common interest. Their aim is to seek better conditions for their members through organized efforts. They try to influence the legislature, executive and other decision makers to have decisions made in their favour. According to V. O. Key, a striking feature of American politics is the extent to which political parties are supplemented by private associations formed to influence public policy. These organizations are commonly called pressure groups.

They do not take part in the selection of candidates or the legislative processes. They devote themselves to pressurize and influence the government in order to promote their interests. Scholars have classified pressure groups on different criteria.

Duverger was of the view that most pressure groups are non-political in nature and pressure politics is not their primary activity. Any group, association or organization, even those whose normal concerns are far from politics, can act as pressure groups in certain areas and under certain circumstances. It is generally believed that the pressure groups try to bring about changes in policies of the government either by influencing its institutions, or even otherwise. However, the pressure groups do not enter the legislature on their own.

Carter and Hertz had argued that the modern pluralist society, full of economic, professional, religious, ethical and other interest groups, is faced with the major problem of how to coordinate the activities of different groups on the one hand and government and politics on the other. Interest groups enjoy freedom to be established and function in a free democratic society. When these groups seek to influence the political process,

Check Your Progress

1. How has Edmund Burke defined parties?
2. What is a political party?
3. What is a party according to Lenin?
4. What is the principle followed by Communist parties?

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and achieve favourable decisions in matters such as enactment of legislation, imposition of taxes and duties, framing of rules, issuance of licences or economic sanctions, then these interest groups transform themselves into pressure groups.

David B. Truman defines an interest group as a shared attitude group that makes certain claims upon the other groups in the society. In a democratic set up, one of the biggest changes has been observed in the increasing role of pressure groups. Herman Finer viewed that it is perhaps now an axiom of political science that where political parties are weak in principles and organization the pressure groups will flourish; where pressure groups are strong, political parties will be feeble; and where political parties are strong, pressure groups will be curbed. In the context of the US, the rigid nature of its constitution, the doctrine of separation of powers, difficulties of conveying the grievances of the people to the government, etc., contributes to the growth of pressure groups in American politics. American pressure groups are not much influenced by the political parties whereas in Britain, pressure groups implicitly or explicitly have attachment with political parties.

In the context of liberal democratic countries, particularly, the United States, S. E. Finer had opined that the pressure groups are, by and large, autonomous and politically neutral bodies, which bargain with the political parties and the bureaucracy irrespective of the political complexion of the government in power. The groups can adopt various methods of bargaining, in their interests, including even unconventional or corrupt methods. It is obvious that the pressure groups are associations of individuals for the promotion of the interests of their members. Every individual has numerous interests. One may be an office bearer of a residents' welfare association, father of university going children, and a sugarcane farmer, a shareholder in a large business house or industrial establishment and may also be a social activist as also a trustee of a religious or charitable institution. All interests of one individual cannot be served by one group. He or she, therefore, may join several interest groups to create pressure on the state for different purposes.

Pressure groups are not a new phenomenon in politics. They have always been there, but probably in different forms. Generally, creations of these groups are deliberate efforts. Today they are highly influential and very powerful. It is generally considered that the terms like pressure groups, organized interests, and lobbies are all synonyms.

The terms interest groups and pressure groups, despite the differences in their nature, are often used as synonyms.

According to H. Zeigler, it is an organized aggregate which seeks to influence the context of governmental decisions without attempting to place its members in formal governmental capacities. In the words of Alfred de Grazia, pressure group is simply an organized social group that seeks to influence the behaviour of political officers without seeking formal control of the government.

There are certain essential features of the pressure groups. These are:

- Pressure groups are part of the political process of a country
- They attempt either to strengthen or change the direction of government policy
- They do not seek, as pressure groups to directly capture political power and run the government

5.3.1 Classification of Pressure Groups

Pressure groups or interest groups have been classified differently by scholars. Some of these are discussed below.

Gabriel Almond's classification

Political scientist Gabriel Almond has classified pressure groups under four categories. This classification has generally been supported by Hitchner and Levine. According to Almond, these types are:

- Institutional interest groups
- Anomic interest groups
- Associational interest groups
- Non-associational interest groups

The institutional interest groups work in close association with various institutions and political parties. These groups also exist within the legislatures, bureaucracies, religious bodies, corporations and even armed forces. They actively participate in the bureaucratic functioning, since it is the place where most of the decision-making is done. They are equally close to legislatures. They form part of a highly organized structure, but this structure has been created for purposes other than what these groups articulate. These groups do not need any other organization to articulate their demands. As Almond said, 'institutional interest groups are formal organizations, composed of professionally employed personnel, with designated political and social functions other than interest articulation', but either as corporate bodies or as smaller groups within these bodies (such as legislative blocs). These groups not only voice their own interests but also those of other groups in the society. Such groups are very influential and powerful.

In some of the Third World countries, these institutional interest groups are not satisfied only by exercising influence. They even seize power, as, for example, the military clique did in Burma, or Bangladesh (after Sheikh Mujib's murder), or Pakistan, or Nigeria. These are exceptions. These groups are generally concerned with better conditions for their members.

The anomic interest groups, according to Almond, are generally spontaneous reaction to a political system. These groups often appear when normal means of expressing dissatisfaction prove ineffective. They may be concerned with religious or linguistic or ethnic disturbances, or demonstrations, even assassinations and hijackings. They are generally characterized by unconventional, usually violent means. Their influence on the political system too is done through unconventional means.

The association interest groups are closely associated with formally organized institutions. They are functionally specialized, and they articulate the interests of specific groups, such as management, labour, business and agriculture. These groups are found in those countries where right to association is constitutionally recognized. Some of them have regular paid employees on their roles to influence the concerned institution. These groups are generally concerned with economic interests. The Federation of Economic Organizations, and the Federation of Indian Chambers of Commerce and Industry are some examples of association groups. The associations of teachers, lawyers, doctors and other professionals, all come in this category. Unlike the well-organized association

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system, the non-association groups are based on factors like kinship, ethnicity, status and religion. They articulate the interests informally and irregularly. They do not have any permanent organization.

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Jean Blondel's classification

French political scientist Jean Blondel has classified interest groups on the basis of factors responsible for their formation. Broadly speaking, there are two categories of groups. These are:

- Community interest groups
- Associational groups

Both the categories are further divided into two sub-categories.

Community interest groups come into existence to cater to the interest of a particular community. The social relations are in the back of their formation. Community life brings people together by sharing joys and sorrows. Most of the community groups are informal. Once they become formally organized, they exert pressure on the government to seek state protection and assistance. The community groups are divided between:

- Customary and participation
- Institutional groups

The groups that essentially follow the customs and traditions of the community fall in the category of customary groups. The groups of castes and sub-castes in India are of this type. Blondel has described those community groups as institutional who are formed by people living together for a long time, and who develop common social relationship. Some of the examples of this type can be welfare associations of serving or retired soldiers like the veterans unions, the civil servants welfare associations, or the senior citizens' welfare bodies. The association groups identified by Blondel generally follow the pattern of Almond and Hitchner and Levine. These groups have two sub categories:

- Protective groups
- Promotional groups

As we have discussed, interest groups essentially fight for the interests of its members. Protective groups vehemently seek to address the concerns of its members. Examples of protective groups are trade unions and associations of traders or professionals. They, thus, have more or less homogeneous clientele. Promotional groups, on the other hand, have membership or large cross-sections of community. The promotional groups may include group for disarmament, or the groups seeking promotion of environmental security. Besides, the protective groups generally manage to have greater influence over policy making process than the promotional groups.

Referring to the British groups, Robert Salisbury opined that protective groups have immense influence over policy, whereas promotional pressure, even when they mobilize a large following, tend to be regarded as having only a minor impact on public decisions. The protective groups generally have more flexible strategies, while the promotional groups face the problem of goal adaptation following change in political situation. Protective groups are never short of agendas, while promotional groups are terminal in nature, at least in conception.

Maurice Duverger's classification

Maurice Duverger points at two main problems regarding the term pressure groups. First, whether those groups whose only function is to exert political pressure or those which have multi-dimensional activities should be called pressure groups. Second, whether the term pressure groups should be used only for non-official groups or even official groups can be brought in this category. It is in the context of these two questions that Duverger offered the following classification.

Regarding his first query, Duverger distinguishes between: (i) exclusive groups and (ii) partial groups.

Members of the first category work exclusively to exert pressure on the political system to fulfill their interests. Thus, the French Parliamentary Association for the Defence of Educational Freedom is an exclusive group. There are several groups in the United States who are entirely in the business of pressure politics, through the device of lobbying.

Partial groups, on the other hand, are essentially set up to be the promoters of interests of their members, but in that process they do occasionally use pressure tactics. There are numerous such groups in every democratic set up, including India. Several associations of professionals (doctors, lawyers, chartered accountants, and architects), of university or school teachers, or women activists, or those concerned with cultural activities also, if needed, try to put pressure on civil servants, legislators and others. But, there can be no rigidity in this classification. Any partial group may take to whole time pressure politics.

On the second basis, Duverger makes a distinction between:

(i) Private groups (ii) Public groups

United States was the first country to witness the emergence of pressure groups where private institution groups put pressure on the state apparatus. Gradually, official and public groups started exerting pressure, and the process of pressure politics began. Official groups may even include those officials who secretly align themselves with one or more pressure groups to serve certain interests.

Duverger also refers to, what he calls, pseudo pressure groups. These groups include specialists who use pressure politics not for themselves, but for others. This is often done for monetary consideration. Duverger includes in this category the technical experts as well as information (mass) media. A reference will be made, while dealing with the role of pressure groups, to the role of mass media.

Role of Pressure Groups

Pressure groups play a vital role in a democratic society in terms of influencing the government for expressing the common concern of a section of society and promote their interest. The vitality of the pressure groups is mainly determined by their ability to influence the government. Influencing the government involves influencing the public policy decision makers, law makers, implementer of policies and decisions, etc. The role of pressure groups is closely connected with politics. In this context, Harold D. Lasswell in his early work on politics, uses the subtitle, *who gets what, when, how?* and says that, *the study of politics is the study of influences and influential*. In view of this understanding, the State of pressure groups in democratic countries constitutes an important dimension of the study of politics because the primary objective of any pressure group is to influence the government on a specific public policy issue or problem. Pressure

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groups play the mediatory role between the people and government. They balance the national interest and interest of individuals. Generally, interests of the common people are not organized. Pressure groups contribute to give concrete shape to the interests of people. This role of pressure groups is significant in interest formation as well as interest aggregation. Interest formation may occur through the reactions of groups of people on issues of public importance like GATT, nuclear explosion, reservation policy, environmental issues, price rise, regional imbalances and rural development programme. According to Gabriel Almond and Bingham Powell, converting the demands into policy alternatives is interest aggregation. In this process also, pressure groups play a significant role in terms of identifying possible policy alternatives or options. They also explain the pros and cons of each policy alternative which is a very helpful information for the policy makers to select the best alternative. This role of pressure groups is to provide inputs to public policy making. On the whole, pressure groups contribute to democratize the public policy making and law-making.

When it is found that political parties cannot adequately represent the aspirations of the people, pressure groups become the devices for representing the aspirations of the people. In this sense, pressure groups perform the representation function. In a welfare state, the growing functions of government may tend to affect the responsive capability of the political system. Besides the members of government may not be able to get sufficient time to get all the details of a particular issue of public importance as the political elites are preoccupied in the political activities. In view of these, pressure groups are essential to make the political system respond to the aspirations of people and provide the details of a particular policy issue of public importance to the ruling political elites. This will contribute to work out development activities very effectively.

The role of pressure groups depends to a large extent on the type of government that a country has. Their role in the presidential system, as in the United States is more significant than that in parliamentary democracies, like Britain and India. Their role is minimum, or non-existent, in one party states, and particularly in authoritarian systems. Their role is highlighted by Henry Ehrmann while discussing the merits of pressure groups. He says, 'The interests which they represent link their membership with community values. Hence, groups are likely to reflect more accurately than do other bodies, the concerns of the society in which they operate.' Further, where the formal system of representation proves inadequate, pressure groups represent community values more realistically than do parties. They employ all conceivable methods to promote their interests. They request and cajole, they bribe and entertain. The most popular method of pressure politics, called lobbying, was developed in the United States. Lobbying is only one of the methods of pressure politics, yet it is the most effective. Lobbying is a peculiarly American practice and its practitioners try to directly influence the law-makers and other officials.

The influence of pressure groups depends, to a great extent, on the type of government. For example, in a presidential form of government, as in the United States, the role of the pressure group is more significant than that in parliamentary democracies like Britain and India. Their role is minimum, or non-existent, in one-party states, and particularly in authoritarian systems.

Political scientist Henry Ehrmann, while discussing the merits of pressure groups, argues that 'the interests which they represent link their membership with community values. Hence, groups are likely to reflect more accurately than do other bodies, the concerns of the society in which they operate'. Further, where the formal system of

representation proves inadequate, pressure groups represent community values more realistically than others. They employ all conceivable methods to promote their interests. They request and cajole, they bribe and entertain. The most popular method of pressure politics, called lobbying, was developed in the United States. Lobbying is only one of the methods of pressure politics, yet it is the most effective.

Lobbying

Although lobbying had its origin in the US, today most countries follow the practice. The term lobbying is used to indicate the technique of establishing contacts with the members of Parliament/Congress and state legislatures in order to influence them to vote for or against a measure to suit the interest of a pressure group. Many a times, pressure groups engage former members of the parliament to influence the ruling legislators.

‘Lobbyists’, in the words of Alfred de Grazia, ‘are highly organized; they claim large membership lists; they have agents who are skilled in persuasion and public relations; they insist that their purposes are consonant with the public welfare’.

The lobbyists build contacts with the members of parliament, shadow their footsteps, and try to influence their decisions and votes. Generally, they seek to promote the legitimate interests of the groups, but at times do indulge in selfish politics. Although rarely, there are cases when bribery, direct or indirect, and blackmail have been used to influence legislators. A strong willed Congressman may even be coerced by arranging a food of letters, telegrams and telephonic calls from the voters in his district.

Although in countries where pressure politics and lobbying are frequently undertaken, laws have been formed to control such practices, it cannot be said that much success has been achieved in checking them. In the US particularly, political parties, pressure politics and lobbying have become part of its political system.

Most agendas of interest groups are economic in character. There are labour pressure groups that seek to represent the point of view of organized labour in elections and in the Congress. On the other hand, there are business pressure groups that sought to represent the interests of an industry. In recent times, however, several groups have emerged that focus on social activities. Some such groups are the National Council of Christians and Jews and the United Methodists. Thus, every major community has its own lobby.

5.3.2 Types of Pressure Groups

The origin of pressure groups is diverse since they represent a particular dimension of interests like economic, social and political interests. Pressure groups exist for protecting or promoting particular interest(s). Pressure groups can be broadly classified into the following categories:

- Business groups
 - Labour organizations
 - Farmers’ groups
 - Professional groups
 - Religious groups
- (i) **Business groups:** Businessmen are generally well-organized and their concern would be to get reasonable restrictions imposed on the production and distribution of goods, import and export of commodities, determination of price of commodities,

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etc. There are business groups like the National Association of Manufacturers in the US, the Federation of British Industries, the National Council of French Employers, the Federation of German Industry, the Federation of Indian Chambers of Commerce and Industry (FICCI). In India, the British merchants established the Chamber of Commerce in 1830s. In 1926, it was decided to establish a national Indian business organization. In the following year, the same business organization became the Federation of Chambers of Commerce and Industry. The support of the wealthy businessman like G. D. Birla made this business group an important and influential force. In addition to the Federation of Chambers of Commerce and Industry, there are other national business groups namely the All India Manufacturers Organization, the Associated Chambers of Commerce and Industry of India. These business groups keep in touch with political parties and contribute to party funds and some candidates in elections are financed by the businessmen. The primary function of any business group is to protect its business interests like opposing tax increase, minimum control on labour.

- (ii) **Labour organizations:** In the US, trade union politics began with the establishment of the American Federation of Labour in 1886. There are labour organizations like the Communist dominated Confederation of Christian Trade Unions in France, German Confederation of Trade Unions, Transport and General Workers' Union in England, Indian National Trade Union Congress. The labour organizations are concerned with payment of adequate wages and emoluments, reasonable working hours and conditions of service and compensation in case of some accident. They are often associated with one party or the other. In India, the Indian National Trade Union Congress (INTUC), the United Trade Union Congress (UTUC), the Hind Mazdoor Sabha (HMS), All India Trade Union Congress (AITUC), Bharatiya Mazdoor Sangh have links with political parties like the Congress (I), Communist parties, the Socialist Party, the BJP. All these trade unions are regarded as major Indian Labour Organizations.
- (iii) **Farmers' groups:** Farmers' groups are basically concerned with protecting the interest of farmers from adverse effects of modernization and getting facilities of modernization to the farmers. These include continuation of subsidy to the farmers, minimum price for agricultural products, etc. In the US, the farmers' groups like American Farm Bureau Federation, the National Grain, the National Farmers' Educational and Co-operative Union of America are regarded as very important farmers' groups forgetting their just dues from the government. In India, we have farmers' groups like Karnataka Rajya Raith Sangh, Setkari Sangh of Sharad Joshi in Maharashtra and similar organization of Mahendra Singh Tikait in UP.
- (iv) **Professional organizations:** Professional organizations are mainly concerned with the service conditions and other facilities for their respective professions. Associations like teachers' association, medical association, bar association are regarded as pressure groups based on their professions. The American Association of University Teachers, All India Federation of University and College Teachers' Organizations, the American Bar Association, the Indian Political Science Association, the British Medical Association are some of the examples of professional pressure groups.
- (v) **Religious organizations:** Religious pressure groups generally attempt to protect the interest of a particular religion. In the US, the National Council of Churches is a religious pressure group. The other religious pressure groups are the American

Jewish Committee, American Jewish Congress, etc. In the Indian context, the caste and communal associations can be categorized as religious pressure groups. In Indian politics, caste associations are increasingly getting prominence and becoming very influential.

Techniques of Pressure Groups

The main techniques of pressure groups are manipulating public opinion, persuading legislators and administrators. The role of pressure groups tends to change the public attitude towards a specific issue. The extent of influence of pressure groups on government is mainly determined by their position to represent public opinion. Hence, it is necessary on the part of pressure groups to influence the process affirmation of public opinion. As a consequence, pressure groups seem to manipulate public opinion. Influence of pressure groups is also through the legislators for making specific provisions or deleting some provision in legislation. Pressure groups have friends and allies in the legislatures as in the case of American Congress and the Indian Parliament. Pressure groups attempt to influence the process of implementation of decisions through the administrators. Besides, pressure groups adopt the technique of influencing the government through public interest litigation in courts of law. In India, the judiciary is asserting its position under the influence of the pressure groups which are bringing before it the public interest litigation which is seen clearly in case of environmental pressure groups and economic pressure groups. Medha Patkar and her associates have exercised a vast amount of pressure on the executive at the State and central level over the question of the Narmada dam and particularly the resettlement of the people affected by the dam. There are pressure groups which have been working on the problems of daily wage workers and women and many of them are exercising pressure by bringing their cases before the courts in the form of public interest litigation. Even in the limited context of municipal government, as in the case of Bombay, citizens are taking cases to the High Courts to exert pressure on the municipal authorities to clean streets and undertake environmental measure. In the context of India, as in several developing countries, these techniques are new. Therefore, the pressure groups have to work hard to organize the members of the public in order to be effective in relation to government and public administration.

Comparison of Indian and Western pressure groups

India, though a parliamentary democracy, differs from Western countries in terms of developmental levels. Therefore, there are some differences in the role of pressure groups also. They are as follows:

- The American pressure groups are regarded as the fourth organ of the government but the Indian pressure groups are not yet able to play such a significant role in politics.
- In India and Great Britain, the cabinet and civil service are the main targets of pressure groups for lobbying purposes, rather than the parliament. However, the targets of American pressure groups are the Congress and its committees, rather than the President for lobbying purposes.
- Indian pressure groups based on caste, religion, region, etc., are more powerful than the modern groups like business organizations.
- A significant feature of American pressure groups is that in the US pressure groups take interest in foreign policy issues while in India pressure groups do not seem to have interest in foreign policy matters.

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Comparatively, the Indian pressure groups are concerned more with domestic policy issues and problems, and less with foreign policy matters. However, in general, despite the differences, democratic politics presupposes the crucial note of pressure groups for serving the interests of different sections of society.

5.4 SUMMARY

- Political parties are indispensable to any democratic system and play the most crucial role in the electoral process—in setting up candidates and conducting election campaigns.
- An organized group of people working under the influence of one ideology based on well-defined policies and objectives may be referred to as a political party.
- Edmund Burke had defined political parties in 1770 as, ‘a body of men united for promoting, by their joint endeavours, the national interest upon some particular principles in which they are all agreed’.
- Parties must have definite aims and objectives. The objectives are often a mixture of ultimate and immediate purposes. Party programmes contain ideas about law and government, ideas about the shape of political things to come and each party seeks to focus its own brand of political ideas.
- Political parties represent class aspirations, according to the Marxist view. This condition can be improved only through a successful class struggle which would result in the victory of the proletariat. The Marxists further says that the party that represents the working people alone has the right to exist. The parties of the bourgeois do not represent a true democratic process. Hence, they must be removed.
- According to Lenin, if the party has to play the role of vanguard of working people, it is essential for it to have complete knowledge of revolutionary ideas and rules. The objective of the party is to protect the interests of the proletariat.
- German political scientist Sigmund Neumann analysed the political parties on the basis of their ideologies. He concluded that in view of sharp differences between the democratic and authoritarian parties, it was impossible to give a single acceptable definition. Nevertheless, he said that the purpose of setting up a party is uniformity within, and distinction from other groups.
- Maurice Duverger’s classification of parties (in 1951), based on organization, is generally accepted. The classification is as follows: Elitist or traditional parties, Mass parties, and Intermediate type of parties.
- As the name suggests, elitist parties neither had mass participation nor support from the masses. These are mostly the traditional parties which did not welcome everyone in its fold. These parties could further be classified into the (i) European type and (ii) American type.
- The mass party arose historically in opposition to the established elite or caucus-party system of the 18th to 19th centuries, representing the antithesis of the caucus party.
- Maurice Duverger identified a third category of political parties—the intermediate type. Although different from both elitist and mass parties, they are closer to the mass parties.

Check Your Progress

5. What is the difference between political parties and pressure groups?
6. What, according to H. Zeigler, are pressure groups?
7. Give some examples of association groups.
8. What do the protective groups protect?
9. What is the role of pressure groups?
10. What do you mean by lobbying?

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- In their book *Comparative Government and Politics*, Dell Gillette Hitchner and Carol Levine have argued that normally people are associated with one party or the other on the basis of their personal views, and that the party membership depends on several other socio-economic forces. The authors have classified contemporary political parties into three categories—the pragmatic parties, doctrinal parties and interest parties.
- Political parties unite sectional interests, bridge the geographical differences, and induce cohesion. In other words, various interests are aggregated through the instrumentality of parties. This ensures both order and system maintenance.
- Pressure groups are voluntary associations of people who have common interests to promote and protect. These interests may be economic, social, cultural, linguistic or religious. They do not have any political characteristics, which differentiates them from political parties.
- Duverger was of the view that most pressure groups are non-political in nature and pressure politics is not their primary activity. Any group, association or organization, even those whose normal concerns are far from politics, can act as pressure groups in certain areas and under certain circumstances.
- There are certain essential features of the pressure groups. These are:
 - Pressure groups are part of the political process of a country
 - They attempt either to strengthen or change the direction of government policy
 - They do not seek, as pressure groups to directly capture political power and run the government
- Political scientist Gabriel Almond has classified pressure groups under four categories. This classification has generally been supported by Hitchner and Levine. According to Almond, these types are: Institutional interest groups, Anomic interest groups, Associational interest groups, and Non-associational interest groups.
- French political scientist Jean Blondel have classified interest groups on the basis of factors responsible for their formation. Broadly speaking, there are two categories of groups. These are: Community interest groups, and Associational groups
- Maurice Duverger points at two main problems regarding the term pressure groups. First, whether those groups whose only function is to exert political pressure or those which have multi-dimensional activities should be called pressure groups. Second, whether the term pressure groups should be used only for non-official groups or even official groups can be brought in this category.
- Pressure groups play a vital role in a democratic society in terms of influencing the government for expressing the common concern of a section of society and promote their interest.
- Although lobbying had its origin in the US, today most countries follow the practice. The term lobbying is used to indicate the technique of establishing contracts with the members of Parliament/Congress and state legislatures in order to influence them to vote for or against a measure to suit the interest of a pressure group.
- The origin of pressure groups is diverse since they represent a particular dimension of interests like economic, social and political interests. Pressure groups exist for protecting or promoting particular interest(s). Pressure groups can be broadly

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classified into the categories like: Business groups, Labour organisations, Farmers groups, Professional groups, and Religious groups.

- India though a parliamentary democracy differs from Western countries in terms of developmental levels. Therefore, there are some differences in the role of pressure groups also. The American pressure groups are regarded as the fourth organ of the government but the Indian pressure groups are not yet able to play such significant role in politics.

5.5 KEY TERMS

- **Party:** It is an organized group of people, having a clear ideology and based on certain well defined policies and having clear objectives.
- **Political party:** It is a group of people that seeks to get its candidates elected to public offices by supplying them with a label—a party identification—by which they are known to the electorate.
- **Elitist/traditional parties:** The parties which are not cadre based and do not have their support among the masses may be described as elitist or traditional parties.
- **Diktat:** It refers to an order or decree imposed by someone in power without popular consent.
- **Pressure groups:** These are voluntary associations of people who have common interests to promote and protect; these interests may be economic, social, cultural, linguistic or religious.
- **Lobbying:** The term is used to indicate the technique of establishing contacts with members of the congress and State legislatures to influence them to vote for or against a measure to suit the interests of a pressure group.
- **Parliamentary:** It refers specifically to a kind of democratic polity wherein the supreme power vests with the body of people's representative called parliament.

5.6 ANSWERS TO 'CHECK YOUR PROGRESS'

1. Edmund Burke has defined parties as bodies of men united for promoting, by their joint endeavours, the national interest upon some particular principles in which they are all agreed.
2. A political party is a coalition of group interests pursuing general political policies.
3. According to Lenin, a party, in this case the Communist Party, is a well-organized group of chosen elite intellectuals and political activists.
4. Communist parties follow the principle of democratic centralism, which implies democratic participation of members in party structure, but centralized decision-making and supervision.
5. While parties seek political power of governance, the pressure groups are essentially concerned with interests of their members, and for that purpose they apply pressure. The most common device of pressure politics is lobbying.

6. According to H. Zeigler, pressure groups are an organized aggregate which seeks to influence the context of governmental decisions without attempting to place its members in formal governmental capacities.
7. The Federation of Economic Organizations, and the Federation of Indian Chambers of Commerce and Industry are some of the examples of association groups. The associations of teachers, lawyers, doctors and other professionals all come in this category.
8. The protective groups try to protect the interests of their members like those of trade unions and associations of traders or professionals. They, thus, have more or less homogeneous clientele. The promotional groups, on the other hand, have membership or large cross sections of community. The promotional groups may include group for disarmament, or the Greens seeking promotion of environmental security.
9. Pressure groups play the mediatory role between the people and government. They balance the national interest and interest of individuals. Generally, interests of the common people are not organized. Pressure groups contribute to give concrete shape to the interests of people. This role of pressure groups is significant in interest formation as well as interest aggregation.
10. Lobbying is an American practice, though it is not the monopoly of the United States. It is practiced in many other democratic countries also. The term—lobbying is used to indicate the technique of establishing contracts with the members of Congress and state legislatures to influence them to vote for or against a measure to suit the interest of a pressure group.

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5.7 QUESTIONS AND EXERCISES

Short-Answer Questions

1. How has R. M. MacIver defined a party?
2. How has R. N. Gilchrist defined a party?
3. What is a party according to Lenin?
4. How has Almond classified parties?
5. How has James Jupp classified parties?
6. How are the political parties classified?
7. What are the different categories of political parties as classified by Hitchner and Levine?
8. What are the various types of pressure groups?
9. What, according to Almond, are the classifications of pressure groups?
10. State the meaning and role of pressure groups in democratic politics.

Long-Answer Questions

1. Discuss the role of political parties in a democracy.
2. Define political parties. What is the Marxist concept of political parties?

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3. What is the difference between the European and American type of parties?
4. Explain the nature of socialist and communist parties.
5. Discuss the relationship between political parties and pressure groups.
6. Write a detailed note on parties in developing countries.
7. Explain Maurice Duverger's classification of pressure groups.
8. Discuss lobbying as a device of pressure politics.
9. Describe the various types of pressure groups.

5.8 FURTHER READING

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UNIT 6 JUDICIAL SYSTEM

Structure

- 6.0 Introduction
- 6.1 Unit Objectives
- 6.2 Judiciary in the United Kingdom
 - 6.2.1 Rule of Law: A Citadel of Liberty
- 6.3 Judiciary in the United States of America
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 - 6.4.4 The Higher People's Courts
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 - 6.4.6 The Basic People's Courts
 - 6.4.7 The Special Courts
- 6.5 Summary
- 6.6 Key Terms
- 6.7 Answers to 'Check Your Progress'
- 6.8 Questions and Exercises
- 6.9 Further Reading

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6.0 INTRODUCTION

The judiciary administers justice according to law. For the judiciary to position itself properly in the fight against corruption, it must first purge itself of corruption. In the United Kingdom, judiciary performs an important function, that is, administering Rule of Law. In the US, judicial review constitutes an important function performed by the Supreme Court of America. In China, committed judiciary is the essence of what is required from the judiciary functioning in the country.

In this unit, you will study the indispensable role played by the judiciary in the United Kingdom, the United States of America and China.

6.1 UNIT OBJECTIVES

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

- Analyse the salient features of the British judicial system
- Assess the judicial committee of the Privy Council
- Explain the British rule of law
- Describe the working of constitutional courts and legislative courts in the US
- Evaluate the concept of judicial review
- Explain the working of the Supreme People's Court in China

6.2 JUDICIARY IN THE UNITED KINGDOM

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The judiciary occupies a place of pride in a democratic country. If a democratic government is to be effective, it is essential that laws passed by the legislator should be applied and upheld without fear or favour. Professor Laski has said that the Acts of Parliament are not self-operative and, hence, there is need for a judicial organ to see its operation. Hamilton opined that 'laws are a dead letter without courts to expound and explain their true meaning and operation'. Thus, there are courts of law in all democratic countries and England is no exception to it.

The present day organization of the British judiciary is relatively modern. Though the courts themselves are much older, yet they are entirely reconstituted by the Judicature Acts of 1873-1876, as amended by the Act of 1925. Prior to 1873, the judicial organization of England was in a state of chaos, with numerous courts possessing special functions, following procedure and overlapping jurisdictions. The Acts of 1873 reorganized the courts and simplified the judicial procedure.

The Rule of Law is the basis of the British constitutional system. There are three kinds of law in England namely, common law, statute law and equity. The courts in Britain administer these three types of law without any fear or favour. Except for statutes, common law and equity are based on traditions, customs and morality as decided by the judiciary. It is an accepted principle of the British judicial system that a decision given by a judge shall be applicable in all similar cases, unless it is set aside by a judge of a higher court or until an Act of Parliament settles the issue.

Salient features of the British judicial system

The salient features of the British judicial system are as follows:

- 1. Impartiality and independence of the courts:** The first thing to be noted in British judiciary is high reputation for fairness, impartiality and incorruptibility. The judges are free to pronounce judgment without fear and favour. The Act of Settlement of 1701 provides that the judges in Great Britain hold office on account of good behaviour and not due to the pleasure of the executive. Thus, there is a great tradition of administration of justice without fear or favour.
- 2. Absence of judicial review:** In England there is no judicial review and as such the judiciary cannot declare any act of Parliament as *ultra vires*. The case is just the opposite in America. Due to parliamentary supremacy in England, the parliament can pass any law and no court can question its authority.
- 3. Absence of separate administrative court:** There are no separate administrative courts in England, as found in France and other continental countries. In France, there are two types of law, ordinary and administrative, and two types of court, administrative and ordinary respectively. The administrative persons are tried by administrative law in administrative courts. There is no such distinction between officials and ordinary citizens in England and all are subject to the same court of law.
- 4. Absence of uniform judicial organization:** There is no uniform judicial system throughout the country. There is one set of court in England and Wales, another for Scotland and still another for Northern Ireland. Sometimes each court has its own peculiar procedure and practices. The Judicature Acts of 1873-76 tried to

bring uniformity, but failed to achieve a uniform judicial organization throughout the country.

- 5. Jury system:** The prevalence of jury system is a salient feature of the British judicial system and in the trial of grave crimes, a jury trial may be demanded in all courts of England except the lowest and highest court. England is the classic home of the jury system. The charge in a case is framed by the judicial official and the trial is held by the judge with the assistance of jury. The juries have revealed impartiality, fearlessness, knowledge and common sense and have given decisions against the government.
- 6. Integration of courts in England and Wales:** The courts of England and Wales were different organizations having different conflicting procedures and jurisdiction. Now the entire judiciary has been reconstructed and brought under the control of the Lord Chancellor. Thus, there is integration of the judicial systems of England and Wales. The judicial system has been made simple and inexpensive as far as practicable.
- 7. Guardian of individual liberty:** The courts in England are the custodians of the liberty of the people. Liberties of the people are guaranteed not by parliamentary acts but by the common law of the land. The concept of rule of law pervades in all spheres of judicial organization.
- 8. High quality of justice:** English people are proud of the high quality of justice dispensed by their courts. Cases are heard and decided in open court. The judges show a high order of independence, ability and integrity. There is a quick disposal of cases. The rules and procedures are also simple and logical. Independent attitude of a judge is deeply rooted in the British judicial system. The judges are not influenced by any consideration except that of justice and impartiality. Courts in England 'do not tolerate the pettifogging dilatory, hair splitting tactics which lawyers are so freely permitted to use in American halls of justice. The judge rules his court room, pushes the business along, and declines to permit appeals from his rulings unless he sees good reason for doing so'.

Organization of the British judiciary

The Anglo-Saxon judicial system is the oldest in the world. It has been influenced very much by other judicial systems of the world. Just as there is no written constitution in England, there is no rigid written code of law. The British judicial system has evolved and as such there is no single form of judicial organization throughout the country. In recent times, attempts have been made to reorganize the judicial system to a certain extent. The Judicature Acts, 1873-76 were the first attempt to organize the judicial system in modern times. These Acts set up a Supreme Court of Judicature consisting of the High Court of Justice and the Court of Appeal. The Act of 1925 and the Court Act, 1971, made few changes in its organization.

The courts in Great Britain are broadly divided into two categories—civil and criminal. This division is almost common in all judicial systems of the world.

1. Criminal Court

The criminal court consists of the following:

(i) Justices of Peace

The lowest criminal court is the Justices of the Peace. When a person is charged with a crime, he is brought before one or more Justice of the Peace (J. P.) or in large towns,

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before a Stipendiary Magistrate for trial. The Justices of Peace are honorary persons and are appointed by the Lord Chancellor. They do not have legal training. They are laymen appointed from all classes of people in society. The Stipendiary Magistrates are not honorary persons. They are appointed by the Secretary of States for Home Affairs and they receive regular salaries or stipends from their respective boroughs or urban districts. They are required to be barristers of seven years standing and they are appointed in the name of the Crown.

The Justices of the Peace and Magistrates have jurisdiction over minor crimes which are punishable by a fine of not more than twenty shillings or by imprisonment for not more than fourteen days. Serious cases are tried by a Bench of two or more Justices who work in a Bench. It is called a Court of Petty Session which can impose a fine of not more than 100 pounds or in some specified cases 500 pounds or a period of imprisonment upto six months and in some cases one year. If the punishment is more than three months imprisonment, the accused may demand a trial by jury.

(ii) Court of Quarter Session

The Court of Quarter Session is the next higher court in civil matters. Appeals from the lower court may be taken to this court. It consists of two or more justices from the whole country. In a large town it is presided over by a single magistrate. As this Court meets four times a year, it is known as the 'Quarter Session'. It exercises original jurisdiction over serious criminal cases and, in fact, is the court in which most of the serious cases are tried.

(iii) Court of Assizes

The Courts of Assizes are held in county towns and some big cities thrice in a year. These courts are branches of High Court Justice. Each such court is presided by a judge or often two judges of the High Court of Justice who go around on circuits. The entire country has been divided into eight circuits. The Court of Assize functioning in London is called 'Central Criminal Court' and in popular language it is known as 'Old Bailey'. The jurisdiction of the Assizes includes all the grave offences like armed robbery, kidnapping, murder, etc. The Assize Court is assisted by a Jury of twelve countrymen and the Jury gives its verdict. Whether the accused is guilty or not, if the jury finds the accused is not guilty, he is forthwith discharged. If he is, on the other hand, found guilty, the Judge decides the punishment.

The accused may appeal to the Court of Criminal Appeal against the judgment of Quarter Sessions or the Assizes. This Court was set up in 1907, and before that there was no provision of appeal in criminal cases. This court consists of Lord Chief Justice and not less than three judges of the Queen's Bench. The Court meets without a jury in London. If the Court finds that there has been a serious lapse of justice, it can modify the sentence or even quash the conviction altogether. The Judgment of the Court of the Criminal Appeal is final except in rare instances when an appeal can be made to the House of Lords upon a point of law and when the Attorney General gives a certificate that the case is set for appeal.

2. Civil Court

The civil court consists of the following:

(i) County court: The county court is the lowest court on the civil side. It decides cases in which amount involved is not more than 500 pounds. It is presided over by a judge

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who may take assistance of a jury, if necessary. Its procedure is very simple. At a place where a county court sits, there is an official known as the registrar who disposes off the great majority of cases by influencing withdrawals or effecting compromises, without ever referring them to the Judge at all. It may be noted that the county courts are not the part of county organizations and the area of their jurisdictions is a district which is small than a county and bears no relation to it. The Judges and Registrars of the country courts are paid their salaries out of the national treasury and hold office during good behaviour.

(ii) Supreme Court of Judicature: The next tier above the county courts is the Supreme Court of Judicature which is divided into two branches:

- (a) High court of justice
- (b) Court of appeal

(a) High court of justice: The high court of justice has three divisions:

- The Queen's Bench Division
- The Chancery Division
- The Probate, Divorce and Admiralty Division or the Family Division as renamed in 1971

In each of these divisions, judgment is made by a bench, consisting of one or more than one judge. The Queen's Bench is presided over by the *Lord Chief Justice* of England having twenty other judges. It hears majority of cases including the common law cases which are referred to the high court.

The Chancery Division is presided over by the Lord High Chancellor having five other judges. It hears the cases which formerly belonged to the Courts of Equity or it deals with such cases in which the remedy or law is inadequate.

The probate, divorce and admiralty division is presided over by a president with seven other judges. They hear particular type of cases involving above three subjects. This division is known as the family division since 1971.

Any of the judges mentioned above may sit in any division and all may apply common law or equity with restriction to their sphere of duty.

(b) The Court of Appeal: The court of appeal is an appellate authority against the judgments of the county courts and three divisions of the high court. Appeals are made only on substantial questions of law and not on mere facts. The court of appeal meets in two or three divisions or occasionally all Lord Justices sit together in very important cases. In the Court of Appeal no witness is given and there is no jury also. For appealed cases the Court sits in trial. The Lord Chancellor is its president. The House of Lords may hear appeal against the judgment of the Court of Appeals. Thus, in the civil side there are county court, high court, court of appeal and House of Lords which are the highest court of appeal.

(iii) The House of Lords as the Highest Appellate Court: The House of Lords is not only a legislative body but also a powerful judicial organ. It is the highest court of appeal both in civil and criminal cases in England. When the House of Lords exercises its judicial function, the whole House never sits as a court. It is a convention that the appeals are heard by the Lord Chancellor and nine Law Lords. The Lord Chancellor is the presiding officer. He is also a member of the Cabinet. The Law Lords are men of high judicial calibre who are made Life Peers by virtue of judicial eminence. These ten

Lords exercise highest appellate judicial power in the name of the House of Lords. They sit and give judgment at any time, regardless whether Parliament is in session or not.

The Judicial Committee of the Privy Council

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The discussion on the British judicial system would be incomplete without reference to the judicial committee of the Privy Council, which is the final court of appeal in cases which come from the courts of the colonies and from certain of the dominions, as well as from the ecclesiastical courts in England. The judicial committee of the Privy Council is not a court in the usual sense of the term but only an administrative body to advise the Crown on the use of its prerogative regarding appeals from the courts of the colonies and Commonwealth. It consists of the Lord Chancellor, former Lord Chancellors, nine Law Lords, the Lord President of the Privy Council, the Privy Councilors who hold or have held high judicial offices and other judicial persons connected with overseas higher courts. As it is a committee consisting of eminent persons, it is best competent to hear appeals on legal matters and advises the Crown on such matters. It consists of about twenty jurists but most of its work is done by the Law Lords of the House of Lords. The appeal goes straight to the judicial committee which advises the Crown to accept or reject it. There is no appeal against its decision. The committee has a special function. In time of war it acts as the highest court in naval prize cases.

The British Judicial System has earned a high reputation, both at home and abroad for its excellence, impartiality, independence and promptness. Legal profession in England is held in high esteem and attracts the best talents of the country. The concept of the Rule of Law pervades in their legal system and the people have not forgotten the dictum that 'where law ends, tyranny begins'.

6.2.1 Rule of Law: A Citadel of Liberty

One of the outstanding features of the British constitution is the concept of the rule of law. Human dignity demands that the individuals should have certain rights and freedom. In most democratic countries, rights and freedoms are guaranteed and protected by the constitution. In the US and India, the constitutions work like watch-dogs and protect the individual freedom and rights. In England, there is neither a written constitution nor a bill of rights to act as a safeguard of individual liberty. However, England claims to be the classic home of democracy and British people enjoy their rights and freedom without any fear or favour like all free citizens of democratic countries.

The citadel of liberty of the people in Great Britain is the rule of law. John Locke, a liberal British political philosopher of the 17th century wrote, 'where law ends, tyranny begins.'

British history is replete with tyranny and absolutism and, hence people and Parliament are always eager to preserve the liberty of the people through the rule of law. Though there are no written constitutions and bill of rights, the concept of the rule of law is carefully maintained and scrupulously adhered to by the people in Great Britain. Prima facie, the rule of law means that it is the law of England that rules and not the arbitrary will of the ruler. Lord Hewart defines the Rule of Law as 'the supremacy of predominance of law as distinguished from mere arbitrariness.' Towards the end of the 19th century, A. V. Dicey gave the famous exposition of the idea of the rule of law. He considered it to be the fundamental principle of British constitutional system and gave a lucid and vivid description of the concept of rule of law.

According to Dicey, rule of law involves the following three distinct propositions:

- (i) 'No man is punishable or can be lawfully made to suffer in body or goods, except for a distinct breach of the law established in the ordinary legal manner before the ordinary courts of the land.' It implies that nobody in England can be punished arbitrarily simply because the authority wants him to be punished. A person can be punished only on the distinct breach of law. It also implies that nobody will be deprived of his life, liberty and property except by the verdict of the courts of law. The courts of law are the custodians of life, liberty and property of the people. England Courts are open in England and judgments are delivered in open courts.
- (ii) 'Not only is no man above the law, but every man, whatever his rank or condition, is subject to the ordinary law of the realm and amenable to the jurisdiction of the ordinary tribunals.' Here according to Dicey, the Rule of Law means equality before the law or equal protection of law. Nobody is above the law. All citizens irrespective of any distinction are equal in the eyes of law and are subject to the same courts of law. Dicey observes, 'With us every official from the Prime Minister down to a constable is under the same responsibility as any other citizen.' This minimizes and checks the tyranny of the government. This perfect equality before law is in contrast to the system of administrative law that prevails in France and other countries of the continent. There are no separate administrative courts to try the administrative officials in England.
- (iii) 'The general principles of the constitution are the result of judicial decisions determining the rights of private persons in particular cases brought before the courts.' The third meaning of the Rule of Law as Dicey explains is that the legal rights of the British people are not guaranteed by any constitutional law, but assured by the Rule of Law. Dicey observes, 'The constitution is the result of the ordinary, law of the land.' He further writes, 'With us, the law of the constitution, the rules which in foreign countries naturally forms part of a constitutional code, are not the source, but the, consequence of the rights of individuals as defined and enforced by the Courts. The rights of the citizens in Great Britain are protected not by the constitution, but by the judicial decisions, free access to the courts of law is a guarantee against wrongdoers.'

Thus, judiciary has a great contribution in the protection of the liberties of the people. It is true that the parliament can at any time put those rights and liberties in statutes. To cite an example, the Habeas Corpus Act of 1679 guaranteed the citizens the right against unlawful arrest and detention. It is equally true that the parliament can, at any time, limit or repeal any right of the people, based on the statute or common law. In times of national emergency, such as war, the parliament limits and restricts the freedom of the people by passing an ordinary law like the Defence of the Realm Act of 1914 or the Emergency Powers Act of 1939.

In the ultimate analysis, rights and liberties of the people in Great Britain are protected not by law, but by the rule of law. The rule of law is based on long tradition and strongly supported by public opinion. It has been observed that although at first glance, civil liberties seem to enjoy no such sheltered position in Britain as in the United States and some other countries, they are both in law and practice, as secure as anywhere else in the world.

Hence, the rule of law is the product of centuries of struggle of the British people for the recognition of their rights and freedom. In Great Britain, the law is supreme and

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the constitution is the result of the ordinary law of the land and its general principles have evolved from the rights of persons as upheld by the courts in various cases. This is a great contrast with many a written constitution in which the rights of the citizens are declared. The rights declared and guaranteed by written constitutions in other democratic countries are well secured and protected in Great Britain.

Criticisms of Dicey's exposition

Dicey's exposition of the rule of law is subject to various criticism. He was subjective in his approach and viewed the constitution on the background of the liberal philosophy of the Whigs. His book, *The Law of the Constitution*, was published in 1885. No doubt it is a scholarly work, but it contains the remnants of the Laissez-Faire philosophy. Dicey himself was a liberal and was unaware of planned economy and welfare state. The emergence of welfare state has necessitated the grant of discretion and power to government officials. There is tremendous proliferation of the state activities. The Parliament neither has time nor competence to deal with the immense problems of the modern state. Hence, there is increasing use of delegated legislation, consequently leading to granting more discretionary powers to government officials. Lord Hewart has condemned it as new despotism but it seems inevitable in recent times. Dicey is not aware of emergence of the modern powerful state. Thus, the concept of the rule of law, as interpreted by him, cannot be strictly applicable in modern Great Britain.

Sir Ivor Jennings is also a strong critic of Dicey's concept of the rule of law. He criticized Dicey's concept of equality of law as too ambiguous as well as an ambitious phrase. Perfect equality is neither possible nor desirable. What Dicey suggests by equality, according to Jennings, is that an official is subject to the same rule as an ordinary citizen. But even this is not true in England. There are certain privileges and immunities granted to the public officials and these are not granted to the ordinary people. For instance, the police have a right to enter an individual's house with the intention to search the premises, if the particular individual is a suspect in a case. However, despite being a citizen, every person does not have the right to do so.

Thus, the powers of the private citizens are not the same as the powers of the public officials. Dicey was not aware of volumes of statutory laws, by-laws and orders which are found today. The members of various groups and associations are often punished by statutory bodies. To cite another example, the General Medical Council, which is the statutory body, can punish any member of the medical profession for unprofessional action and ultimately may remove his name from the medical register. Thus, persons are first subject to group and professional laws and finally subject to the laws of the land.

According to Jennings, the phrase, 'equality before law', implies that among equals the law should be equally administered. Their right to sue and to be sued, to prosecute and to be prosecuted for the same kind of action should be the same for all persons irrespective of any distinctions. Further, there can be no complete equality before the law, while the rich will engage a better lawyer than the poor. Of course, the Legal Aid Scheme of the British government has done something to help the poor.

Dicey's assumption that the constitution is the result of ordinary law of the land is erroneous. Once the theory of parliamentary sovereignty is admitted, there is no doubt that the parliament can reverse the decisions of the courts. Even the parliament can do it with retrospective effect and there seems to be no remedy against it to save public opinion. Dicey's exposition of the rule of law is only a mere eulogy of the British system,

with a view to condemning the French system of administrative law. What Dicey thought was that the rule of law should be accepted as a principle of policy. Jennings does not accept even this contention. In his analysis, Jennings does not deny the concept of rule of law but he denigrates it. He writes, the truth is that the rule of law is apt to be rather an unruly horse. If it is a synonym for law and order, it is a characteristic of all civilized states.

If it is merely a phrase for distinguishing democratic or constitutional government for dictatorship, it is wise to say so. Further, if the rule of law means that power must be derived from law, most of the modern states have it. Thus, there is no precise definition of the rule of law. Dicey viewed the concept of the rule of law in the 19th century liberal background. Dicey was a liberal lawyer. His interpretation of the rule of law is much subjective. The rule of law does not guarantee democracy; rather it is a feature of democracy. It is a *sine qua non* of free and democratic society.

Great Britain is considered to be a classic home of the rule of law. In spite of the above limitations, the rule of law is considered to be a democratic embellishment. It is true that its content has undergone some transformation in recent times, yet it acts like a bulwark of the British liberty. Freedom is truly a part of the British way of life and nobody likes to part with it. What the rule of law implies today is that freedom of the individual should be restrained only under the authority of law. Justice should be available to all irrespective of any distinction. The rule of law is not dead today. It still remains as a principle of the British constitutional system and inspires not only the people of England but also the people of the world. According to a modern critic, it involves the absence of arbitrary power, effective control and proper publicity for delegated legislation, particularly when it imposes penalties, that when discretionary power is granted, the manner in which it is to be exercised should as far as practicable be defined, that everyman should be responsible to the ordinary law whether he be a private citizen or a public officer, that private rights should be determined by impartial and independent tribunals; and that fundamental private rights are safeguarded by the ordinary law of the land. No doubt, the rule of law is a prized concept in the British Constitution, and the British people are very proud of it as it acts like the citadel of their liberty. Of course, in the ultimate analysis, public opinion acts as the protector of liberty.

The rule of law would be valueless, if people do not resist arbitrary and discretionary laws. As Judge Learned Hand in a classic observation said 'Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can even do much to help it'. While it lies there, it needs no constitution, no law, and no court to save it. What is said about liberty is that this classic statement holds equally true in all democratic countries of the world.

6.3 JUDICIARY IN THE UNITED STATES OF AMERICA

Judiciary is necessary to interpret laws and punish law breakers. The sound principle in politics is that laws and not whims and caprices of men, should govern. In federalism, judiciary is necessary because there is distribution of power between the Centre and the States and there is also a written constitution which needs protection from the judiciary. The theory of checks and balances also admits the fact that the presence of judiciary is necessary to check the arbitrary power of the legislature and the monarchic ambition of

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Check Your Progress

1. What is the basis of the British constitutional system?
2. What is the main provision of the Act of Settlement of 1701 in Great Britain?
3. State one salient feature of the British judicial system.
4. Which is the oldest judicial system in the world?
5. Who is the presiding officer of the House of Lords?

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the executive. Judiciary all over the world also possesses the power of interpretation of the constitution and ordinary law. Laws are not what the words meant and as Alexander Hamilton said that 'laws are a dead letter without courts to expound and define their true meaning and operation'. Thus, Article III of the American Constitution provides for the Supreme Court. It reads, 'The Judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time-to-time ordain and establish.'

There are two general types of courts in America, namely the constitutional courts and legislative courts.

Legislative Courts

These courts are outside the purview of Article 111 of the Constitution. They do not exercise the judicial powers of the United States but are special courts created to aid the administration of laws enacted by the Congress in accordance with the powers delegated to it or implied in such powers. For example, Article I, Section 8, grants to the Congress power to impose and collect taxes, duties, imports and in order to decide disputes about the valuation of subject to import duties, Congress created the United Customs Court composed of nine judges. Legislatives are, therefore, created to execute such powers as those of regulation of interstate commerce, spending funds, laying and collecting import duties and running territories. Judges in the Legislative Courts are selected by the President with the advice and consent of Senate but they can be removed by methods other than impeachment. Appeals may be made to the Federal Courts of appeal against the decisions of legislative courts.

Article 111 creates the Supreme Court and the other federal courts are created by the Congress. The districts are the lowest federal courts in America. There are as many as 94 District Courts in America. Each District court consists of at least one judge and the Districts where the workload is heavy; there may be more than one Judge subject to maximum 24 judges in a District Court as it is found at present. These courts have original jurisdiction in all cases involving federal laws. Appeal against the decision of a District Court can be made in the Circuit Court of Appeal, which is the next higher federal judiciary.

The Supreme Court

The Supreme Court stands at the apex of the federal judiciary. It occupies an important place in the American constitutional system. Munro writes, 'The development of the Supreme Court into a final arbiter of constitutional disputes is one of America's most important contributions to the science of government.' The Supreme Court of the US was established by the Congress in 1789, as per the provision of the constitution. The Judiciary Act of 1789, which created the federal judiciary and which has been amended various times, constitutes the basis of the federal judiciary. Since 1930, the Supreme Court has been situated in the magnificent and imposing marble structure in the east of the national capital. The constitution has not fixed the number of judges and at first it started with one Chief Justice and five judges. Its strength was reduced to five in 1801 increased to seven in 1807; increased to nine in 1837 ten in 1863; reduced to seven in 1866; and in 1869 was fixed at nine, where it has remained till today. Now the Supreme Court consists of one Chief Justice and the associate Judges. The judges are appointed by the president of America with the consent and advice of the Senate. According to the protocol, the president first nominates and then appoints according to the approval of the

Senate. The constitution does state what qualifications are demanded from the judges of the Supreme Court in terms of age, citizenship and competence or as to political views and background. Criticism that judges are often political appointees cannot be denied. The judges hold office during good behaviour and can be removed through impeachment only. A judge can retire, if he wishes, when he reaches the age of seventy at any time thereafter with full salary provided he has served on the Bench for ten years. A judge may retire at the age of sixty-five with fifteen years of service, and receives full pay.

Since the judges do not readily retire even when they reach the retirement age, there has been a criticism of appointments. It is felt that a court made up of life appointees is undemocratic. The Supreme Court holds one regular session at the beginning of every first Monday in October and ending in the following June. Special sessions may be summoned by the Chief Justice when the occasion is of unusual importance and urgency. Six Judges constitute the quorum. Chief Justice presides over all sessions and announces its orders, jurisdictions and powers of the Supreme Court.

Jurisdictions of the Supreme Court of America are both original and appellate. The original jurisdiction extends to two type of cases, namely, (i) Cases involving ambassadors, public ministers and consuls, and (ii) Cases involving one or more than one States. In all other cases, the Supreme Court has appellate jurisdiction. It has power to hear cases already decided in lower federal courts or in State courts. Normally, the Supreme Court has to deal with the federal cases. But the Fourteenth Amendment of the American Constitution which prohibits a State from depriving a person of life, liberty or property except 'due process of law', gives the Supreme Court a good deal of power over the state courts. It is the highest appellate authority of the state higher courts. The appellate jurisdiction of the Supreme Court of America is very wide and comprehensive. In practice, very few cases come to the Supreme Court in its original jurisdiction. Most of the cases which come to the Supreme Court are in the nature of appellate cases which have started somewhere else. It may be pointed out that the Supreme Court of America does not have advisory jurisdiction. It has always refused to advise either to the executive or to the legislator on legal or political matters. Further, it may be pointed out that the Supreme Court is the final authority to decide which cases are to come within its appellate jurisdiction. In the exercise of original judicial powers granted by the constitution, the Supreme Court has the authority to issue writs of habeas corpus, mandamus, injunctio and certiorari.

A mere description of the jurisdiction of the Supreme Court of America does not give a correct picture of the role it plays in the American constitutional system. According to Munro, 'Without the provision of the Supreme Court, the American constitutional system would have become a hydra headed monstrosity of forty-eight (now fifty) rival sovereign entities. It would have never gained that strengthened regularity of operation which it possesses today'. Today the Supreme Court has assumed more powers than contemplated by the founding fathers of the constitution. But, working out the doctrine of judicial review and the doctrine of 'implied powers', it has assumed tremendous powers and has become the most powerful judiciary in the world. Critics have observed that it is as difficult to think of American constitutional system without the Supreme Court as to think of solar system without the sun. This state indicates the pivotal role the Supreme Court plays in the Constitutional system. It has been described as the successful institution of the American constitutional system 'not surpassed by any other institution in its influence the life of the United States'. In the famous case of the *Marbury vs. Madison*, the Chief Justice Marshall upheld the theory of judicial supremacy and first

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developed the idea of judicial review. His theory of supremacy of the constitution law has still prevailed in the United States of America.

In playing the role of guardian of the constitution, the Supreme Court has greatly contributed to the development of the constitution. The credit goes to the Supreme Court in making the constitution of 1787 workable in the last part of the 20th century. The constitution that was framed in the days of ‘horses and buggies’ is still applicable and working well in the age of jet planes and spaceships. The necessary adoption has been secured not through mere constitutional amendment as the constitutional amendment procedure is too rigid, but through the logical interpretation given by the Supreme Court to the various provisions of the constitution. James M. Beck rightly observed, ‘The Supreme Court is not only a court of justice but, in a qualified sense a continuous constitutional convention. It continues the work of the convention of 1787 by adopting through interpretation the greater charter of the government.’ The Supreme Court has interpreted the constitution according to the needs of the time. In expanding federal government’s domain of authority and altering a balance of power between the Centre and States in favour of the former, the credit goes to the Supreme Court which used the constitution ‘as a point of departure for the construction of a supplementary body of constitutional law’. In increasing the powers of the central government the Supreme Court has taken the help of the doctrine of implied powers.

The Supreme Court is the protector of the rights of the citizens and has been empowered to issue writs like habeas corpus, mandamus, certiorari and injunction for the protection of the rights of the people. It has kept the various organs of the government within their defined powers and prevented encroachments on human rights. It has declared laws unconstitutional not only on the basis that they are beyond the jurisdiction of a particular organ but also on the ground that they are unreasonable or unjust. It has determined the constitutionality of laws on the basis of *due process of laws*. One of the Bill of Rights in the American constitution is that nobody should be deprived of his life, liberty and property except due process of law’. This right is responsible for the doctrine of judicial supremacy. Till 1930, the Supreme Court gave great protection to the right to property and declared governmental regulation of prices as taking away liberty and property without due process of law’. After 1930s the Court has expanded its interpretation of the due process clause for the protection of civil liberties and restricted the protection given to property.

The Supreme Court is the final court of appeal in America. It can hear appeal against the decisions of the state high courts and subordinate federal courts. Though all cases cannot be heard in the Supreme Court and its authority in this is limited, yet its opinion on a question of law is ‘unlike acts of the Congress, it is immune from over vetoes and unlike presidential vetoes, it is immune from overriding by the Congress’. In other words, the Supreme Court is the most powerful political institution of America.

Professor Laski described the Supreme Court as a third chamber in the United States. It is not only a judicial body but also a political body as it works ‘not in a judicial vacuum but in a whirling political climate’. In examining the validity of laws judges may question the policies framed by the Legislature. When the Supreme Court invalidates a law, it actually validates the policies and principles that are connected with the law. According to Potter, ‘To strike down a constitutional law is to drop a pebble in the legislative pool creating disturbance that cut ripples from the point of contact across a considerable surface of potential legislation’. Thus, the Supreme Court acts like a ‘super legislature’.

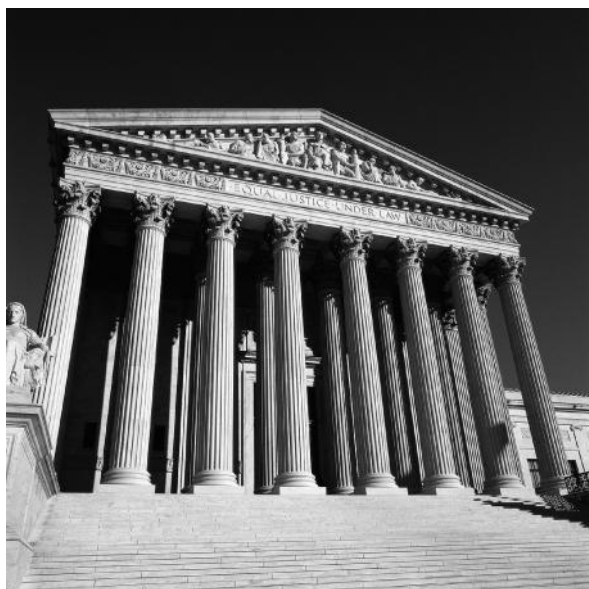


Fig. 6.1 The Supreme Court of US

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6.3.1 Judicial Review

The Supreme Court of America has the power of judicial review. By judicial review we mean the power of the Supreme Court to declare the laws passed by the legislature or decrees made by the executive as *ultra vires*, if they come in conflict with the latter and the spirit of the constitution. Whether there was a discussion on judicial review in the Philadelphia Convention, which framed the American Constitution, is a matter of controversy. Professor Beard made a careful study of the proceedings of the Conference and said that its majority of members had such an intention of having judicial review. Professor Crowing does not agree with Beard's thesis and concludes that 'the right of the judiciary to declare laws valid and thus to check the capacity of the Legislative Assemblies was in the opinion of many to be the chief corner stone of a governmental structure plan with particular reference to preserving property rights inviolate and assuming special sanction for individual members'. Federalism often breeds legalism and in written federal constitution there is distribution of powers between the centre and units; judicial review is implicit as the courts are the competent authority to say what is legal and what is not. Thus, Professor Crowing and some other constitutional experts do not agree with Professor Beard as regards the intention of the makers of the constitution for having judicial review. The constitution in its Article VI only upholds its supremacy. It reads, 'This Constitution and laws of the United States which shall be made in parlance thereof shall be the supreme law of the land and the judges in every State shall be bound thereby'. This article does not clearly state that the Supreme Court can invalidate laws passed by the Congress or the State Legislature. Thus, the power of judiciary to consider the validity law, as stated earlier, is technically known as judicial review. If a law is repugnant to either letter of the spirit of the Constitution, the judiciary will declare it as *ultra vires*.

As the American Constitution is the father of all written constitutions, it is also the classic home of judicial review. It is wrong to enquire that judicial review is inevitable of a written constitution. France, Italy and Germany existed for many years with written constitutions and judicial review. Even today, France, China, Russia and Australia have written constitutions but no judicial review. Article VI of the constitution says that 'the

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constitution is the supreme law of the land' and hence the guardianship of the constitution ought to be attributed to the judiciary. Since each man is fallible and apt to be erroneous, laws and not men should govern. It is required 'to settle disputes between different states and between citizens of different states'. It is, therefore, proper on the part of the Supreme Court to determine whether the federal legislature has not exceeded its legitimate authority in enacting a particular law and the government in issuing an executive decree.

These are the reasons for which judicial review is necessary in America and in fact, the judiciary has got the power to declare a law of the legislature ultra vires.

It is further argued that the American Constitution is the shortest written constitution and is very elastic. It contains phrases which are very broad, comprehensive and elastic. They can be twisted to different circumstances and can be given different meanings. Interpretation of these phrases should be left to the judiciary. The judiciary should see whether they are properly used. It is not desirable to make the constitution a toy in the hands of the politicians. The judiciary represents the highest intellectuals of a particular age and therefore, they are in better position to consider the matters calmly without passions and emotions. Here the intention of the judiciary is not only legal but also political. In determining the constitutionality of a statute, the judges of the Supreme Court pass judgments on the political wisdom of the measure before them. What they really do to determine is not whether the measure is legally valid but whether or not it is wise according to their own conception of wisdom. As a continuous constitutional convention, the Supreme Court has been able not only to interpret, defend and protect the constitution but also to adopt and adjust the changing social and economic condition of the rapid developing country.

Judicial interpretation in America is one of the important ways in which the constitution has been developed. The words of the constitution are so unrestrained and broad that the judges should give 'judgment not from reading the constitution but from reading life'. The constitution is flexible enough to meet all the new needs of the society. That is why, Beck, a strong supporter of judicial review, says that the Supreme Court is not only a Court of justice but in a qualified sense a continuous constitutional convention that continues the work of the Philadelphia Convention of 1787.

There has been considerable excitement in the United States over this issue of judicial review. People have claimed that the balance of the constitution has been disturbed and both the Congress and the President depend upon the goodwill of the Supreme Court for their successful functioning. The word, it is said, is dynamic and the legislature represents this dynamism. Philosophies of life are ever-changing and laws must correspond to them. The Supreme Court represents conservatism and not dynamism and the nine men sitting in the bench are not likely to be swayed always by modern philosophies. Again as the Supreme Court delivers judgment by simple majority, the result is that the marginal judge is the dictator in the United States. Let him change side, an invalid law becomes valid; and let him again change side, a valid law becomes invalid. This has been experienced in 1895 and 1938. It seems to be arbitrary and undemocratic. Nevertheless, the consequences of judicial review are often exaggerated and misunderstood. In America, judicial review operates in a sporadic rather than a continuous fashion. In America, it is said that the Supreme Court does not look at the constitution 'with the cold eye of the anatomist but as a living and breathing organism which contains within itself the seeds of future growth and development'. For the protection of the civil liberties of the Americans, the Court is playing a very crucial role. The number of cases before the Supreme Court concerning civil liberties has increased in recent times.

Unqualified judicial supremacy is bad. Hence, there is a talk of reforms of the American Supreme Court. The following are some of the suggestions made to mitigate the pernicious effects of judicial review. The constitution should not be always legally binding upon the Congress. It is a product of 1787 and not of 1990s. What is wilted is that the Supreme Court should accept it merely as a point of reference.

Judgment of the Supreme Court should not be pronounced by simple majority. In reviewing the constitutional cases, at least there should be a prescribed majority, say 2/3 majority or 3/4 majority or the concurrence of 7 out of 9 judges.

Further, the laws declared *ultra vires* by the Supreme Court should not be altogether killed. The Congress should have the power to repass the condemned laws in which case they should again be valid. In other words, the Supreme Court should have suspensive judicial review.

This will rest the centre of gravity back to the Congress. The Congress should repass and override a law set aside by the Supreme Court as it may override a Presidential veto. This would of course require a constitutional amendment. Lastly, judges should retire after a certain age limit. The age of superannuation should be fixed at 70 and an Act of 1938 has provided for judges above 70 to have the option to retire on full pension equal to their monthly salary. However, this is not binding and a judge can be a judge for life. The appointments of the judges of the Supreme Court are made on political grounds. A democratic president naturally appoints a democrat as a judge.

6.4 JUDICIARY IN CHINA

The judiciary of China has been massively reformed ever since the New China was founded in 1949 and more so after the reform and other opening up policies were introduced nearly three decades ago. Since then, the country has been making constructive attempts towards building its socialist judicial system but with distinct Chinese characteristics. The judiciary aims to safeguard social justice and make significant contributions to the rule of law of mankind. A major component of the political system is judiciary while its impartiality guarantees social justice. The country has been vigorously, steadily and pragmatically promoting reforms in its judiciary in recent years as well as its methods of working. As per the Constitution, the Chinese judiciary is aimed as 'optimizing the allocation of judicial functions and power, enhancing protection of human rights, improving judicial capacity, and practicing the principle of judicature for the people'. Having a strong and impartial judiciary with strict Chinese characteristics is believed to provide judicial guarantee for the country's economic development, social harmony and national stability.

The judicial system of China is at par with its basic national conditions at the primary stage of socialism, its state system of people's democratic dictatorship and its government system of the National People's Congress. However, as the country opens up to the world and continues to introduce a series of reforms related to the socialist market economy, the desire for comprehensive implementation of the fundamental principle of rule of law and clamour for justice among the public has increased. This means that the country's judicial system needs further reformation, improvement and development.

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Check Your Progress

6. Which courts are outside the purview of Article 111 of the American Constitution?
7. How are the judges of the Supreme Court appointed in the US?
8. Who plays the role of a guardian of the constitution in the US?
9. What do you understand by the term judicial review?

6.4.1 Committed Judiciary

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The establishment of the People's Republic of China in 1949 ushered in a new era for the judicial system of the country. The cornerstone for the legal practices in the country were laid by the Common Program of the Chinese People's Political Consultative Conference, which functioned as a provisional Constitution until 1949 and the Organic Law of the Central People's Government of the People's Republic of China, which was promulgated in September 1949. The Constitution promulgated in 1954, the Organic Law of the People's Courts of China, and the Organic Law of the People's Procuratorates of China are among other kind of rules and regulations which defined the organic system and the basic functions of the people's courts and procuratorates. They also help to establish the systems of collegiate panels, defense, public trial, people's jurors, legal supervision, civil mediation and basically lay the framework of country's judicial system.

It was in the 1990s that the idea to bring the socialist country under the rule of the law and govern it as per the principles of the law took firm shape. The judiciary in the country continues to reformulate itself in the process of promotion of social progress, democracy and the rule of law. By the end of 1950s and especially after the culmination of the tumultuous 'cultural revolution' (1966-1976), the judiciary in the country suffered serious setbacks. In 1978, when reforms were introduced, China summed up its historical experience and in principle vowed to promote socialist democracy and improve socialist legal construction. Thus, the judiciary was restored and rebuilt and a number of fundamental laws were reformulated and amended.

Basic Characteristics of China's Judicial System

The basic judicial organ in China is the people's court. The Constitution also provides for the Supreme People's Court, local courts at different levels as well as special courts such as military courts. Herein, civil, criminal and administrative cases are tried as per the law. Law enforcement activities are also carried out by courts which include execution of civil and administrative cases and state compensation. While it is at the top of the judicial order, the Supreme People's Court are also responsible to supervise the workings of all other courts and special people's courts. Basically, those courts who are above others supervise the working of the one subordinate to it. For litigious activities, the country relies on the systems of public trial, collegiate panels, challenge, people's jurors, defense, and judgment of the second instance as final, among others. Since China is a socialist country and is based on the principles of people's democratic dictatorship led by the working class and an alliance between workers and peasants, the people's congress system is the most organic form of its state power. A socialist state believes that its judicial powers come from the people, belongs to the people and serves the people. Thus, people's courts and procuratorates have been created at various levels, which is responsible to them and is supervised by them.

People's procuratorate exercise their powers independently and impartially in accordance with the law. Their activities are supervised by the National People's Congress, the Chinese People's Political Consultative Conference and the general public. The criminal cases are tried by the people's courts, the people's procuratorates and the organs of public security as per their respective functions. However, they are expected to collaborate with each other in order to ensure that laws are accurately and efficiently implemented. Investigation, detention, arrest and pre-trial in criminal cases is in charge of the organs of public security. The people's procuratorates, on the other hand, are responsible for procuratorial work, approval of proposals for arrest, investigating cases

that they accept directly and also to initiate public prosecution. The people's court only conducts trials.

As one of the three branches of the government, including the executive and the legislative, the judicial branch is about all activities of the people's court system. The Chinese court system is based on civil law modelled after the legal systems of Germany and France, but has its own distinct characteristics. Mainly, even though the judiciary is independent and free of any interference or influence of other administrative branches or organizations and individuals, yet the Constitution provides for and even emphasizes on the leadership of the Communist Party. Former SPC President Xiao Yang stated in 2007, 'The power of the courts to adjudicate independently does not mean at all independence from the Party. It is the opposite, the embodiment of a high degree of responsibility vis-à-vis Party undertakings.'

With this, one can explore both the broad and narrow meanings of judiciary in China. Broadly, the judiciary refers to law-enforcement activities that are conducted by the judicial organs and organizations in handling prosecuted or non-prosecuted cases. Narrowly, it applies to law-enforcement activities conducted by the country's judicial organs in handling prosecuted cases. The term is thus used here in broader sense as judicial organs here refer to those public security organs that are responsible to investigate, prosecute, try and execute cases; it also includes the prosecutors, the trial institutions and the custodial system. The judicial organizations mean lawyers, public notaries and arbitration organizations. While they are not a part of the judicial apparatus, they remain an integral link to the overall judiciary system. In general, thus, the judiciary system points to the nature, mission, organizational setup, principles and procedures of judicial organs and other judicial organizations. It is comprised of sub-systems that are used for investigation, prosecution, trial procedures, jails, judicial administration, arbitration, lawyers, public notaries and state compensation.

The administrative system has one in the form of the security organ. However, the other two are created by the people's congress and legally, they have equal say as the administrative branch. The people's congresses select and appoints the presidents of courts and the procurator-generals of procuratorates on the same level. On the other hand, the judges and procurators are appointed by the standing committees of the respective people's congresses. Their respective courts and procuratorates appoint assistant judges and assistant procurators.

In more than one ways and strict terms, the judicial system of China only refers to the people's court system. The people's court, people's procuratorate and public security organ are required to perform their duties separately as per the Criminal Procedure Law of PRC. Literally taken, this means that people's procuratorate and public security organ are in charge of judicial power even though their judicial powers have a very narrow scope. The judicial system of China thus broadly comprises three parts: people's court system, the people's procuratorate system, the public security system. Therefore, the judiciary in China cannot be said to refer to only courts but it also includes the procuratorates and public security organs.

6.4.2 People's Courts

On behalf of the states, the people's courts are part of those judicial organs that exercise judicial powers. The state of China has a system of courts known as 'four levels and two instances of trials' as defined in the Constitution and the Organic Law of the People's Courts of 1979 which was amended in 1983. The judicial authority in the country is

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exercised by courts at many levels. These can be broadly categorized into: the Supreme People's Court; local people's courts at various levels; military courts and other special people's courts. The local people's courts can be further divided into higher people's courts, basic people's courts and intermediate people's courts.

As per an article of the Organic Law, the 'people's courts at all levels can set up judicial committees' to bring all sort of judicial experience under one roof as well as create a platform to discuss important and difficult cases and even other legal matters. The presidents of different courts appoint members of judicial panels of local people's courts at various levels. They can be removed from their posts by members of the standing committee of the people's congress at the corresponding levels. The chiefs of the people's courts chair important judicial panel meetings at all levels. These can be attended by chief procurators of the people's procuratorates at the corresponding levels but without any voting rights.

To adjudicate matters, the people's courts have a system wherein a case is decided only after two trials. The two trials refer to: first, each judgment or order, in the first instance, should be sent from the local people's court and any person who is part of the case can appeal only once in the people's court at the higher level. Protest can be presented by the people's procuratorate in the people's court at the next higher level. At the second level, the judgment or orders of the first instance of the local people's courts at various levels become legally effective only if no party makes an appeal within the prescribed period. At the third level, these judgments or orders are considered as final decision of the case. However, the orders and judgments given by the Supreme People's Courts even in the first instance become legally effective immediately.

Each court has several divisions where specific cases are heard: these can be broadly categorized into civil, economic, criminal, administrative and enforcement divisions. Each such court has one president and many vice-presidents whereas each division has one chief and many associate chiefs. All courts also have judicial panels comprising presidents, division chiefs and experienced judges. The standing committee of courts at the corresponding level appoints the members of these panels. The judicial panel, which is responsible for discussing significant or difficult cases, give directions concerning other judicial matters and also reviewing and summing up judicial experiences, is the most authoritative body in a court. Judges and collegial panels are required to follow its directions. Where the opinions of the two differ, the view of the majority is adopted.

The basic units in each court consists of collegial panels. While not permanent bodies, these are created to adjudicate individual cases. Such panel comprises three to seven judges; the number must always be odd. The president of the court or the division chief appoints the president judge of the panel. An individual judge can try simple cases pertaining to civil, economic and minor criminal matters. However, the collegial panel of three to five judges hears cases of second trial. In case a president or a division chief participates in a trial, he/she shall be the presiding judge of the panel.

The judge is the most important person during the conduct of a trial and a trial itself is the significant part of adjudication. The process is highly influenced by the civil law jurisdiction. Efforts are being made to change the process and recently, the reform of adjudication format was introduced to bring adversarial pattern into the Chinese adjudication process. The Criminal Procedure Law which has been revised is also expected to further the reform. The people's assessors can be selected by the standing committee of the local people's congresses; they can then submit their preference to the courts at the corresponding level. On this basis, courts can choose people's assessors to join the

trial of a case at the first instance. The collegial panels for the first trial can comprise of judges as well as people's assessors or exclusively of judges. In common law jurisdiction, the people's assessors system is unlike the jury system in the sense that people's assessors are not chosen on the basis of citizenship; they have the powers of judges and authority to decide both the issues of facts and law.

The president can seek the judicial panel to accept or reject an appeal after reviewing the complaint. A re-trial started by trial supervision procedure cannot lead to suspension of the enforcement of effective judgment that is challenged under any circumstances. Each case can have two trials as per law. This means that all litigants in a case as well as their legal representatives who challenge a judgment in the first instance in any local court can appeal in the next, higher court only once. The next higher court is required to try the case once an appeal has been filed. Its judgment, however, is final and cannot be re-appealed. The parties to litigation can, however, challenge the final judgment or the judgment that is effective through the trial supervision procedure. An appeal to the appellate or the higher court can be made.

However, such a practice can cause internal interference within the adjudication of collegial panels which are independent. In practice, they have no direct legal grounds except for the judicial panels. Final decisions in cases that are important or complex can be made by a judicial panel of a court rather than the designated collegial panel. Such a mechanism is believed to safeguard the correct and impartial exercise of judicial powers. However, it can also be misused by panel members to interfere with the functioning of the collegial panel and make favours to one party in a case.

The people's courts have been empowered by the Constitution and the Organic Law of Courts to exercise their powers independently and they are thus free of any intrusion by any organization or individual. The word 'court' is significant in the term; as per the authoritative explanation, it means that judicial power does not rest in individual judges. It is the collegial panels that are the trial units and not the individual judges and thus, the judgments of the collegial panels are considered to be at par with the courts. Thus, it is not in the judges but in courts that the independence power of adjudication is vested. Taking cue from this argument, the presidents and division chiefs of the panels have the right to review and suggest changes in draft judgments prepared by collegial panels.

6.4.3 The Supreme People's Court

The highest judicial organ of the state of China is the Supreme People's Court. The NPC and its standing committee elect the president of the Supreme People's Court. The term of the president is five years and as per law, he/she cannot serve for more than two consecutive terms. The NPC standing panel is also empowered to appoint or dismiss vice-presidents, head and associate heads of divisions and judges.

The Supreme People's Court has many divisions vis-à-vis criminal division, a civil division, and an economic division. It can also have other divisions that it may deem necessary. In general, the Supreme Court has jurisdiction over these following cases:

1. Such cases of first instance that are assigned to it by law or other that the court feels should be tried by it
2. Cases or orders of the higher people's courts and special people's courts that are appealed and protested against their judgments
3. Protested cases filed by the Supreme People's Procuratorate

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Besides trying cases, the Supreme People's Court also watches over the working of other local people's courts at all levels and that of the special courts. As per the Constitution, the 'Supreme People's court gives interpretation on questions concerning specific application of laws and decrees in judicial proceedings'. In practice, however, interpretation of laws and decrees by the SPC has only grown in the last few years. This practice is now being referred to as 'judicial legislation' and was not defined earlier in the Constitutional Law. This legislation also needs guidance so that gaps can be duly filled and conflicts resolved. Guidance is also required to remove vagueness among different laws so that they can be duly enforced by the judicial branch.

Presidents and vice-presidents of the court

1949–1954

President: Shen Junru

1954–1959: 1st National People's Congress

President: Dong Biwu

Vice-presidents: Gao Kelin, Ma Xiwu, Zhang Zhirang

1959–1965: 2nd National People's Congress

President: Xie Juezai

Vice-presidents: Wu Defeng, Wang Weigang, Zhang Zhirang

1965–1975: 3rd National People's Congress

President: Yang Xiufeng

Vice-presidents: Tan Guansan, Wang Weigang, Zeng Hanzhou, He Lanjie, Xing Yimin, Wang Demao, Zhang Zhirang

1975–1978: 4th National People's Congress

President: Jiang Hua

Vice-presidents: Wang Weigang, Zeng Hanzhou, He Lanjie, Zheng Shaowen

1978–1983: 5th National People's Congress

President: Jiang Hua

Vice-presidents: Zeng Hanzhou, He Lanjie, Zheng Shaowen, Song Guang, Wang Huaian, Wang Zhanping

1983–1988: 6th National People's Congress

President: Zheng Tianxiang

Vice-presidents: Ren Jianxin, Song Guang, Wang Huaian, Wang Zhanping, Lin Huai, Zhu Mingshan, Ma Yuan

1988–1993: 7th National People's Congress

President: Ren Jianxin

Vice-presidents: Hua Liankui, Lin Huai, Zhu Mingshan, Ma Yuan, Duan Muzheng

1993–1998: 8th National People's Congress

President: Ren Jianxin

Vice-presidents: Zhu Mingshan, Xie Anshan, Gao Changli, Tang Dehua, Liu Jiachen, Luo Haocai, Li Guoguang, Lin Huai, Hua Liankui, Duan Muzheng, Wang Jingrong, Ma Yuan

1998–2003: 9th National People's Congress

President: Xiao Yang

Vice-presidents: Zhu Mingshan, Li Guoguang, Jiang Xingchang, Shen Deyong, Wan Exiang, Cao Jianming, Zhang Jun, Huang Songyou, Jiang Bixin

2003–2007: 10th National People's Congress

President: Xiao Yang

Vice-presidents: Cao Jianming, Jiang Xingchang, Shen Deyong, Wan Exiang, Huang Songyou, Su Zelin, Xi Xiaoming, Zhang Jun, Xiong Xuanguo

2008–2013: 11th National People's Congress

President: Wang Shengjun

2013–present: 12th National People's Congress

President: Zhou Qiang

6.4.4 The Higher People's Courts

This court deals with cases that occur for the first time and are assigned to it by laws and decrees, or are transferred to it from court at the level immediately lower to it; or cases of appeals and protests that come from the lower level court or protest cases lodged by people's procuratorates. These courts are directly under the central government and exist in provinces, autonomous regions and municipalities. As per the organic law, their internal structure is nearly similar to that of the Supreme People's Court.

6.4.5 The Intermediate People's Courts

These are courts which are set up in capitals or prefectures in the provincial level. Such courts have jurisdiction in cases that mostly happen for the first time and are assigned to these courts by laws and decrees, or are transferred to it by basic people's courts or those cases that are appealed and protested from the lower courts.

6.4.6 The Basic People's Courts

The basic people's court has been empowered through the Organic Law to decide upon all criminal and civil cases for the first time. Exception is made in cases where the law provides otherwise. The basic people's courts are also empowered to settle civil disputes, hear those minor criminal cases which do not require formal handling and also look over the day-to-day work of the people's mediation committees.

Since they are at the bottom of the hierarchy of the judiciary, the basic courts are mostly located in the counties, municipal districts and autonomous counties. It can also set up as many people's tribunals as per the requirement of a locality, its people or the cases it deals with. Mostly, the tribunals are set up in big towns where there is a concentrated population. Even the tribunals are part of the basic people's court and thus all its judgments are considered to be to at par of basic people's court with the same legal effects.

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NOTES**6.4.7 The Special Courts**

Military, railway and maritime courts are some of the special courts in the country. Set up within the PLA, the military court is in charge of deciding upon all criminal cases that involve servicemen. Thus, it is a kind of a closed system. Maritime courts were also setup by the Supreme Court in the port cities of Guangzhou, Shanghai, Qingdao, Tianjin and Dalian. Like military courts, these courts have the power to decide upon maritime cases and maritime trade cases, including those between Chinese and foreign nationals, between such organizations and enterprises. However, they have no jurisdiction over cases, whether criminal or civil, that are the prerogative of ordinary courts. But the higher courts located within the territory of a maritime court have the jurisdiction over appeals against the judgment and orders of the maritime court. Similarly, railway and transport courts deal with all cases and disputes related to railways and transportation.

6.5 SUMMARY

- Judiciary occupies a place of pride in a democratic country. If a democratic government is to be effective, it is essential that laws passed by the legislator should be applied and upheld without fear or favour.
- In England there is no judicial review and as such the judiciary cannot declare any act of Parliament as *ultra vires*.
- The Courts in Great Britain are broadly divided into two categories-civil and criminal. This division is almost common in all judicial systems of the world.
- The judicial committee of the privy council is not a court in the usual sense of the term but only an administrative body to advise the Crown on the use of its prerogative regarding appeals from the courts of the colonies and the Commonwealth.
- One of the outstanding features of the British constitution is the concept of the Rule of Law.
- Habeas Corpus Act of 1679 guaranteed the citizens the right against unlawful arrest and detention.
- Judiciary is necessary to interpret laws and punish law breakers. The sound principle in politics is that laws and not whims and caprices of men, should govern.
- There are two general types of courts in America, namely the constitutional courts and legislative courts.
- The Supreme Court of America has the power of judicial review. By judicial review we mean the power of the Supreme Court to declare the laws passed by the legislature or decrees made by the executive as *ultra vires*, if they conflict with the latter and spirit of the constitution.
- It is further argued that the American Constitution is the shortest written constitution and is very elastic.
- China's judicial system is generally consistent with its basic national conditions at the primary stage of socialism, its state system of people's democratic dictatorship, and its government system of the National People's Congress.
- The founding of the People's Republic of China in 1949 ushered in a new era for the building of China's judicial system.

Check Your Progress

10. Name the basic judicial organ in China.
11. What is the composition of China's judicial system?
12. What are Collegial panels?
13. Name the highest judicial organ of China.
14. What are Intermediate People's Courts?

- In the 1990s, China established the fundamental principle of governing the country in accordance with the law, and quickened the step to build China into a socialist country under the rule of law.
- The people's court is the basic judicial organ in China. The state has set up the Supreme People's Court, local people's courts at different levels and special people's courts such as military courts.
- The judicial branch is one of three branches of government in the People's Republic of China, along with the executive and legislative branches.
- The people's courts are judicial organs exercising judicial power on behalf of the states. According to the Constitution and the Organic Law of the People's Courts of 1979 as amended in 1983, China practices a system of courts characterized by 'four levels and two instance of trials'.
- The Constitution and the Organic Law of Courts allow the people's courts to exercise state judicial power independently, free from interference from any organization or individuals.
- The Supreme People's Court is the highest judicial organ of the State. The president of the Supreme People's Court is elected by the NPC and its standing committee. His term of office is five years and he may serve for no more than two consecutive terms.
- The special courts include military courts, railway courts and maritime courts. The military court that is established within the PLA is in charge of hearing criminal cases involving servicemen.

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6.6 KEY TERMS

- **Judiciary:** It refers to judges of a country or a state, when they are considered as a group.
- **Rule of law:** It is the basis of the British constitutional system. There are three kinds of law in England namely, common law, statute law and equity.
- **Privy councillor:** It is (in Britain) a group of people who advise the king or queen on political affairs.
- **Judicial review:** By judicial review we mean the power of the Supreme Court of America to declare the laws passed by the legislature or decrees made by the executive as ultra vires, if they conflict with the latter and spirit of the constitution.
- **People's Courts:** They are judicial organs exercising judicial power on behalf of the states.
- **Supreme People's Court:** It is the highest judicial organ of the State.

6.7 ANSWERS TO 'CHECK YOUR PROGRESS'

1. The rule of law is the basis of the British constitutional system.
2. The Act of Settlement of 1701 provides that the judges in Great Britain hold office on account of good behaviour and not due to the pleasure of the executive.
3. The prevalence of jury system is a salient feature of the British judicial system.

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4. The Anglo-Saxon Judicial System is the oldest in the world.
5. The Lord Chancellor is the presiding officer of the House of Lords.
6. Legislative courts are outside the purview of Article 111 of the American Constitution.
7. The judges are appointed by the President of America with the consent and advice of the Senate.
8. The Supreme Court plays the role of guardian of the constitution in the US.
9. By judicial review we mean the power of the Supreme Court to declare the laws passed by the legislature or decrees made by the executive as *ultra vires*, if they conflict with the latter and spirit of the constitution.
10. The people's court is the basic judicial organ in China.
11. China's judicial system institutionally comprises three parts: people's court system, the people's procuratorate system, the public security system.
12. Collegial panels are the basic units in each court. They are not permanent bodies but organized to adjudicate individual cases. A collegial panel is composed of three to seven judges, the number of which must be odd.
13. The Supreme People's Court is the highest judicial organ of the State.
14. The Intermediate People's Courts are the courts established in capitals or prefectures in the provincial level.

6.8 QUESTIONS AND EXERCISES

Short-Answer Questions

1. Write a short note on the judicial committee of the Privy Council.
2. What is the role played by judiciary in the US?
3. What is the role played by legislative courts in the US?
4. Write short notes on: (a) the Higher People's Courts (b) the Intermediate People's Courts (c) the Basic People's Courts.
5. Which courts are special courts in China?

Long-Answer Questions

1. Describe the Rule of Law that exists in Britain.
2. Explain the salient features of the British judicial system.
3. Describe the organization of the British Judiciary.
4. Analyse the role played by the Supreme Court of America.
5. Describe the power of judicial review as exercised by the Supreme Court of America.
6. Explain the reform process initiated in the judicial system of China.
7. Describe the basic characteristics of China's judicial system.
8. Analyse the role played by the Supreme People's Court in China.

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UNIT 7 PARTY SYSTEM

Structure

- 7.0 Introduction
- 7.1 Unit Objectives
- 7.2 Concept of Party System
 - 7.2.1 Classification of Party Systems
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- 7.6 Summary
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- 7.8 Answers to 'Check Your Progress'
- 7.9 Questions and Exercises
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7.0 INTRODUCTION

In the last unit, you were introduced to the significant role played by the judiciary across countries like the UK, the US, and China. This unit will explain the concept of 'party system' and the party systems in the UK, the US, and China.

The concept of party system emerges from comparative political science. It can be defined as a kind of patterned relationships and interactions between different political parties which vie for power in a given political system of a country. Generally speaking, all systems of a country have some common factors in their functioning like the methods to control the government, the existing system of mass popular support as well as creation of mechanisms that control public funding, information and nominations.

This concept traces its roots to the works of European scholars like James Bryce and Moisey Ostrogorsky. Both examined political system in the United States and later used it to study other democracies. Giovanni Sartori's classification method for party systems is, however, most commonly used to study them. Sartori argued that party systems could be divided as per the number of political parties existing in a state and the degree of fragmentation in a state. Therefore, he added, that party systems should be studied as per the number of parties in the state.

7.1 UNIT OBJECTIVES

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

- Assess the different kinds of parties that exist today
- Explain the origin of the party system

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- Discuss the history of the party system in the US and its present status
- Explain the party system in China with a special reference to the Communist Party of China
- Analyse the party system in the UK and the changing nature of party politics

7.2 CONCEPT OF PARTY SYSTEM

Finer has observed that a democracy rests, in its hopes and doubts, upon the party system. As a democracy propounds and supports opposing ideas and opinions and enables their free organization, political parties act as a major political vehicle of differing opinions and ideas; it is the *sine qua non of democracy*. The electorate would be highly diffused and atomized without the existence of political parties and opinions too would be diverse. Party system is what brings to focus public opinion and this encourages development of policies around popular verdict. For students of comparative politics, it is useful to understand the origin, meaning, merits and demerits of the party system.

7.2.1 Classification of Party Systems

Stability emerges at times in a country on the basis of the evolution of its political parties, especially when studied in respect to their numbers, their internal organization, ideology, alliances and also the relationship with opposition parties. This is what is described as a party system. Comparative study of these different systems helps us to delve into political systems of other countries. Many scholars have offered classification of party systems; they differ and are similar on various counts.

Almond's classification of party system is thus patterned:

- Authoritarian parties: Also known as totalitarian parties or dictatorships
- Dominant non-authoritarian (democratic) parties
- Competitive two parties
- Competitive multi-parties

James Jupp accepted Almond's classification but also reformulated it to give his own version:

- Indistinct (not very clear) bi-partisan system
- Distinct bi-partisan system
- Multi-party system
- Dominant (one party) party system
- Broad one party system
- Narrow one party system
- Totalitarian system

For Hitchner and Levine, modern party system can be classified as follows:

- Competitive two party systems
- Competitive multi-party systems
- Dominant non-authoritarian systems
- Authoritarian party systems
- States without party system

Duverger, on the other hand, broadly divided all the party systems into two:

- (i) Pluralistic party systems
- (ii) One party systems and dominant party systems

In the first category, Duverger included:

- Multi-party systems
- Two party systems

In the second category, Duverger included:

- One party system
- Dominant party systems

For the sake of this unit, we shall divide the study of the party systems as follows: two-party systems; multi-party systems, and one-party system. Political parties serve as representatives of numerous opinions within a democracy, thus their variety is the characteristic of a democratic system. However, in practice, the number of parties existing in a state differs and exists as per its legal system and the circumstances within the state. For instance, in Great Britain and the United States, a two-party system prevails. However, in most countries, like India and France for instance, multi-party system is popular. In authoritarian and Communist countries like China, on the other hand, one-party system operates. It is thus helpful to explore the merits and demerits of the different types of party systems.

1. One-party system

One-party or a single party system is based on the assumption that its leader and political elite are the sole representatives of the sovereign will of the state. It is based on the principles of authoritarianism too, which found expression in monarchies first, then in dictatorships and in the present times, even in some democracies. No political parties exist in this system as dictatorship requires a monopoly of power vested in one authority for its survival. Even under such a regime, polls are held but they serve as a façade of popular support; voters vote but their choice is limited to only one candidate. Not all one-party systems are common; their practice differs from country to country even though some features of dictatorial parties in these countries make them unique. These are:

- Such a party has the monopoly in the country and thus it is its official party. Persons who rule the country also lead it.
- To acquire at least important government jobs, membership of such a party is usually made an essential requirement.
- Such a party supervises the governmental efforts to ideologically indoctrinate people.
- Its elite personality is its essential characteristic.

It is understandable that the essential principle of one-party system is to ensure discipline and obedience among people than to seek their opinions about governance or on politics. The organization of such a system is more like an army than a political party. Thus, it has the characteristics to become necessarily totalitarian. It extends authority in every matter of the country since it is the only operator of a political system. Its policy is dictated by a few and its words are final. It makes all laws, and no aspect of an individual and social life is immune from its potential control. Therefore, a single party system involves the abolition of freedom of speech and expression, and press and association.

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Consequently, under such a system, the distinction between society and the state is blurred and the latter is completely overshadowed by the former. This type of party system was found in Fascist Italy under Mussolini who assumed power in 1922. Mussolini systematically destroyed all parties except his own. Hitler is another example. In Germany, in 1933, he finished all opposition. Arguing that they were resisting arrest, his party shot down some of the prominent members of other parties who dared to dissent in 1934. In former USSR, only the Communist Party ruled and this state too was witness to several purges between 1936 and 1938.

Afro-Asian states in the post-colonial era have also come under single party rule. These countries include Ghana, Kenya, Tanzania, Turkey and Mexico. The People's Republican Party operated in Turkey between 1923 and 1946, but it did not kill democracy. Under Julius Nyerere, who also founded the African National Union, Tanzania remained a single party democracy. Here, while TANU (Tanganyika African National Union) was the only recognized party, voters were given a choice of candidates from within the party. In each constituency, more than one TANU candidate was allowed to contest. In Kenya, the only opposition party, the Kenya African People's Union was banned by the government in 1969, but its members were allowed to compete in elections.

One-party system can thus be divided into two sub-types:

- (i) Authoritarian one-party system
- (ii) Non-authoritarian one-party system

However, the larger emphasis of a one-party system is mainly on the side of authoritarianism. The ruling party propagates its own philosophy and a peculiar way of life to which the whole society is forced to conform. The monopolization of a single party, which believes itself to be the true custodian of people, is seen as a grave danger for civilization in modern times.

2. Two-party system

In this kind of system, despite existence of other parties, two parties have the support of the electorates. Under this system, the majority of the elected candidates at a given time belong to one of the two parties; this party eventually forms the government while the other remains in opposition. Other parties exist but the transfer of power happens between the two main parties only. The United States and the United Kingdom provide good examples of two-party system. The UK political spectrum is dominated by the Labour Party and the Conservative Party, for instance. Things work differently in the US. Ideologically, the American parties are not very different but they cease to differ till the point where their political choices can differ. The British parties are also pragmatic but at the same time, ideologically distinct from each other. Thus, the two-party system can be divided into:

- (i) Indistinct two-party system in the US
- (ii) Distinct two-party system in Britain

3. Multi-party system

In a system where more than two parties exist, it is called a multi-party system. A number of parties struggle with each other under this system for power. However, it is difficult for only one party to secure absolute majority to rule. The system exists in countries like India and several countries of Europe, though its forms differ. From the viewpoint of stability of the government, one can discern two kinds of multi-party systems:

- (i) Unstable multi-party system
- (ii) Working multi-party system

As the name indicates, unstable multi-party system does not ensure stability. One of the best examples of this is India, where due to the presence of a number of large and small parties has caused political instability at the Centre. France, under the Third and Fourth Republics, is another example of this kind of party system. Here, governments formed by coalition of parties rose and fell with dismaying regularity. Italy is yet another example, where hardly any party has been able to win a majority since the Second World War.

The working multi-party systems, on the other hand, are like two-party systems. Thus, they are often able to ensure stability to government even though they comprise more than two major political parties. Before the rise of the Social Democratic Party ruling party, former West Germany had the characteristics of a two-party system as two of the three major parties worked together to form government while Social Democrats remained in the opposition. In Norway, Sweden, Belgium and Israel too, the existence of numerous parties at one go has not caused instability. Democracy has functioned as successfully in multi-party systems as in two-party systems.

Every system has, however, certain advantages and disadvantages. Supporters of multi-party system argue that:

- In a plural society, like India, such a system more effectively corresponds to the division of public opinion.
- It represents and satisfies the aspirations of diverse interest groups.
- Under this system, a voter can choose among more parties and candidates than available under the two-party system.
- It reduces the fear of authoritarianism and it is more flexible because groups can be freely organized under this system; they can unite and separate in accordance with the circumstances.

It is argued that a multi-party system has principally many factors in its favour that do not really work in practice. In India for instance, no single party has been able to command absolute majority in recent times and coalition governments have always been unstable and at risk of a fall. It creates other problems too. The Council of Ministers rarely work under the leadership of the prime minister and instead seek guidance from their party bosses. Withdraw of support of even a single member of the Parliament is a threat to the government. Such a government can barely focus on matters of governance or large-scale welfare as it remains in keeping its partners and allies in good humour. This happens even at the cost of national interest. The party who is in majority in the coalition is also forced to abandon its electoral pledges at time to remain in power. Consequently, the Cabinet often represents under such a system, not a cohesive body of different opinions but a patchwork of doctrines. This creates a gap between the electorate and the government. Despite all attempts to stick together, such a government often falls sooner than later as it is kept hostage by allied elements.

If their demands are not met, even small parties are quick to withdraw support. We have examples from India in the form of withdrawal of support by the Congress party in 1997 and All India Anna Dravida Munnetra Kazhagam (AIADMK) in 1999. This forces unnecessary elections and causes great loss to the electorate. It is not false to say that multi-party systems and government instability go hand in hand. Since there

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are numerous parties vying with one another, it cannot be said which party will support in the wake of the fall of the predecessor. Thus, the complexity of choice is intensified in a multi-party system. But their existence can bewilder the general masses. Laski, therefore, concluded that a multi-party system 'is fatal to government as a practical art'.

On the other hand, supporters of two-party system argue that:

- People were able to choose their government directly as they were not confused between an array of candidates and instead choose simply between the available two.
- Since one party in power does not have to depend upon any other party for support, it keeps the bond between them strong. This facilitates effectiveness of the government.
- Since each party is vying for the support of maximum number of people, they keep each other in check and prevent either from being too extreme.
- As democracy is to be guided by public opinion, the two-party system provides an ideal condition to debate issues between two opposite camps. Laski, therefore, observed that 'a political system is more satisfactory, the more it is able to express itself through the antithesis of two great parties'.

The two-party system has to, however, pay a price for the stability it promises. Naturally, this system indicates that only two schools of thought prevail in a country. In practice, however, there are always a variety of opinions and ideas that emerge and diffuse within a political system, political thoughts and discussions. The two-party system ceases to realize this. A sense of artificiality inevitably gets seeped into this system of political organization, in turn leading to the establishment of vested interests in public opinion. It is illustrated best by the American system. Moreover, this system leads to a decline of legislature and promotes cabinet dictatorship. The legislature gets underestimated when a party in power is backed by a solid majority inside the legislature.

In view of the above mentioned advantages and disadvantages of the multi-party and two-party systems, it is not prudent to lay down a general rule concerning the desirability of a particular type of party system in all countries. The merits and demerits of all party systems need to be studied in their context and also the social, economic and historical forces at work in a given country. There is no fixed pattern to any political system. Political culture also holds significance in this regard.

7.2.2 Origin of the Party System

Several theories have been put forward by political scientists to explain the origin of the party system. These explanations can be broadly clubbed under three categories as discussed below:

1. **Human Nature Theory:** Three explanations have been put forward to understand the Human Nature Theory. Scholars like Sir Henry Main have argued that parties rise when humans move towards combativeness. In other words, parties are formed by human beings to give organized expression to their combative instinct. The second category of explanation under this theory identifies the human temperament as the cause of the emergence of political parties. That is, it is argued that the diverse temperaments of individuals lead them to form different parties. For instance, while people who appreciate the established order join the Right of the political divide, others opposing the existing order join the Left of the

political spectrum. In other words, those who do not support change in the existing system form one party, and those who want reforms and changes get together in another party. The third explanation runs in terms of the charismatic traits of political leaders. Since the dormant masses need leadership to articulate their latent feelings, formation of a political party depends upon the availability of dynamic political leadership who can inspire masses to work towards achieving the goals of a particular party.

2. **Environmental explanation:** Besides the above mentioned explanations, considerable data is available that helps explain the role of socio-economic environment in the evolution of party system. For instance, research shows that the modern Democratic Party system was the result of at least two significant political developments—(i) the limitation of the authority of the absolute monarchy, and (ii) the extension of the suffrage to virtually all the adult population. The historic roots of the party system can thus be traced to the struggle of the legislature to limit the authority of the king and at the same time, the growth of the groups seeking recognition of their rights and interests and thus taking sides in a political battle. By 1680, the public policy of Britain had become the joint concern of both the King and Parliament, and the terms *Whig* and *Tory* were commonly applied to those who, respectively, attacked and supported the royal policy.
3. **Interest Theory:** While the above mentioned explanations may be true to some cases, none are complete in themselves. Human behaviour is motivated by combativeness, but that is only a part of it. In a similar vein, age only partially reflects political attitude. Even the dynamism of a political leader is not permanent. The Interest Theory was forwarded in the wake of the inadequacies of the above-mentioned theories about the origin of the party system. The Interest theory propagates that parties are formed on the basis of their interests. An individual's nature, extent and degree are motivated by the range of interests he/she develops. These grow from his/her interaction with the cultural environment. Birth, education or a chance experience may, thus, determine an individual's interest which, in turn, may determine party affiliations. This theory further identifies a person's economic interests as influencing his/her decision to join a particular party. It also negates the Marxist assumption of economic determinism and its concomitant dichotomy of social classes. Interest theorists argue that people support those parties who promise to bring about economic change, and gives them hope of a better livelihood.

7.3 PARTY SYSTEM IN THE US

The development of the US two-party system has been divided into five eras by political scientists and historians. As mentioned earlier, this two-party system comprises the Democratic Party and the Republican Party. The two parties have won every presidential poll since 1852 and have controlled the United States Congress since 1856. Many smaller third parties also operate in the country, and their members are mostly elected for office at the local level. Since the 1980s, the largest third party in the US is the Libertarian Party.

But the American political system is a system of two-parties. The Constitution, however, does not give an insight into the issue. This could be because when the Constitution was being adopted in 1787, political parties did not exist in the US. Those

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Check Your Progress

1. What are the sub-types of one-party system?
2. Name the sub-types of two-party system.
3. What are the kinds of multi-party systems from the viewpoint of stability of government?
4. What is the drawback of Interest Theory related to the origin of the party system?

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were the days when nowhere in the world elections were fought on the basis of party system. The system was invented in the 1790s as the need to gain popular support in a republic grew. New campaign strategies were invented by the Americans that linked public opinion with public policy through the party.

The Democratic Party is the oldest and one of the major political forces in the US. Since its split from the Republican in the polls of 1912, the party has based itself as a labour party, fighting economic issues. The party is influenced majorly by the economic philosophy of Franklin D. Roosevelt and this has also shaped its agenda since 1932. His New Deal coalition in fact ruled the White House until 1968.

The Republican Party is the other dominating party of the country. It is famously known as the Grand Old Party or GOP within the media circles since the 1880s. The party was founded in 1854 by Northern anti-slavery activists and modernizers. With the election of President Abraham Lincoln in 1860, the Party rose to prominence. He even used the party machinery to support victory in the American Civil War. Republicans led the American politics during the Third Party System from 1854 to 1896 and the Fourth Party System from 1896 to 1932. In present times, it supports an American conservative platform, and also identifies itself with economic liberalism, fiscal conservatism, and social conservatism.

The Democrats registered a decline in popularity as per the 2011 *USA Today* review of state voter rolls in 25 of 28 states. However, with more than 42 million voters, it remains the largest political party. The Republicans have 30 million voters while Independents are at 24 million. As per the review, the Democrats declined to 8,00,000 and they were down by 1.7 million, or 3.9 per cent, from 2008. In 2004, 72 million voters had claimed affiliation to the party. Barack Obama, the former president of the US, was the 15th Democrat to hold the office. The Democratic Party is the majority party for the United States Senate since the 2006 mid-term polls.

As per the same review, the Republicans too registered a decline in 21 of 28 states. In 2011, its registration was down to 3,50,000. Independents, on the other hand, rose in 18 states that were reviewed. They increased by 3,25,000 in 2011 and their number was up more than 4,00,000 from 2008, or 1.7 per cent. The 19th Republican to hold the office of the president was George W. Bush. Mitt Romney, former Governor of Massachusetts, was their nominee for the 2012 polls. The Republicans have a majority in the House of Representatives since the 2010 mid-term polls.

Advantages and disadvantages of the US' two-party system

Some of the advantages of the two-party system in the US are:

- **Stability:** Compared to multi-party systems, two-party systems are more stable.
- **Moderation:** Parties tend to be moderate under this system as the two must appeal to the middle to win polls.
- **Ease:** Voters have only to decide between the two parties.

Some of the disadvantages of this system are:

- **Lack of choice:** Voters' options are limited as both parties tend to be very similar.
- **Less democratic:** A percentage of people will always feel marginalized by the system.

Realignment

This term is used to refer to the political shifts within a country. To realign means to give a new direction to the party and to redefine what being a member of the said party means. Old parties realign when faced with new challenges and this often leads to a split in party leadership. Issues often cross-cut each other; for instance, many democrats often find themselves agreeing with Republicans more than the members of their own party. Parties shift around the axis of the new issue when it becomes a matter of imminent concern and thus, a new system of parties emerges.

Major third parties in the US

In this sub-section, we will discuss the two major third parties in the US party system. These are: (i) Constitution Party and (ii) Green Party.

- (i) **Constitution Party:** This party is a conservative party of the US political system and was founded in 1992. Then, it was called the US Taxpayers Party. It is founded on the platform that reflects the original goals of the US Constitution, on the principles advocated in the US Declaration of Independence and the morals of the Bible. Its name was changed to its present name in 1999. Rick Jore of Montana City was the first candidate of the Constitution Party who was elected to a state-level office in 2006. This was despite the fact that shortly before the polls, the Constitution Party of Montana had disaffiliated itself from the national party.
- (ii) **Green Party:** This party operates mostly at the local level in the US. Those who are referred to as Greens have mostly won public offices at the ‘non-partisan ballot’ polls. This indicates towards those polls where candidates’ party affiliations were not printed on the ballot. In the District of Columbia in 2005 and other states which allow party registration, the party had 3,05,000 registered members. In the polls of 2006, the party had ballot access in 31 states. The Green Party mostly operates as a third party in the US since 1980s. It was in 2000 during Ralph Nader’s second presidential run that the party got widespread public attention. At present, the main Green Party is the Green Party of the United States, whose emergence has overshadowed the former Greens or the Green Party USA. The agenda of this party is environmentalism, non-hierarchical participatory democracy, social justice, respect for diversity, and peace and non-violence.

7.3.1 History of Party System in the US

The history of the party system in the US is best understood in the following divisions:

1. **First Party System:** Factions in the George Washington administration are believed to have given way to the development of this system. George Washington, the first President of the United States, did not belong to any political party at the time of his election to the top post. In fact, throughout his tenure, he never belonged to any party. Fearing conflict and stagnation, he hoped that political parties would never be formed. Yet, the two-party system in the country was forwarded by two of his advisors—including Hamilton and Madison. The two factions constituted Alexander Hamilton and the Federalists, and Thomas Jefferson and the Democratic-Republican Party. It is pertinent to mention again that the US Constitution does not address the issue of political parties; its founding fathers did not intend for American politics to be partisan. Hamilton and Madison, in Federalist

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Papers 9 and 10 respectively, wrote about the dangers of domestic political factions. Nonetheless, the two-party system saw the Federalists on one side, who argued for a strong federal government with a national bank and a strong economic and industry system. The Democratic–Republicans favoured a limited government and put strong emphasis on farmers and states’ rights. The Democratic–Republicans rose to dominance after the Presidential polls held in the year 1800 and remained so for the next 20 years. The Federalists were slowly led to twilight.

2. **Second Party System:** The inability of one-party system to contain some matters of imminent concern, like slavery, gave way to the development of this system. The Whig Party and Henry Clay’s American System emerged out of the second party system. While the moneyed supported the Whigs, the poor supported the Democrats. The Whig Party collapsed during 1850s due to weak leadership as well as factionalism with the party over slavery as a result of the Compromise of 1850. Fading away of previous economic issues also caused the split within the party. The Democratic–Republican Party also suffered a split in 1829. The faction formed Jacksonian Democrats, a modern Democratic Party led by Andrew Jackson and Whig Party leader Henry Clay. Among major issues of dissent were the Democrats’ support to presidency over other forms of governance, its opposition to the Bank of the United States and modernizing programmes that they felt would create industry at the cost of the taxpayer. On the other hand, the Whigs supported the rule of the Congress over the executive as well as the modernization programmes. Issues over bank and the Spoils System of Federal Patronage were central to this system, which lasted till 1860.
3. **Third Party System:** Characterized by the rise of anti-slavery Republican Party, this system went on from 1854 to mid-1890s. The party took on some of the economic policies of the Whigs like those concerning national banks, railroads, high tariffs, homesteads and aid to land-grant colleges. Starting from around the beginning of the Civil War, conflicts, differences and coalitions defined this system. The issues of Civil War as well as Reconstruction created fissures until the Compromise of 1877. Thereafter, both became broad-based voting coalitions. Geography defined the parties. Democrats dominated the South and were opposed to putting an end to slavery. Republicans took on the North, who supported an end to slavery. This issue also brought in the African Americans into the Republican Party while the white southerners or the Redeemers joined the Democratic Party. The Democrats also comprised some conservative pro-business Bourbon Democrats, traditional Democrats in the North, as well as Catholic immigrants. Businessmen, shop owners, skilled craftsmen, clerks and professionals were part of the Republicans, with the party’s modern policies serving as main attraction. Widespread industrial and economic expansion marked this era, which lasted till 1896.
4. **Fourth Party System:** Major shift in the issues of debate gave way to the Fourth Party System between 1896 and 1932, which nonetheless included the same primary parties as the Third Party System. Led by the Republican Party, this period corresponded to the Progressive Era. It started off after the Democrats were blamed by the Republicans for the Panic of 1893, resulting in the victory of William McKinley’s over William Jennings Bryan in the 1896 presidential polls. Regulation of railroads and large businesses, protective tariff, role of labour unions, child labour, a new banking system, weeding out corruption, primary polls, direct

election of senators, racial segregation, efficiency in government, women's suffrage, and control of immigration became some of the central issues of debate. The Republicans were supported by North-eastern business while the Democrats had the backing of the South and West. Both parties supported immigrant groups. The system ended around 1932.

5. **Fifth Party System:** This system emerged in 1933, beginning the New Deal coalition. As the Republicans lost support following the Great Depression, Democratic President Franklin D. Roosevelt introduced the New Deal policies. Primacy was given to American Liberalism, keeping the interests of the coalition liberal groups in mind, especially ethno-religious constituencies including the Catholics, Jews, African Americans, White Southerners, labour unions, urban machines, progressive intellectuals, and populist farm groups. On the other hand, the Republicans suffered a split. On one side was the conservative wing led by Ohio Senator Robert A. Taft and on the other was a more successful moderate wing which was propagated by North-eastern leaders such as Nelson Rockefeller, Jacob Javits, and Henry Cabot Lodge. But they too lost influence after 1964. This system worked till 1968.
6. **Sixth Party System:** In its developing stage at present, this system is said to have been initiated with the Civil Rights Act of 1964. That was the time when the Democrats lost their dominance of the South, leading to the Republicans gaining influence as was evident by the election results.

7.3.2 American Ideology and Polarizing Issues

The dominant political ideology of America is Republicanism, as well as a form of classical liberalism. Documents that speak of these ideologies are the Declaration of Independence (1776), the Constitution (1787), the *Federalist Papers* (1788), the Bill of Rights (1791), and Lincoln's 'Gettysburg Address' (1863), among others. Some of the core principles of these ideologies are as follows:

- *Civic duty:* American citizens have to understand and support the government, participate in poll process, duly pay their taxes and perform military service if required.
- No space for political corruption
- *Democracy:* Citizens are foremost and the government is responsible to them. Citizens also have the power to change their representatives through polls.
- *Equality before law:* Laws attach no special privilege to any citizen. Government officials are subject to the law just as others are.
- *Freedom of religion:* The government can neither support nor suppress religion.
- *Freedom of speech:* The government cannot restrict through law or action the personal, non-violent speech of a citizen; a marketplace of ideas.

When the foundation of the United States was laid, its economy was mainly agricultural and comprised small private businesses. Welfare issues were left by the state to the prerogative of private or local initiatives. The ideology of *laissez-faire* was, however, abandoned during the Great Depression. The fiscal policy between 1930s and 1970s was characterized by the Keynesian consensus. This was the time when economic policy was dominated by modern American liberalism and remained unchallenged. The idea of *laissez-faire* once again came to dominate the American politics since the late

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1970s and early 1980s. Ironically, America's GDP is at the low of 20 per cent since late 1970s even though the welfare state expanded more than threefold after the Second World War.

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Yet, central issues have divided the voters since much of the American history. In its early decades, it was about the powers of the federal government. Present polarizing issues include abortion and gay marriages. Nonetheless, they have helped maintain a healthy democracy as well as the two-party system in the United States, with each party supporting one or the other issue.

The Early Republic: Federalists *versus* Anti-Federalists (1792–1800)

Ratification of the Constitution was the first serious political issue that divided the Americans. The Federalists sought the ratification of the Constitution so that a stronger national government could be created while the Anti-Federalists, fresh from the Revolutionary War, felt the Constitution would void the people of their hard-won liberties. While the Constitution was eventually ratified, the political division found its way into the first decades of the republic. The Federalists allied themselves with Alexander Hamilton and President John Adams, while Thomas Jefferson rallied with the Anti-Federalists, who started to call themselves Democratic Republicans. None of this faction was a political party in the modern sense of the word and also lacked strong cohesion.

The 'Era of Good Feeling' (1800–1824)

After Jefferson won the presidential polls of 1800, the Federalists were no longer perceived as a political threat. By the time James Monroe came to power, most Americans identified themselves with the ideology of the Democratic Republicans. Since there was no competition or opposition at all, this period is known in the American history as the 'Era of Good Feeling'. The public debate over political matters was common but it ceased to exist within political factions.

The Jacksonian Era: Democrats *versus* Whigs (1824–1850)

Jackson was replaced by Adams in 1828 as Democrats rebounded in four years. The Democratic Party also emerged as the first major grassroots party. Politicians who were opposed to Jackson's policies formed a temporary coalition called the Whig Party. However, after the highly contested presidential polls of 1824, the first modern party to emerge was the Democratic Party. In these polls, Jackson won the popular votes but could not get majority of electoral votes. Thus, John Quincy Adams was elected as the next president by the House of Representatives. The Democratic Party was thus created to oppose the Adams Administration.

The Antebellum Period: Democrats *versus* Republicans (1850–1860)

Slavery erupted as the next major issue over the next few decades. Those in favour of slavery fought intensely with the abolitionists but neither the Democrats nor the Whigs could muster a response on the emerging issue. Consequently, both parties saw internal divisions. Out of those in the favour of abolition, the Republican Party was formed in the late 1840s and early 1850s. The Democrats were left with mainly Southerners and rural Westerners. The Republicans nominated Abraham Lincoln in 1860. Stephen Douglas was nominated by Northern Democrats while John C. Breckenridge was chosen by their Southern counterparts. Lincoln won the polls closely and promised to keep the

Union stable. However, with this election, South Carolina and several other Southern states seceded.

The Reconstruction Era (1868–1896)

The power battle continued between the Northern Republicans and Southern Democrats for many decades following the Civil War. Blacks, who were allowed to vote briefly after the War, mainly voted for the Republican, especially since they identified Democrats with slavery. Emancipation was considered the principal ideology of the Republicans. Blacks were further encouraged to vote for the Republicans since Democrats were making all efforts to dissuade them from voting.

Strong Parties and Patronage

Political parties became strong entities during the nineteenth century. So much so that a chief of a political party had more influence and power than even the elected officials from within that party. An important source of this power was the power of the chiefs to choose the nominees. Until recently, the nominees were chosen by the party chiefs and the public had little say. Party leaders met in caucus, or informal closed meetings, not only to choose nominees but also set party guidelines. Disobedient members had the risk of not being re-nominated; this also meant they would be out of job. Many a times, parties gave government jobs and contracts to allies for political favours. This process was called machines because parties sought to transform favours and patronage into votes.

The Gilded Age (1880–1896)

Industrialization, large-scale corporations amassing capital and dominating unregulated marketplace were the next issues of American concern as well as fissures between them. Poor farmers came together to form a powerful third party and challenge the big-business trusts. They were called the People's Party or Populists. However, they were co-opted by the Democratic Party in the polls of 1896, leading to the death of the Populists as an emerging third party. This was followed by the defeat of the Democratic Populist led by William Jennings Bryan by Republican William McKinley. It gave birth to the new era of Republican dominance. Between 1896 and 1932, Republicans won every presidential poll, except the one in 1912.

Progressivism (1896–1932)

Progressivism, a social movement, swept the nation during the first two decades of the 1900s. Progressives, like the Populists, sought regulation of large-scale business enterprises and political power for the American citizens. The movement was bipartisan and Progressives were found both in the Republican Party and the Democratic Party. For instance, Republican Theodore Roosevelt and Democrat Woodrow Wilson were both Progressives. Later, the Republican party split after an argument between the then President William Howard Taft who was a traditional conservative Republican and a Progressive Roosevelt. Roosevelt later founded the Progressive Party. In 1912, he won by a fleeting majority in a three-way polls. However, it only divided the Republicans, the use of which was made by the Democrats who then elected Woodrow Wilson. The death of the Progressive movement was called by Wilson's attempt to persuade the Senate to ratify the Treaty of Versailles to end the First World War. Till 1932, the electorate only voted for the conservative Republican presidents.

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The Depression and the New Deal (1929–1941)

The domination of the Republicans ended with the Great Depression, which refers to the crash of the stock markets in 1929. The electorate turned to the Democrats in protest against the policies of the Republican president Herbert Hoover. Franklin Delano Roosevelt, who was the Democratic nominee in 1932, offered to energize the economy in the form of a relief and reform legislative package known as the New Deal. Roosevelt won convincingly and also put the country on recovery road.

The New Deal Coalition (1936–1968)

The Democratic successes in the middle of the twentieth century were the courtesy of the New Deal coalition. This coalition comprised groups including workers, labour unions, Catholics, Jews and racial minorities. The Southern part of the US was mainly Democratic and was joined by the African American voters who majorly supported the Democrats after 1932. The Democratic Party was at the helm of the American political system for the next three decades.

With the changing world scenario, a panel of political scientists in the 1950s called upon ‘responsible parties’ to take upon the US politics. They referred to responsible parties as those who were strong to propose specific and substantive policies and also implement them effectively. They felt the US political parties were not ‘responsible’ for they failed to force their members to commit to the party platform. Since parties could not control their candidates even till today, as in other countries, the call for responsible parties seems faraway.

The Civil Rights Movement and Vietnam (1960s)

The Civil Rights Movement by the African American community as well as US’ involvement in Vietnam created fissures in the New Deal coalition in the 1960s. The Democratic Party was dominated by Whites, who inarguably felt that the Republicans had invaded their homeland during the Civil War. African-American were also leading towards Democrats by then. These issues led to the Southern Whites switch to the Republican Party and by 1980s, much of the South affirmed with the Republican politics.

The critical 1968 polls were a definite moment in the US politics. The Vietnam War and the Civil Rights Movement deepened the divide. The Democratic governor of Alabama, George Wallace, split from the party and contested as a third-party candidate, which hit the chances of the Democrats. This was followed by a bitterly-fought election, led by Republican Richard Nixon. The chaos of these polls marked the decline of the American political parties.

Since then, the Democrats have been trying for an image makeover and changed the ways their party operated. The focus has been on the process of choosing the nominees. Party reform was ushered in the form of opening up of the leadership to new people. More women and minorities were included in the delegations. Primary elections were introduced to allow electorate to directly participate in the party nomination process. Since then, the Democrats use primary polls in order to take decision-making powers from the party chiefs and vest them in the electorate. Republicans followed suit shortly.

7.3.3 Contemporary Party System in the US

The Republicans have been doing very well politically since the polls in 1968, especially in the presidential races. This is evident in the fact that since 1968, only two Democrats—

Jimmy Carter in 1976 and Bill Clinton in 1992 and 1996—were elected as presidents. In the opinion of some scholars, the Republicans dominate the political system after the breakdown of the New Deal coalition, producing a realignment. For others, however, it was a sort of de-alignment, i.e., the loosening of the party ties. They cited that since 1970s, American citizens identify themselves as independents rather than with any party ideology. People also cross party lines and vote for different parties in different polls. Split-ticket voting has also become popular in the US, wherein citizens vote for both Republicans and Democrats for different offices in the same polls. This kind of system has led to the formation of a number of divided governments wherein one party leads the presidency while the other has control over at least one house of Congress.

The Reagan Democrats

In present times, political parties no longer are able to either dictate their nominees or control massive patronage. Candidates are said to function independently from the party leaders. They make their own strategies, often at the cost of the party. Such activities were synonymous for the Reagan Democrats in the 1980s. These comprised mainly blue-collar workers who conventionally voted for the Democrats. They were, however, to Reagan's social conservatism and toughness; in tune they helped him win two terms in presidents' office.

As parties took a back-turn, this gave rise to candidate-centred politics wherein people voted for the candidates instead of the parties they were representing. This was especially true to presidential polls. Parties provided services such as financing the campaigns, providing expertise, lists of donors, and name recognition to candidates and campaigns. While they may exactly tow the party line, candidates are often seen maintaining close contact with the party leadership to win favours and larger party support. In cases where voters know little about candidates, the elections are mostly party centric.

The political system of the United States can be differentiated with other developed democracies on some of these major counts. These include significant power in the Upper House of the Legislature, the influence and authority of the Supreme Court, clear division of powers between the legislature and the executive and the domination of two political parties. Smaller parties in the US have low influence in the politics than they do in other democracies of the developed countries.

One of the dominant features of the US governance system is the federal entity created by the Constitution. At the same time, people are also subjects of the state and also of their local governments. The local governments refer to the counties, municipalities and special districts. The American history is reflected in its multiplicity of jurisdiction. As mentioned, state facilitated the creation of the federal government while colonies were separately established and they governed themselves. The local governments, on the other hand, were created by the colonies to carry out their independent functions. More states joined the country as it expanded.

7.4 PARTY SYSTEM IN CHINA

The politics of the People's Republic of China (PRC) can be located within the single-party socialist republic system. The single party is called the Communist Party and its leadership is mentioned in the country's Constitution. The power of the government is

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Check Your Progress

5. What are the advantages of the American two-party system?
6. What was the 'New Deal coalition' in America?
7. How does the political system in the US differ from that of other developed democracies?

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exercised through the Communist Party within the country, and by the Central People's Government and their partners in the provinces and at the local level.

Under this kind of the dual system of leadership, every local office is jointly managed by the local leader as well as the leader of the corresponding office in the ministry, which exists at the higher level. The members of the People's Congress are elected by people at the county level. The People's Congress holds the responsibility of managing the local government and also chose members for the Provincial, or the municipal, People's Congress. In turn, the Provincial People's Congress is responsible for electing members of the National People's Congress. This body meets in the month of March every year in Beijing. However, it is the ruling Communist Party which plays the significant role in selecting the 'right' candidates for the polls at both the local and higher level congress'.

China is mainly a multi-party state but under the leadership of the Communist Party of China (CPC). Its system is very similar to some of the popular state systems of the former Communist-era Eastern European countries such as the National Front of Democratic Germany. Under the system of one country and two party, Hong Kong and Macau are categorized as Special Administrative Regions. Earlier, both were the colonies of the European powers. At present, they have a different political system as compared to China and both also run under the multi-party system.

In China, in practice, the Communist Party of China is the only party that holds formidable power at the national level. It dominates all levels of governance to the core that China is often mistaken for being a one-party state. There are eight more, though small, parties that operate in China. But, they only have a limited power at the national level. In fact, they have to operate under the Communist Party of China and accept its leading role to be able to even exist. The Chinese system does allow few non-communist party members to participate in the system and also certain smaller parties within the National People's Congress but they are all vetted by the Communist Party of China.

The Constitution of China also allows some opposition to operate. But the Communist Party of China exercises its control over the political system. In this way, the opposition ceases to exist. For instance, people's congress is elected through popular vote. Any official body above that is appointed by the congress itself. This means that even though independent persons and members of opposition can sometimes be elected to the lowest level of the Congress, they may hardly be able to come together or organize themselves to a point where they themselves can elect members to the higher level without the approval of members of the Communist Party. Since they do not really have an effective power, it only discourages outsiders from contesting polls for the people's congress even at the bottom level, which means that mainly the communist members dominate the body.

Also, despite the fact that China has no law that formally bans non-religious organizations, it also has no law which could grant non-communist parties the corporate status. Thus, any opposition party, if it does exist even hypothetically, would not have the legal backing to assemble funds or have any registered property in the name of the party.

Significantly, the Chinese Constitution offers a wide range of laws that have been used in the past against members of opposition parties which those of the Communist Party of China perceived as threatening. These include members of the China Democracy Party. Charges related to subversion, sedition, and releasing state secrets can be slapped

on members of opposition parties and, since the Communist Party controls the legislative and the judicial processes, it means that communists can legitimately target any person or group.

7.4.1 Communist Party of China

The Communist Party of China (CPC) is the founding and ruling political party of the country. It is also known as the Chinese Communist Party (CCP). The party was founded in July 1921 in Shanghai. While on paper, the party works alongside the United Front which refers to the coalition of all political parties, it is in practice the only political party in China. The party maintains the government and keeps the state matters, the military and the media under it. The Constitution grants them legal power and since it seeks its roots to the Leninist ideology, it officially is even above the law. At present, the leader of the party is Xi Jinping who has the title of the General Secretary of the Central Committee.

The party is committed to the ideologies of communism and Marxism–Leninism. It also *de facto* unrecognised factions. On the one side are consumerists and neoliberal figures like businessmen who support the practice of capitalism while on the other are the members of the Left, who oppose the Right. There are other factions too. The Right-wing faction has come under many criticisms, including purges and repression in the Cultural Revolution and after the Tiananmen Square Protests in 1989.

After the Civil War concluded in China, the CPC defeated Kuomintang (KMT) which was its prime rival party. Then, it assumed the control of the entire Chinese territory while Kuomintang party shifted base to the island of Taiwan where it remains till date. Even before and long after China was founded, the history of the communist party is riddled with power struggles and battles of ideology, including the much written about movement called the Cultural Revolution. In its earlier days, the CPC was only a conventional member of the communist movement running across the world. It was during the 1960s that CPC broke apart from its counterpart in the Soviet Union over ideological differences. The ideology of the communist party in China was redefined by Deng Xiaoping, who included principles of market economics and ushered in reforms that generated rapid and prolonged economic growth.

Today, the CPC is the largest political party in the world with an estimated 80 million members. This number comprises about 6.0 per cent of the total population of mainland China. A large number of military and civil officials of China are members of the CPC. The party has also been trying to institutionalize its power transitions and strengthen its internal structure since 1978. In present times, the party focuses on unity and avoiding public conflict and at the same time, practicing a pragmatic and open democratic centralism within the party structure.

With such huge membership, the party also dominates all matters of government. During the liberalization period, the people's as well as groups' influence tend to increase, particularly in economic matters. The principles of market economy have it that economic institutions can exist independent of a political party's influence. However, despite the principles, the communist party maintains its powers in all governmental institutions in China and plays the most important role in administration especially when it comes to issues of politics and other such matters.

The party control is most strong and effective in offices of the central government and in economic, industrial and cultural settings, especially in the urban areas. However, the party's influence seems to be waning over government and other establishments in

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the rural areas where majority of mainland Chinese people live. The most important role that the CPC plays is in the selection and promotion of party personnel. It also has to ensure that its principles and guidelines are followed and organizations by outsiders that could challenge the party's authority are not created. Small groups of CPC which coordinate the activities of different agencies are also key to the party's functioning. While convention has it that government panels should have one non-party member at least, a party's membership helps while important policy meetings and usually the one outside member are non-existent.

As per the Constitution, the Party Congress is the highest body of the CPC and is expected to meet at least once in five years. These meetings were intermittent before the Cultural Revolution but are duly organized now. In the meeting, the party elects their central panel and all the main organs of power are formally parts of the central panel. The main organs of the CPC are:

- The general secretary, who is the highest-ranking official within the party and the Chinese Paramount leader.
- The Politburo: It comprises 22 members, including members of the Politburo Standing Committee.
- The Politburo Standing Committee: It comprises 7 members at present.
- The Secretariat, the principal administrative mechanism of the CPC, which is headed by the General Secretary.
- The Central Military Commission.
- The Central Discipline Inspection Commission, which is charged with discouraging corruption and malfeasance among party cadres.

7.4.2 People's Liberation Army

The People's Liberation Army (PLA) was created by the Communist Party of China and thus the party leads it. After China was founded in 1949, the PLA became the state military. Since it represents the state, it practices and upholds the communist party's absolute leadership over the military. The Central Military Commission, which has the task of supreme military leadership over the armed forces, was founded jointly by the party and the state.

The Constitution adopted in 1954 empowers the State chairman or the president to direct the armed forces; the state chairman also chairs the defence panel, which is only an advisory body. On 28 September 1954, the central panel of the CPC re-formed the Central Military Commission (CMC). Since then, the system of joint party and state military leadership was adopted where the central panel of the CPC leads in all matters of the armed forces. The state military forces are directed by the state chairman and the military forces development is managed by the state council.

The State Central Military Commission was given the charge of all the armed forces in December 1982, with the amendment in the Constitution during the 5th National People's Congress. Now, the chairman of the State CMC is both elected and removed by the national people's congress. Nonetheless, the CMC of the communist party leads the military and all other armed forces of the country. It should be noted that in practice, the party CMC consults all democratic parties and then proposes the names of the state CMC members so that NPC members can elect the State Central Military Commission members. Therefore, it can be said that the CMC of the central panel and the CMC of

the state are one organization. Organizationally viewed, the two CMCs are subordinate to two different systems—(i) the Party system and (ii) the State system. Thus, the PLA and other forces are under the absolute force of the communist party. Such a system is unique to China where joint leadership of the Communist Party and the state over the armed forces is ensured.

7.5 PARTY SYSTEM IN THE UK

People living in Britain in the last quarter of the 20th century are familiar with a political system in which power is exercised by the leaders of that political party, which currently holds the greatest number of seats in the House of Commons. These seats usually are contested at intervals of four or five years, in the general elections. In these general elections, almost all persons who are eighteen years or more of age are entitled to vote. Individuals are selected by general elections. However, the organization and discipline of political parties are so wide-ranging that it is almost impossible for a candidate who does not represent a major party to be elected. In effect, the individuals are elected in a party and not in a personal capacity. When they get to Westminster, they are expected to vote according to party loyalties rather than personal preference or conviction. A highly developed system of ‘party whips’ assures that, in most instances, the Commons vote in party lines. Thus, effective power is vested in the party rather than in a collection of individuals. Political parties are all important. When one speaks of a two-party system of government, it implies that the struggle for power is between two leading parties in the state, who alternate the government. Since the 1920s, these have been the Conservative and the Labour parties. Such a description might seem ill suited to a situation in which the electorate spreads nearly all its votes between three parties. Yet the system in which the successful candidate needs only one more vote than his nearest rival, however many candidates there may be, greatly advantages the two largest parties at the expense of the third. Thus, in the 1983 elections, the Liberal–Social Democratic Alliance achieved 26 per cent of the popular vote which, when evenly spread across the constituencies, won only 23 seats. The Labour party, with 28 per cent of the total vote, heavily concentrated in the areas of its greatest support, won 209 seats. Therefore, the two-party system of the government survived through the mid-1980s.

In Britain, in a strict constitutional theory, power is shared between three elements—monarchy, Lords and Commons. Initially, the first two of these elements had a large role to play. In some instances, this old system still impinges on the new. Parliamentary bills require passage by the House of Lords and approval by the monarch before they carry the force of law. The powers of the Upper House were severely circumscribed in the 12th century. It can now delay legislation but not permanently refuse it. Few ministers of consequence, except the Lord Chancellor who presides over the judiciary, are associated with it. The granting of a peerage to a senior politician usually indicates retirement from active politics. That is why some experts term the House of Lords as an elegant talking shop. It sometimes improves parliamentary bills by revising them, but it lacks real power.

7.5.1 Changing Nature of Party Politics

It is a noted fact that parties remain central to any understanding of British political life. Benjamin Disraeli, who was a British statesman of the Conservative Party, observed over a century ago that the core of parliament was party and that without the presence

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Check Your Progress

8. What ensures the joint leadership of the Communist Party over the armed forces of China?
9. Name the body who was given the charge of all the armed forces in December 1982 with the amendment in the Constitution during the 5th National People’s Congress.

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of a party activity, parliamentary government would be impossible. Far from weakening the strength of this view, the 20th century has only made it appear too narrow in application. One could easily argue that party activity has since become imperative to almost all aspects of modern British politics. It is undeniable that pressure groups, for example, have usurped some of the parties' traditional functions, especially in relation to popular participation in politics. It is also obviously true that representative democracy has been worn by the loss of sovereignty to the European Union and the globalization of Britain's economy. The willingness to use referenda as a form of government decision-making was exemplified in the early months of the Blair government. But these developments require perspective. Any account of modern British politics that ignored them would certainly be defective.

Political parties in Britain have never had an official or constitutional purpose, and the comparatively small degree to which they have been funded by the state is indicative of the vague position they have occupied in British politics. Any attempt to define the role of political parties must therefore proceed with care. Yet, it can be stated with some confidence that their principal function is to seek office through the attainment of votes. Indeed, this remains the main distinction between parties and pressure groups, whose primary purpose is merely to influence, rather than constitute the government of the day, while rarely seeking to demonstrate their support at the ballot box.

In the case of Plaid Cymru and the Scottish National Party (SNP), their success took the electoral support away from the Labour Party in Wales and Scotland. It seemed to influence Labour's interest in devolution since the late 1960s. Such influence does not even require the capture of parliamentary seats. It merely requires enough votes to jeopardize seats held by the parties of government. In this respect, there may even have been limited influence for the National Front in the late 1970s. In 1989, European elections may have increased the government's interest in the environmental policy.

Yet, even for these parties, the long-term aim remains the same—the actual exercise of governmental power in a distorted constitutional environment. The 'territorial' parties had little interest in wielding executive power at Westminster, yet all were focused on the office in the devolved assemblies planned by the Blair government. It must also be noted that changes in the voting behaviour after 1970 enhanced the potential of smaller parties, as a force within and external to British governments.

The end of what psychologists termed the 'cube law' (whereby a party's lead in votes would be translated into a bigger lead in seats) and the increased likelihood of hung parliaments, threatened to give smaller parties a balance of power at Westminster and the sort of pivotal influence enjoyed by 'third' parties in other European democracies. The Free Democratic Party (FDP), for example, has been a part of the West German and German governments since the 1960s, despite an average vote of only 10 per cent. On the other hand, in Ireland the Labour Party proved an unshakeable part of the country's coalitions between 1992 and 1997, with less than a quarter of votes at the 1992 general election. In Britain's case, these continental scenarios were demonstrated during the parliaments of both 1974–1979 and 1992–1997, which underlined the importance of parties other than labour and conservatives.

Such parties might have been troubled by the return of a landslide labour majority in 1997, fearing the return of hegemonic single-party government and consequent marginalization of 'third and fourth' parties at Westminster. Psychologists agree that if a

hung Parliament is to be avoided, the gap needs to be much larger than that in the 1950s and 1960s. The type of lead that gave the Labour party a landslide in 1945—78 per cent could only give the Tories a vulnerable majority in 1992. Curtice and Steed argue that for the Tories to win the next general election, they required a vote lead of up to 11 per cent.

It was allegedly with this in mind that, as premier, Tony Blair retained his belief in the eventual shift to centre-left politics and a more varied party system. He hinted at it by his inclusion of liberal democrats on a cabinet sub-committee (dealing with constitutional reform) and his support for proportional representation in the European and regional elections. As a result, it was unsafe to declare that the significance of smaller parties had receded following Labour's return to power.

7.5.2 Role of the Britain's Party Politics in the Advancement of Parliamentary Democracy

In carrying out the basic role of pursuing office, parties continue to improve both the clarity of general elections and the unity of parliamentary government. Without parties, voters would be confronted by a baffling array of candidates, offering a multitude of ideas, which had little chance of materializing in a government. Parties make general elections seem more cogent by allowing voters with not just a choice of representative but a choice of government as well. This nurtures the impression among voters that voting may after all make a difference. This impression was likely to have been reinforced by the 1997 elections, which led to a wholesale change in government personnel and according to some commentators, 'a new direction for society...a new style of government...a more classless Britain...an end to xenophobia.'

In more sober terms, the parties' manifestos certainly enabled voters to inspect a number of putative programmes for the government. It also enabled them to make a potentially rational choice between the policy packages that were offered.

Political Participation

To focus on the role played by parties in the parliament is to risk ignoring one of their key characteristics in democratic states, namely, acting as vehicles for mass involvement in the political system. In Britain, the term 'mass involvement' can be misleading, since it must always be remembered that about 93 per cent of adults are not members of any political party. Nevertheless, the small proportions who are, add noticeably to the number of people engaged in political life. In any liberal democracy, it is scarcely healthy if any political activity involves full-time politicians and state officials. Though each of the two main parties had lost members in recent years, it had still been estimated that they alone contain over 3,00,000 people with an active interest in British politics.

Major Political Parties in the House of Commons

There are three major parties in the House of Commons. These are as follows:

- Conservative and Unionist party, centrist to the right-wing
- Labour party, centrist to the left-wing (traditionally socialist; is now a broad socialist and trade unionist to the social liberal and social democratic party)
- Liberal Democrats, centrist to centre-left

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Check Your Progress

10. Fill in the blanks.
 - (a) In the general elections in Britain, almost all persons who are _____ years or more of age are entitled to vote.
 - (b) In the 1983 elections, the Liberal-Social Democratic Alliance achieved _____ per cent of the popular vote.
11. State whether the following statements are true or false.
 - (a) Political parties in Britain have an official or constitutional purpose.
 - (b) In 1989, the European elections increased the government's interest in the environmental policy.

7.6 SUMMARY

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- The concept of party system emerges from comparative political science. It can be defined as a kind of patterned relationships and interactions between different political parties which vie for power in a given political system of a country.
- We may broadly classify all the parties as—two-party systems, multi-party systems, and one-party systems.
- In Great Britain and the United States, for example, a two-party system prevails; but in majority of countries, including India and France, multi-party system has come into existence.
- The one-party or single party system is formed on the assumption that the sovereign will of the state reposes in the leader and the political elite. This authoritarian principle found expression first in monarchies, later in dictatorships and more recently in some democracies.
- A two-party system is one where only two parties, despite the presence of other parties, have substantial support of the electorate and expectation of forming the government. Under this system, the majority of the elected candidates at a given time belongs to any one of the two major parties which form the government, while the other party remains in the Opposition.
- A multi-party system is one in which more than two major parties exist. In this party system, the parties struggle with each other for power but no party can alone secure absolute majority to rule. In countries like India and several countries of Europe, such a system exists, though in a variety of forms.
- The modern Democratic Party system, for instance, is the result of at least two significant political developments—(i) the limitation of the authority of the absolute monarchy, and (ii) the extension of the suffrage to virtually all the adult population.
- While the Interest Theory recognizes the significance of economic interests in influencing an individual or group's decision to join a particular party or combination of parties, this theory does not agree with the Marxist assumption of economic determinism and its concomitant dichotomy of social classes.
- Throughout most of its history, American politics has been dominated by a two-party system.
- The Democratic Party is one of two major political parties in the US. It is the oldest political party in the world. Since the 1930s, the modern American political spectrum and the usage of Left–Right politics have basically differed from the rest of the world.
- Out of the Second Party System came the Whig Party and Henry Clay's American System. Wealthy people tended to support the Whigs, and the poor tended to support the Democrats.
- The Third Party System stretched from 1854 to the mid-1890s, and was characterized by the emergence of the anti-slavery Republican Party, which adopted many of the economic policies of the Whigs, such as national banks, railroads, high tariffs, homesteads and aid to land grant colleges.
- In the Fourth Party System, North-eastern business supported the Republicans while the South and West supported the Democrats.

- The Fifth Party System emerged with the New Deal Coalition beginning in 1933. The Republicans began losing support after the Great Depression, giving rise to Democratic President Franklin D. Roosevelt and the activist New Deal.
- The Sixth Party System appears to have begun with the Civil Rights Act of 1964; the Democrats subsequently losing their long dominance of the South in the late 1960s, leading to a Republican dominance.
- The New Deal coalition formed the backbone of Democratic success in the mid-twentieth century. This coalition consisted of groups who supported the New Deal, including workers, labour unions, Catholics, Jews, and racial minorities.
- The federal entity created by the US Constitution is the dominant feature of the American governmental system. However, most people are also subject to a state government, and all are subject to various units of local government. The latter include counties, municipalities, and special districts.
- The politics of the People's Republic of China (PRC) take place in a framework of the single-party socialist republic. The leadership of the Communist Party is stated in the Constitution of the People's Republic of China.
- The People's Republic of China (PRC) is formally a multi-party state under the leadership of the Communist Party of China (CPC) in a United Front; similar to the popular fronts of former Communist-era Eastern European countries such as the National Front of Democratic Germany.
- The Communist Party of China created and leads the People's Liberation Army. After the PRC was established in 1949, the PLA also became a state military. The state military system inherited and upholds the principle of the Communist Party's absolute leadership over the people's armed forces.
- The organization and discipline of British political parties are so wide-ranging that it is almost impossible for a candidate who does not represent a major party to be elected.
- The political parties in Britain have never had an official or constitutional purpose, and the comparatively small degree to which they have been funded by the state is indicative of the vague position they have occupied in British politics.
- In 1989, the European elections might have increased the government's interest towards the environmental policy.
- For all the political parties, the long-term aim remains the same, i.e., the actual exercise of governmental power in a distorted constitutional environment.
- Changes in the voting behaviour after 1970 enhanced the potential of smaller parties, as a force within and external to British governments.
- While carrying out the basic role of pursuing office, parties continue to improve both the clarity of general elections and the unity of parliamentary government.
- Political parties make general elections seem more convincing by allowing voters with not just a choice of representative but a choice of government.
- To focus on the role played by parties in the parliament is to risk ignoring one of their key characteristics in democratic states, which is, acting as vehicles for mass involvement in the political system.

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- The three major parties in the House of Commons are as follows:
 - o Conservative and Unionist party
 - o Labour party
 - o Liberal democrats

7.7 KEY TERMS

- **Hung parliament:** It refers to a situation where no single political party has a majority in the parliament.
- **Non-partisan ballot elections:** It refers to elections in which the candidates' party affiliations were not printed on the ballot.
- **Progressivism:** It was a social movement that swept the US in the first two decades of the 1900s; the Progressives fought for government regulation of big business and more political power for the average American.
- **Realignment:** It refers to a major shift in the political divisions within a country; marks a new change in direction for the party that redefines what it means to be a member of that party.
- **Referendum:** Via referenda, citizens may challenge any law voted by the federal parliament and through initiatives introduce amendments to the federal constitution.
- **Split-ticket voting:** It is a ballot cast for candidates of two or more political parties.
- **Conviction:** It is a formal declaration that someone is guilty of a criminal offense, made by the verdict of a jury or the decision of a judge in a court of law.
- **Impinge:** It refers to advance over an area belonging to someone or something else.
- **Referenda:** It refers to a general vote by the electorate on a single political question that has been referred to them for a direct decision.
- **Cube law:** It is an empirical observation regarding democratic elections under the first-past-the-post system.
- **Xenophobia:** It refers to intense or irrational dislike or fear of people from other countries.

7.8 ANSWERS TO 'CHECK YOUR PROGRESS'

1. One-party system can be divided into two sub-types: (i) Authoritarian one-party system, and (ii) Non-authoritarian one-party system.
2. The two-party system may be divided into: (i) Indistinct two-party system in the US, and (ii) Distinct two-party system in Britain.
3. Two kinds of multi-party systems from the viewpoint of stability of government are: (i) unstable multi-party system, and (ii) working multiparty system.
4. While the Interest Theory recognizes the significance of economic interests in influencing an individual or group's decision to join a particular party or combination of parties, this theory does not agree with the Marxist assumption of economic

determinism and its concomitant dichotomy of social classes. In fact, to reduce social tensions to two embattled groups of *haves* and *have-nots* all along the economic line is to over simplify a complex. One may, therefore, argue that the human beings tend to support and vote for the political party that holds the prospect of achieving their desired economic as well as socio-cultural objectives.

5. The advantages of the American two-party system include:
 - Stability: Two-party systems are more stable than multiparty systems.
 - Moderation: The two parties must appeal to the middle to win elections, so the parties tend to be moderate.
 - Ease: Voters have only to decide between the two parties.
6. Franklin Delano Roosevelt, proposed to revive the economy with a legislative package of relief and reform known as the New Deal. Roosevelt won and successfully put America on the road to recovery. The New Deal coalition formed the backbone of Democratic success in the mid-twentieth century. This coalition consisted of groups who supported the New Deal, including workers, labour unions, Catholics, Jews, and racial minorities. The South continued to be overwhelmingly Democratic, and after 1932, African American voters moved in large numbers to the Democratic Party.
7. There are major differences between the political system of the United States and that of the other democracies of the developed countries. These include greater power in the Upper House of the legislature, a wider scope of power held by the Supreme Court, the separation of powers between the legislature and the executive, and the dominance of only two main parties. Third parties have less political influence in the United States than in other democracies of the developed countries.
8. The CMC of the Central Committee and the CMC of the State are one group and one organization. However, looking at it organizationally, these two CMCs are subordinate to two different systems—(i) the Party system and (ii) the State system. Therefore the armed forces are under the absolute leadership of the Communist Party and are also the armed forces of the state. This is a unique Chinese system that ensures the joint leadership of the Communist Party and the state over the armed forces.
9. The State Central Military Commission was given the charge of all the armed forces in December 1982, with the amendment in the Constitution during the 5th National People's Congress.
10. (a) eighteen; (b) 26
11. (a) False; (b) True

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7.9 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What are the different classifications of the party systems?
2. Write a short note on different theories related to the origin of the party systems.
3. What are the advantages and disadvantages of two-party system in the US?

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4. State the formation of the People's Liberation Army in China.
5. Write a short note on cube law.
6. What do you mean by the term 'political participation'?
7. List the major parties in Britain's House of Commons.

Long-Answer Questions

1. Give a detailed account on the polarizing issues in the American political system.
2. 'Political scientists and historians have divided the development of America's two-party system into five eras.' Elaborate.
3. Write a detailed note on the Communist Party of China.
4. Discuss the concept of two-party system in your own words.
5. Describe the changing nature of Britain's party politics.
6. Explain the role of Britain's party politics in the advancement of parliamentary democracy.

7.10 FURTHER READING

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UNIT 8 EXECUTIVE

Structure

- 8.0 Introduction
- 8.1 Unit Objectives
- 8.2 The Cabinet System of United Kingdom
 - 8.2.1 The Executive
 - 8.2.2 The Cabinet
 - 8.2.3 The Prime Minister
- 8.3 The US President
 - 8.3.1 Powers and Functions of the President
 - 8.3.2 The Presidential Cabinet
- 8.4 The Executive in China
 - 8.4.1 President, his Functions and the Vice-President
- 8.5 Summary
- 8.6 Key Terms
- 8.7 Answers to 'Check Your Progress'
- 8.8 Questions and Exercises
- 8.9 Further Reading

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8.0 INTRODUCTION

In the previous unit, you studied about the party system of various countries namely, the United Kingdom, the United States of America, and China. In England, the prime minister is the head of the government. Executive power in the United Kingdom is exercised by the Sovereign, Queen Elizabeth II, via Her Majesty's Government and the devolved national authorities. In the United States of America, the real executive power lies in the hands of the president. The head of state of China is the president. In this unit, you will learn about the executive bodies of countries namely, the United Kingdom, the United States of America and China.

8.1 UNIT OBJECTIVES

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

- Analyse the cabinet system of the United Kingdom
- Assess the functioning of the Prime Minister in the United Kingdom
- Explain the powers and functions of the American president
- Describe the organization of the presidential cabinet in the US
- Explain the functions of the President and Vice-President of the National People's Congress

8.2 THE CABINET SYSTEM OF UNITED KINGDOM

The British governmental system is being acknowledged as a parliamentary monarchy which means that the country is ruled by a monarch whose powers are governed by constitutional law. The monarch is a powerless symbolic figurehead of the country but in

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reality, the country is governed by its legislature. Thus, it can be said that the monarch is the head of the state while the prime minister is the head of the government.

England has an unwritten constitution consisting of historic documents such as the Magna Carta, the Petition of Right, and the Bill of Rights (1689); statutes; judicial precedents (common law); and customs. The constitutional monarch, Queen Elizabeth II, is the head of the state. The British constitution is not defined in a single written document, unlike those, as we can see in most countries of the world. Instead it is made up of a combination of laws and practices which are not legally enforceable, but are regarded as imperative to the working of the government. The constitution is flexible and may be changed by an Act of Parliament.

The British Constitution, the oldest of all the constitutions in the world, is considered as ‘the mother of all parliaments’. Unwritten in character, the British Constitution, has grown with time. Although it is partly grounded in law, it is largely based on conventions.

The salient features of the British Constitution could be summarized as below:

1. An unwritten constitution—partly written and mostly unwritten
2. An evolved constitution
3. The gap between theory and practice of its curious divergence between constitutional form and the actualities of government
4. Flexible constitution, i.e., there is no distinction between ordinary law and constitutional law
5. Parliamentary sovereignty
6. Parliamentary form of government
7. A unitary form of government, i.e., no distribution of governmental powers
8. Bi-party system
9. The Rule of Law

8.2.1 The Executive

Executive power in the United Kingdom is exercised by the Sovereign, Queen Elizabeth II, via Her Majesty’s Government and the devolved national authorities which consist of the following:

- (i) The Scottish Government
- (ii) The Welsh Assembly Government
- (iii) The Northern Ireland Executive

Parliamentary form of government: A responsible executive

Great Britain is the classic home of parliamentary form of government. The most characteristic feature of the parliamentary form of government is the responsibility of the executive to the legislature. The cabinet as the head of the executive is answerable to the parliament for its acts of omissions and commissions. The Monarch is the nominal head of the State. He acts on the advice of the ministers, who are responsible to the parliament. The Prime Minister, as the head of the Cabinet, is the most powerful ruler in a parliamentary system of government.

The cabinet remains in power as long as it enjoys the confidence of the House of Commons. Whenever the Cabinet loses the support of the majority members, it resigns

or advises the King to dissolve the House of Commons in order to have a fresh election. In the new election, if the Cabinet gets the majority, it continues in office; otherwise it resigns in favour of a new government. The cabinet dominates in this system. In the words of British political analyst Bagehot, the Cabinet is like a 'hyphen that joins the buckle that binds the executive and legislative departments together'. Due to the cabinet's dominant role in the parliamentary form of government, it is also described as a cabinet form of government. Collective responsibility and political homogeneity are also essential features of the Cabinet system. All the ministers are collectively responsible to the House of Commons. They swim, or sink together. The ministers are also preferably from a homogeneous political party, or a combination of political parties having identical views and policies. The latter course is known as coalition, but it is very rare in the British political history.

Absence of strict separation of powers is another important feature of the parliamentary form of government. There is harmonious cooperation between the executive and the legislature and both work hand-in-hand. British historian Ramsay Muir has rightly observed, 'that separation of powers is the essential principle of the American constitution, concentration of responsibility is the essential principle of the British Constitution'. Parliamentary forms of governments are not based on strict separation of powers. The theory has been accepted in principle in Great Britain, but in practice the Cabinet being omnipotent and all powerful in executive as well as legislative arena, denies the theory in principle. The cabinets in England and America play different roles. In the US, the role of the cabinet is not as dominating as that in England. While the American cabinet is dependent on the legislature, the British cabinet dominates both in the executive and legislative fields. Concentration of authority, therefore, is a cardinal principle of the British constitutional system. It has led critics to allege that there is cabinet dictatorship in a parliamentary system. As the prime minister dominates on the plank of the cabinet dictatorship, it is often said to be a prime ministerial form of government.

Unitary form of Government

On the basis of concentration of distribution of powers, the form of government may be classified as unitary or federal. A government is said to be unitary when there is concentration of power in one and only one centre. British constitutional theorist A. V. Dicey defines unitary government as one where there is the habitual exercise of the supreme legislative authority by one central power. According to Finer, unitary government is one in which all the authority and power are lodged in a single centre whose will and agents are legally omnipotent over the whole area. England is again a classic example of unitary form of government. In a federal form of government where there is distribution of powers, a written constitution is absolutely necessary. As England has an unwritten constitution, the unitary form of government is considered to be more congenial and conducive to the British soil.

There are no independent units or states in England. All governmental authority is concentrated in the national government situated in London. Of course, for administrative convenience, regional units like counties and boroughs exist. But they do not enjoy any original or independent power. On the contrary, they are subordinate to the central government, and they enjoy only delegated and derivative powers. The local governments in England are the only agents of the national government and work completely under the guidance and the control of the national government.

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NOTES**Bi-party System: An Effective Opposition**

Party system in all democratic constitutions of the world is an extra constitutional growth. In Great Britain, which has an unwritten constitution, party system is not only an extra-constitutional growth; it also provides a key to the understanding of some of the prominent features of the British constitutional system. Parliamentary government means party government and no democracy can work without parties.

The chief characteristic of the British party system is the existence of two well-organized and more or less equally balanced parties which dominate the political arena. The bi-party system has been deeply rooted in the British political system. Disraeli once remarked, 'England does not love coalition'. The essence of this statement is that the British people prefer two well-organized parties like the Conservative Party and the Labour Party as they are existing today. Minor parties may exist, but they do not do well in the elections. Bi-party system provides stability in government. It also ensures strong opposition and enables the electorate to express their views in clear terms. The opposition in Great Britain is strong enough to take up administration at any time, when the ruling party fails. A responsible government with a responsible opposition is the fundamental basis of the British constitutional system. L. A. S. Amery has rightly observed, 'The combination of responsible leadership by government with responsible criticism in parliament is the essence of our constitution.'

8.2.2 The Cabinet

The cabinet is 'the core of the British constitutional system.' It is the most important single piece of mechanism in the structure of the British government. It is the supreme directing authority of the government and the real ruler of Great Britain. It has been described as the central fact and the chief glory of the constitution.

The entire cabinet system is a product of convention. Great Britain is also known as a classic home of the cabinet system. Like its constitution, the cabinet has grown into its present form over the past three centuries or so and is largely a child of chance rather than that of wisdom. No one meticulously planned its development and yet it has grown and without it the British constitutional system is incomplete today.

Evolution of the Cabinet

The British cabinet is not recognized by law. It is a product of conventions and it has a long historical growth. The system of cabinet government is said to have emerged when the King was excluded from the meetings of the cabinet. This happened by accident in 1714, when George I ascended the throne. George I and George II did not know English language and therefore, were not much interested in the English affairs. Hence, George I ceased to attend the meetings of the cabinet and nominated Sir Robert Walpole to preside in his place. The cabinet discontinued the practice of meeting at the Buckingham Palace. It met at the House of the First Lord of the Treasury and the First Lord became the Chairman of the Cabinet. As chairman of the Cabinet, Walpole presided over the cabinet meetings, directed its deliberations and reported the decisions arrived at the cabinet meetings to the sovereign. He was not only a link between the cabinet and the sovereign, as a member of the Parliament, but he was also a link between the cabinet and the parliament. This new position and responsibility of Walpole, in effect, resulted in the origin of the office of the prime minister, though he himself hesitated to accept such a title. Simultaneously, this had given rise to collective responsibility of the cabinet. Differences among the members of the Cabinet were resolved inside the cabinet and

unanimous decisions were conveyed to the Sovereign. For twenty years, Walpole headed the government and his administration gave birth to all the essential characteristics of the present day cabinet system. It was Walpole who first administered the Government in accordance with his own views of political requirements. It was Walpole who first conducted the business of the country in the House of Commons. It was Walpole, who in the conduct of that business, first insisted upon the support for his measures of all servants of the Crown who had seats in the parliament. It was under Walpole that the House of Commons became the dominant power in the State, and rose in ability and influence as well as in actual power above the House of Lords. And it was Walpole who set the example of quitting his office while he still retained the undiminished affection of his King for the avowed reason that he had ceased to possess the confidence of the House of Commons. It was again Walpole who used No. 10, Downing Street as his official residence and it continues till today as the official residence of the British Prime Ministers.

George II followed the footsteps of his predecessor. George III (1760-1820) made a frantic attempt to revive the glory of the monarchy. Although he was partially successful in the initial stage of his reign, people strongly resisted his attempt. His insanity towards the last part of his reign, made his attempt futile and the Cabinet acquired its supremacy once and for all. In that century, the Cabinet system became well-established and crystallized. Collective responsibility, political homogeneity and accountability to the House of Commons have developed as major features of the Cabinet system during the 19th century. The 20th century has marked a climax of this system. It has developed the convention of appointing the Prime Minister from House of Commons since 1923. The Ministers of Crown Act of 1931 legally recognized the institution of the Cabinet. It is today an omnipotent body—an institution of expanding powers.

The cabinet and the ministry

Sometimes a distinction is made between the cabinet and the ministry. To an ordinary man, both the terms are synonymous, but these two terms denote two distinct parts of the government. Both are different from each other in their composition and functions. The cabinet is only an inner circle of the ministry. A ministry is a large body consisting of all categories of the ministers who have seats in the parliament and are responsible to the parliament. The cabinet, on the other hand, is a small body consisting of the most important ministers. In other words, all the members of the ministry are not the members of the Cabinet.

There are ministers of different ranks. They vary in nomenclature and in importance. First, there are some sixteen to twenty of the most important ministers, who are known as the cabinet ministers. They stand at the head of the executive and decide policies and issues of the government. Second, there are certain ministers who are designated as the ministers of cabinet rank. These ministers are not the members of the Cabinet, yet they are given the status of the Cabinet ministers. They are the heads of administrative departments and are invited to attend cabinet meetings when affairs of their respective departments are under consideration. The number of this category of ministers varies from government to government and it is left to the prime minister's discretion to decide.

Third, there are ministers of states who act like deputy ministers and they may be appointed in those departments where the work is particularly heavy and involves frequent visits abroad. These ministers usually work under the cabinet ministers.

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Lastly, there are parliamentary secretaries or junior ministers that are appointed almost in every department. Technically, they are not the ministers of the crown because constitutionally they do not enjoy powers. Their sole function is to help and relieve their senior ministers of some of their burdens by taking part in the parliamentary debates and answering parliamentary questions. They also assist their senior members in their departmental works. They are also known as 'parliamentary under secretaries' who are different from permanent under secretaries. A permanent under secretary is a senior member of the civil service in the government and he is non-political, permanent and paid.

All the above categories of ministers constitute the ministry and they are members of parliament and preferably belong to the majority party in the House of Commons.

They are individually as well as collectively responsible to the House of Commons and continue in office as long as they enjoy its confidence. The ministry may consist of about sixty to seventy members. It does not meet as a body for the transaction of business. It does not deliberate on matters of policy. The duties of a minister, unless he is a cabinet minister, are departmental and individual confined to the respective departments. Policy formulation is the business of the cabinet. The cabinet meets in a body but the ministry never meets so.

The cabinet is said to be the 'wheel within the wheel.' It consists of only a small number of senior ministers who, in addition to being in charge of important departments of the state, formulate the policy of the government and co-ordinate the working of all departments. The ministry is always a larger body, whereas the Cabinet is only a smaller one. The latter is an inner circle within the bigger circle of the former. The Cabinet officer deliberates and advises; the privy councillor decrees; and the minister executes. The three activities are easily capable of being distinguished, even though it frequently happens that the cabinet officer, privy councillor, and minister are one and the same person.

Organization of the Cabinet

Laski, British political theorist, observes, 'The key-stone of the cabinet arch is the prime minister. He is central to its formation, central to its life and central to its death.' The first step in the formation of the Cabinet is, therefore, the selection of the prime minister. It is now a well-established convention that the prime minister must be the leader of the majority party in the parliament.

As there is bi-party system, the choice of the prime minister is practically made by the electorate. From the legal point of view, the Monarch has to select the leader of the majority party in the House of Commons as the prime minister. In earlier days, the monarch was likely to have real choice in the matter but with the development of the bi-party system his choice became practically limited and he has no alternative but to invite the leader of the majority party in the House of Commons to be the Prime Minister. Once the Prime Minister is appointed, all other ministers are appointed by the Monarch on the advice of the Prime Minister. The Prime Minister has a free hand in forming the ministry. Neither the Monarch nor the parliament can influence him in the choice of his colleagues. Legally, he may not consult anyone except himself. Practically, he consults some of his leading party colleagues and followers. He should include the senior members of his party in the Cabinet. He must see that various age groups and interests are represented.

Further, the members of the Cabinet as well as the ministry must be taken from both the Houses of Parliament. According to Amery, 'No dictator, indeed, enjoys such a measure of autocratic power as is enjoyed by the British prime minister in the process of making up his cabinet.'

It may be pointed here that the prime minister is legally under no obligation to include any particular person in his cabinet. But in practice, some members of his party have such status and prestige that their inclusion in the Cabinet is most automatic. In 1929, James Ramsay MacDonald did not want Arthur Henderson to be the Secretary for Foreign Affairs but when Henderson refused to accept any other office, MacDonald had to yield. Another difficult task that the Prime Minister faces is the allocation of portfolios among his colleagues. There may be more than one claimants for the same post. The Prime Minister has to satisfy all shades of opinion in his party. He has a right to reshuffle his cabinet, when he likes.

In case of conflict between the prime minister and any of his colleagues, the latter has to yield before the former. There are no fixed rules regarding the size of the Cabinet. No two Cabinets either have the same size or consist of exactly the same ministers. As a general rule, the ministers in charge of important departments, such as the Chancellor of Exchequer, Lord Chancellor, the Secretary of State for Foreign affairs, the President of the Board of Trade the ministers of defence, labour and agriculture, are invariably included in the Cabinet.

In addition to these, a number of other ministers are also included in the Cabinet. The strength of the Cabinet varies, usually, from fifteen to twenty. It is alleged that a twenty-member cabinet is too large a body to make prompt and quick decisions. The idea of the war-cabinets during the last two World Wars has substantiated the above argument. In both the World Wars, the Prime Ministers, Lloyd George and Winston Churchill created the war-cabinet consisting of five ministers. The five-member war-cabinet was not merely a Committee of the Cabinet but the final authority regarding the prosecution of the Wars. Churchill said that 'all the responsibility was laid upon the five-war cabinet ministers. They were the only ones who had the right to have their heads *cut* off on Tower Hill, if we did not win. The rest could suffer for departmental shortcomings but not on account or the policy of the State.'

The idea of an inner-cabinet as a prototype of the war-cabinet was first proposed in the report of the Haldane Committee on the machinery of government. It would consist of a few members, four or five, and act like central nucleus within the Cabinet structure. In practice, often the Prime Minister consults a few important members of the Cabinet, instead of all the members in all important matters. This type of inner cabinet is a mere informal body. It is different from the 'war-cabinet'. The latter had official recognition and it was responsible for the conduct of war. The inner cabinet is only an informal institution. It neither supersedes the war-cabinet nor is responsible for any policy.

It is based more on expediency than on law. It is more an advisory body than a policy-making organ. Some of the recent writers, like L. A. S. Amery, have suggested to reduce the size of the Cabinet to half a dozen members or nearly so. These members will constitute a smaller cabinet consisting of important members of important departments. It will work more efficiently and quickly than a bigger body. This suggestion, however, has not found favour with others. There is apprehension that it may be a 'Super cabinet' and its members may be described as 'Over-Lords'. Herbert Morrison strongly repudiated the idea and concluded that 'a cabinet of a moderate size, say, sixteen to eighteen, which

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contains a limited number of non-departmental ministers and the rest departmental ministers, is probably the best'. A cabinet cannot discharge its function well without departmental ministers.

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Features of the Cabinet system

The cabinet system, as it is found in Great Britain, is based on certain recognized principles. The principles have been developed in course of time and these are based more on conventions than on law. The British cabinet is rightly described as 'one of the parts of the governmental machinery least governed by law'. However, the Cabinet occupies the most important place in the British constitutional system. The essential features of the Cabinet system are discussed below.

1. Exclusion of the Monarch from the Cabinet

The first essential feature of the British cabinet system is the exclusion of the Monarch from the Cabinet. The Monarch stands outside the Cabinet and he does not attend its meeting. He is neutral and above party-politics. Hence, he should not be involved in political matters. Although all executive actions are taken in the name of the Monarch, the monarch practically does nothing. The decisions are taken by the Cabinet and the Monarch acts on the advice of the Cabinet. This is a fundamental principle of the working of the Cabinet system in Great Britain and any deviation from it, would render the system unworkable. The practice of the exclusion of the Monarch from the Cabinet had developed since the reign of George I.

2. Combination of the executive and legislative functions

The second essential feature of cabinet system is the close cooperation between the executive and the legislature. All ministers are the members of Parliament. The Prime Minister and the members of the Cabinet belong to the majority party. As Heads of the Departments, the members of the Cabinet control the executive and as leaders of majority party, they also control the parliament. There is absence of strict separation of powers in a cabinet form of government. The situation is different in the American system which is based upon the principles of 'separation of powers' and where the executive is made independent of the legislature. In a parliamentary system, the ministers are not only the members of the legislature but also control the legislature. The cabinet, therefore, occupies a very important place and without close cooperation between the Cabinet and parliament, the governmental system cannot work. 'The whole life of British politics', rightly observed Bagehot, 'is the action and the reaction between the ministry and the parliament'.

3. Collective responsibility

In the third place, the Cabinet system is based on the principle of 'collective responsibility', which is said to be 'the corner-stone of the working of the British Constitution'. All ministers swim or sink together. For the wrong policy of the government, the entire cabinet is held responsible. The cabinet is responsible to the House of Commons and it continues in office as long as it enjoys the confidence of the latter. The cabinet works like a team and meets the parliament as a team. Its members stand or fall together. The collective responsibility of the Cabinet is enforced in the parliament through various methods like the vote of no-confidence, vote of censure and refusal to pass government bills. Whenever the Cabinet ceases to enjoy the confidence of the House of Commons, it may resign or advise for the dissolution of the House of Commons. In case of dissolution

of the House of Commons, a fresh election takes place. Thus, the collective responsibility has strengthened the solidarity of the Cabinet in the British constitutional system.

4. Ministerial responsibility

In the fourth place, the British cabinet system is also based on the principle of the 'ministerial responsibility'. L. A. S. Amery writes, 'The collective responsibility of ministers in no way derogates from their individual responsibility'. A minister is responsible to the House of Commons for his acts of omission and commission. Every act of the Crown is countersigned by at least one minister, who can be held responsible in a court of law, if the act done is illegal. The cabinet as a whole may not resign on the mistake of an individual minister. There are many instances when individual ministers have resigned for their personal errors. In the Attlee Government in 1947, Hugh Dalton, the then Chancellor of Exchequer, resigned because of his indiscreet revelation of some facts of the budget to a journalist.

5. Political homogeneity

In the fifth place, political homogeneity is another essential feature of the Cabinet system. The members of the Cabinet are preferably drawn from the same political party. The party which gets majority in the House of Commons is given the opportunity to form the Cabinet. The ministers belonging to the same political party hold similar views. The cabinet consisting of like-minded persons with similar objectives can work efficiently with more vigour and greater determination. Coalition ministry is also a rare phenomenon in the British constitutional system. Due to the bi-party system, coalition ministry is not much favoured in England. Though there have been occasional coalitions just like the National Government of 1931, yet these are few in number and are formed in extraordinary circumstances. Further, the coalitional government does not last long. Thus, political homogeneity adds strength to the principles of collective responsibility on which rests the entire structure of the British cabinet system.

6. Leadership of the prime minister

The sixth essential feature of the Cabinet system is the leadership of the Prime Minister. 'The Prime Minister' according to John Morley, 'is the key-stone of the Cabinet-arch.' Although the members of the Cabinet stand on an equal footing, yet the Prime Minister is the captain of the team. Other members are appointed on his recommendation and he can reshuffle his team whenever he pleases. He is the recognized leader of the party. He acts like an umpire in case of differences of opinion among his colleagues. He coordinates and supervises the work of various departments in the government. His resignation means the resignation of the entire cabinet as well as the ministry.

7. Secrecy of cabinet meetings

The last feature of the British cabinet system is the secrecy of the meetings of the Cabinet. The entire cabinet proceedings are conducted on the basis of secrecy. The members of the Cabinet are expected to maintain complete secrecy with regard to the proceedings and policies of the Cabinet. They take the oath of secrecy as per the Official Secrets Act. Legally, the decisions taken by the Cabinet are in the nature of advice to the monarch and cannot be published without his permission. Although meetings of the Cabinet may be held anywhere and at any time, they usually take place each Wednesday in the Cabinet room at 10, Downing Street. In extraordinary circumstances, there may be frequent meetings of the Cabinet. Emergency meetings may be summoned at any time.

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The establishment of a permanent cabinet Secretariat by Lloyd George III in 1917 has helped to write down the minutes of the proceedings and maintain secrecy. The secrecy of the proceedings of the Cabinet meeting helps to maintain collective responsibility and cabinet solidarity. Further, in order to strengthen the solidarity of the Cabinet, its decisions are not arrived at by voting for or against a proposal. The Prime Minister tries to know the views of the members and uses his influence to reach a common decision. The members of the Cabinet are free to express their views, but once a decision is taken, they solidly stand behind it. Thus, secrecy and party solidarity may be considered to be the last but not the least essential feature of the British cabinet system.

Functions of the cabinet

The cabinet occupies a unique position in the British constitutional system. Writers of the British Constitution have used colourful phrases to describe the position of the Cabinet in the political system of that country. It is described as the key-stone of the political-arch, the steering wheel of the ship of the State, the central directing instrument of government and the pivot round which the whole political machinery revolves. Bagehot is the first constitutional authority to emphasize the importance of the Cabinet in Great Britain. It occupies the central place in the political field and plays a dominant role in the governmental system. It has many functions and we may subdivide them for our convenience under the following headings.

- (i) **It decides the national policy:** The cabinet decides the major national policies to be followed in both home and abroad. All kinds of national and international problems are discussed in the Cabinet and decisions with regard to various policies are arrived at. It is the real executive of the State. As the real executive, the Cabinet defines the lines of the National Policy and decides how every current problem which may arise at home or abroad is to be treated. The individual ministers remain in charge of administrative departments. The cabinet decides policies and the respective departments execute them.
- (ii) **It is the principal custodian of executive powers:** The cabinet not only formulates and defines policies, it also executes them. It exercises the national executive power subject to the approval of the parliament. The fundamental requirement of good administration is that a policy should be clearly formulated and efficiently executed. The cabinet formulates policy as well as sees its execution. All the ministers, whether they are members of the Cabinet or not, have to execute the policies formulated by the Cabinet and implement laws enacted by the parliament. It is the duty of a minister to see that his department works well. He supervises the work of senior civil servants working under him and guides them in the implementation of government policies.

The cabinet is also responsible for the appointment of high officers of the State. The King is a mere nominal executive head, whereas the ministers are the real executive heads. Thus, the Cabinet is held responsible for every detail of the administrative work.

- (iii) **It controls and guides the legislative work:** Absence of strict separation of powers is a fundamental principle of the British Constitution. The members of the Cabinet are responsible to the House of Commons. The Prime Minister is the leader of the Cabinet as well as the leader of the House of Commons. The cabinet guides and largely controls the functions of the parliament. The ministers prepare, introduce and pilot legislative measures in the parliament. They also explain and urge the members to pass the bills introduced by them. Practically,

most of the time of the parliament is spent in consideration of the legislative proposals made by the Cabinet. All bills introduced by the Cabinet are generally passed due to the support of the majority party in the parliament. If a government bill is rejected, the entire cabinet resigns or seeks dissolution of the House of Commons. A bill opposed by the Cabinet, has no chance of becoming an Act. In fact, the Cabinet has become a miniature legislature and it is said that today it is the Cabinet that legislates with the advice and consent of the parliament.

- (iv) **It controls the national finance:** The cabinet controls the national finance. It is responsible for the entire expenditure of the nation. It decides as to what taxes will be levied and how these taxes will be collected. It finalizes the budget before it is introduced in the House of Commons. The Chancellor of Exchequer is an important member of the Cabinet. He prepares the annual budget and generally the budget is discussed in the Cabinet before its presentation in the parliament. Of course, he is not bound to reveal new taxation proposals to all the members of the Cabinet. However, the entire Cabinet works as a team and the Cabinet maintains secrecy in this matter. The Cabinet has a right to examine the pros and cons of various financial measures.
- (v) **It coordinates the policies of various departments:** The government is divided into several departments and it cannot be a success unless all the departments work in harmony and cooperation. That is why a careful coordination is required in administration. The Cabinet, in fact, performs this task. Proposals of various departments may be sometimes conflicting and contradictory. Hence, it is the responsibility of the Cabinet to coordinate the policies of various departments. While some measures of coordination can be achieved at lower levels by the departments concerned, the broad aspects have to be achieved at the Cabinet level. The Cabinet, therefore, prevents friction, overlapping and wastage in departmental policies and programmes. It co-ordinates as well as guides the functions of the government.

8.2.3 The Prime Minister

According to John Morley, the Prime Minister is the keystone of the Cabinet-arch. He holds one of the most powerful political offices in the world. His leadership, as stated earlier, is one of the essential features of the Cabinet form of government. Sir Ivor Jennings went a step further to describe the Prime Minister as the 'keystone of the constitution'. According to him, all roads in the constitution lead to the Prime Minister, from the Prime Minister to the queen, parliament, the ministers, the other members of the commonwealth, even the Church of England and the courts of law. The Prime Minister is by far the most important man in the country. He is also described as the master of the government. It is the peculiarity of the British Constitution that the man who holds such a high office has, strictly speaking, no legal sanction. The English law is very much silent with regard to the office of the Prime Minister.

Origin of the Office

The office of the Prime Minister, as stated earlier, is the result of a mere accident. Sir Robert Walpole was the first Prime Minister of England. As George I did not know the English language, and was not interested very much in British politics, he asked Walpole to preside over the Cabinet meetings. His successor, George II also followed the same precedent. The man who presided over the Cabinet meetings came to be known as the 'Prime Minister'. Of course, Walpole refused to accept the term 'Prime Minister' as he

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considered it as a derogatory one. It was only in 1878, for the first time, the term Prime Minister, was mentioned in the Treaty of Berlin, where Lord Beaconsfield was described as the *First Lord Of Her Majesty's Treasury, Prime Minister of England*. This was the first public document which contained the term.

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It was only in the parliamentary Act of 1906, the term Prime Minister was officially mentioned. This Act gave a definite rank to the Prime Minister by fixing the order of precedence in the State functions and made him the fourth subject of the realm. The Ministers of the Crown Act, 1937, gave a formal recognition to his office and allowed him to draw a salary of £10,000 per annum as the first Lord of the Treasury. Even today, the Prime Minister draws the salary as the first Lord of Treasury—a position without any function. The power and authority of the Prime Minister, therefore, much depends on constitutional conventions. The office has little legal status. It has more extra-legal sanction behind it. What Gladstone pronounced is true to a great extent that, 'nowhere in the wide world does so great a substance, cast so small a shadow; nowhere is there a man who has so much power, with so little to show for it in the way of formal title or prerogative.'

Selection of the Prime Minister

The selection of the Prime Minister depends essentially on the Monarch. During the 18th century, the royal choice was playing an effective role in such an election. It was a well-established rule that the Prime Minister must be either a Lord or a member of the House of Commons. All Prime Ministers since Sir Robert Walpole have been appointed from one of the Houses.

A convention has been developed since 1923 that the Prime Minister should belong to the House of Commons. In 1923, the King had to select either Lord Curzon or Stanley Baldwin as the Prime Minister. The former was a member of the House of Lords and the latter belonged to the House of Commons. Lord Curzon had greater cabinet experience than Stanley Baldwin. But the King finally selected Baldwin as the Prime Minister after due consultation with the prominent members of the party. As the Cabinet is responsible to the House of Commons and the House of Commons is more powerful than the House of Lords, it is natural to expect the leader of the majority party of the House of Commons to be appointed as the Prime Minister.

Further, the Prime Minister is responsible for the party organization and in the ultimate analysis; he is responsible to the electorate. Party activities are seen only in the House of Commons but not in the House of Lords. The precedent that the Prime Minister should belong to the House of Commons seems to be a sound one. It has become a well-established convention in England in the twentieth century.

Functions of the Prime Minister

The whole position of the Prime Minister, as stated above is based, not on law but on convention. The constitution is silent with regards to the office of the Prime Minister. His functions are many and varied. He has immense powers and considerable amount of prestige, which can, be seen from the following description of his functions.

(i) Formation of the ministry

The Prime Minister forms the ministry. With the appointment of the Prime Minister, the essential function of the Monarch is over, for it is left to the Prime Minister to select his ministers and present the list to the Monarch. The Monarch has no other alternative but

to appoint the ministers as recommended by the Prime Minister. Laski has rightly observed, 'He is central to its formation, central to its life, and central to its death'. The Prime Minister also has to select his cabinet colleagues. If the Prime Minister resigns or dies, it means the resignation or death of the whole ministry. The Prime Minister can change the members of the ministry at any time.

Although the Prime Minister has the sole authority to select any person as a minister, he may be influenced practically by many considerations. He has to accommodate the claims of the influential members of his party and include them in the Cabinet. He can request any of his colleagues to resign if he thinks that his presence in the ministry is prejudicial to either efficiency or stability of the government. He can also advise the King to dismiss a minister. Thus, the Prime Minister is the keystone of the Cabinet—arch and can make or unmake the Cabinet in any way he likes.

(ii) Distribution of portfolios

Distribution of portfolios is another important task of the Prime Minister. He has a free hand in allocating various departments to his colleagues. It is for him to decide the size of the Cabinet and the ministry. He has to select the ministers who are to be included in the Cabinet. Rarely his final selection is rejected. Of course, while distributing portfolios, he has to see that important members of the party do get important portfolios. He has to see that persons from different age groups are included. He has to satisfy the aspirants for the important portfolios. He has to look to amity and party solidarity in the formation of the ministry and in the distribution of portfolios. On the whole, his task is a real difficult one. As Lowell points out that, 'his work is like that of constructing a figure out of blocks which are too numerous for the purpose and which are not of shapes fit perfectly together'.

(iii) The chairman of the Cabinet committee

The Prime Minister is the Chairman of the Cabinet Committee. He convenes the meetings of the Cabinet and presides over them. He is to fix the agenda of the meetings and it is for him to accept or reject proposals put by its members for discussion in such meetings. The ministers are individually responsible to him for good administration of their respective departments. He may advise, warn or encourage them in discharging their functions. He is the head of the Cabinet. He acts as the Chairman of various standing and *ad hoc* Committees of the Cabinet. In short, he acts as the chief guide to the Cabinet.

(iv) Leader of the House of Commons

It is now an established convention that the Prime Minister should belong to the House of Commons. He represents the Cabinet as a whole and acts as the leader of the House. He announces the important policies of government and speaks on most important bills in the House of Commons. He is responsible for the arrangement of business of the House through the usual channels. He may delegate this power to anyone of his colleagues and in that case, the concerned member acts as the Leader of the House. It is often done in order to relieve him of much of his burden. But this delegation does not deprive the Prime Minister of his function as the Leader of the Government. The members of the House look to him as the fountain of every policy.

(v) Chief coordinator of policies

The Prime Minister is the chief coordinator of the policies of several ministries and departments. He has to see that the government works as an organic whole and activities

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of various departments do not overlap or conflict with one another. He has to keep an eye over all the departments. The functions of the government have expanded so widely and its activities have become so complex that this work of coordination has become a very difficult task for the Prime Minister. Unless he has sharp intelligence and great perseverance, he cannot exercise the function of coordination as well as supervision effectively. In the case of conflict between two or more departments, he acts as the mediator. He irons out conflicts among various ministries and various departments. Thus, he plays a major role in coordinating the policies of the government.

(vi) Sole advisor to the Monarch

The Prime Minister is the sole adviser to the Monarch. The Prime Minister communicates decisions of the government to the Monarch. He is the only channel of communication between the Monarch and the Cabinet. If the Monarch does not accept the advice of the Prime Minister, the Prime Minister may resign. As long as the Prime Minister enjoys the confidence of the majority of House of Commons, it is not possible for the Monarch to dismiss him. On certain occasions, he may act as a personal advisor to the Sovereign. He also carries the opinion of the King to his colleagues and thus acts as a link between the Sovereign and the Cabinet. He advises the Sovereign in matters of appointment and in other matters of national importance. He recommends the names of persons on whom the honours can be conferred. He is also responsible for a wide variety of appointments and exercises considerable patronage. He also has the power to advise the King to create peers. Thus, he has a legal right to access the Sovereign which other members of the Cabinet ordinarily do not possess. For this reason, he frequently visits the Buckingham Palace to meet the Monarch. He acts as the sole link between the Cabinet and the Sovereign.

(vii) Leader of the nation

The Prime Minister is not only the leader of the majority party but also the leader of the nation. A general election in England is in reality an election of the Prime Minister. He should feel the pulse of the people and try to know the genuine public opinion on matters which confront the nation. He is the chief spokesman of the government policies in the House of Commons. He is the recognized leader of the nation and his appeal to the people in critical times saves the nation. Sometimes, in emergencies, he may take action without consulting the Cabinet. To cite an example, the Disraeli Government purchased the Suez Canal shares and consulted the Cabinet later. People look at 10, Downing Street, the official residence of the Prime Minister, with great expectations particularly in critical periods.

(viii) Power of dissolution

The Prime Minister possesses the supreme power of dissolution and it is his sole right to advise the Monarch to dissolve the House of Commons. In other words, the members of the House of Commons hold their seats at the mercy of the Prime Minister. No member likes to take the risk of elections and the threat of dissolution rather compels the members to be subservient to the Prime Minister. The controversy whether the Monarch can refuse a dissolution has already been referred to. It is difficult to imagine a situation in which the monarch can refuse dissolution to a Prime Minister. During the last one hundred years, there has been no instance of a refusal of the dissolution by the Monarch when advised by the Prime Minister. Laski is of the opinion that this royal prerogative is as absolute as the royal veto power. Of course, the Prime Minister should consult the Cabinet before advising for dissolution.

(ix) Other powers

The Prime Minister possesses wide powers of patronage, including the appointment and dismissal of ministers. A large number of important political, diplomatic, administrative, ecclesiastical and university appointments are made by the Monarch, on his recommendations. He may occasionally attend international conferences. He meets the Commonwealth Prime Minister in regular conferences. He may meet the Heads of other Governments at the summit talks and discuss the international problems. The Prime Minister often discharges these functions without consulting the cabinet. To give an example, during the Second World War, Winston Churchill made a speech in 1941 offering assistance to the Soviet Union without consulting the Cabinet and he pleaded that consultation with the Cabinet was not necessary. When the Prime Minister acts as such, the Cabinet finds it difficult either to accept or to reject the policy announced by the Prime Minister. If the cabinet rejects, there is risk of losing its leader and the final risk of having a general election. The practice of non-consultation with the Cabinet in announcing an important issue by the Prime Minister is against the principle of collective responsibility and solidarity of the Cabinet. Both the extremes should be avoided. The above example is a rare phenomenon in the British Cabinet system. The solidarity of the Cabinet and the prestige of the Prime Minister should be always reconciled.

NOTES**Position of the Prime Minister**

The Prime Minister holds a key position in the British Constitutional system. The description of the above functions and powers makes it crystal clear that the Prime Minister is ‘the pivot of the whole system of the government’. The general accepted theory as Lord Morley observed, is that, the Prime Minister is just like *primus inter pares* or ‘first among equals’. He writes, ‘Although in cabinet all its members stand on an equal footing, speak with one voice, and on the rare occasions when a division is taken, are counted on the fraternal principle of one man and one vote, yet the head of the Cabinet is *primus inter pares* and occupies a position which so long as it lasts is one of the exceptional and peculiar authority.’

Lord Morley also describes him as ‘the key-stone of the Cabinet–arch’. Both these descriptions of Lord Morley seem to be inadequate. Ramsay Muir considers the first description as nonsense, when ‘applied to a potentate who appoints and can dismiss his colleagues. He is, in fact, though not in law, the working head of the State induced with a plentitude of powers as no other constitutional ruler in the world possesses, not even the President of the United States’. The phrase *primus inter pares* is too modest to describe such a powerful office.

In relation to other members of the Cabinet, the Prime Minister occupies a superior position, a position of an undisputed leader. Even the description of the Prime Minister as ‘the key stone of the Cabinet–arch’ is considered inadequate by Sir Ivor Jennings. He rather regarded the office as ‘the key-stone of the constitution’. Sir William Harcourt used the Latin phrase when he described the Prime Minister as *luna inter stellas minores*, i.e., ‘moon among lesser stars’. Although this description explains the position of pre-eminence of the Prime Minister of England, Sir Ivor Jennings goes a step further and describes him as ‘a Sun around which other planets revolve’.

In fact, the Prime Minister is like the sun around which other planets revolve, and without him the ministers have no existence. He is considered to be the most important person in the government and nothing can take place without his knowledge. Nothing can also happen against his will. His personality is felt in every department of the

government. Very few persons in the world can carry with them greater powers than the British Prime Minister. The Prime Minister is considered to be an acknowledged and undisputed leader of the nation. His office gives him a national standing which none of his colleagues assume.

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As Laski has observed, 'A general election is nothing so much as plebiscite between two alternative Prime Ministers.' In fact, elections in England have become an issue of personalities and voters are asked to choose the Prime Minister of the nation. The result of this type of elections has added strength and vitality to the office of the Prime Minister. There is a tendency for the increase of the powers of the Prime Minister. The root cause of this can be traced back to the Reform Act of 1867, which had democratized the House of Commons and put emphasis on election.

With the growth of the party system and rigidity in party discipline, the Prime Minister has become both the leader of the nation and the leader of the party. He appeals to the electorate not as an individual but as a leader of the party. No minister or no member of the party can take the risk of challenging the authority of the Prime Minister as it may be suicidal to the political ambitions of the former. This has enabled the Prime Minister to dictate his policy within reasonable limits.

Recent developments in the field of science and international relations have also increased the importance of the Prime Minister. Radio and television focus maximum attention on the Prime Minister than any other politician. In the international field, the Prime Minister attends various summits and conferences and has a very significant position in the implementation of policies. Ultimately, when the Cabinet office and cabinet committees were created, they helped to increase the powers of the Prime Minister. Most of the important administrative work is carried out through the cabinet office. As the Chairman of various cabinet committees, the Prime Minister is in a position to know various problems.

On the whole, he is now in a greater position to supervise and to control the administrative machinery of the country. Considering all these facts, Sir Ivor Jennings observes, 'A Prime Minister wields an authority that a Roman Emperor might envy or a modern dictator strives in vain to emulate'. Undoubtedly, the Prime Minister holds a position of an undisputed supremacy. But it is said by Lord Oxford and Asquith in 1921, 'The office of the Prime Minister is what its holder chooses to make it'. Defined powers legally conferred do not always determine the position of an officer. The personality of the incumbent of the office is more important. If the Prime Minister is dynamic, efficient, capable, strong and possesses exceptional qualities, it is difficult for his colleagues to oppose him. He may exercise immense powers by virtue of his dynamic personality. When asked what are the qualities required for a good Prime Minister, Pitt, the Younger (a former British Prime Minister) replied, 'Eloquence first, then knowledge, thirdly toil and lastly patience'.

With similar views, Laski suggested 'dexterity and the power to rule men' are the additional qualities needed for an efficient Prime Minister. Further, he should have a dynamic personality to appeal to the people. Jennings rightly observes, 'Since his personality and prestige play a considerable part in moulding public opinion, he ought to have something of the popular appeal of a film actor and he must take some care over his makeup like Mr Gladstone with his collars, Mr Lloyd George with his hair, Mr Baldwin with pipes, and Mr Churchill with his cigars. Unlike a film actor, however, he ought to be a good inventor of speeches as well as a good orator. Even more important perhaps is his microphone manner, for few attend meetings but millions look to broadcast.' The

actual position of the Prime Minister varies according to his personality and the extent to which he is supported by his colleagues.

The office of the Prime Minister, to quote Jennings again, is necessarily ‘what the holder chooses to make it and what other ministers allow him to make it’. As he is not a Caesar or a God whose authority cannot be challenged. He is just like the captain of the Cabinet team. Just like a game cannot be played by the captain alone, likewise the game of politics cannot be played by the Prime Minister alone. He has to work with the Cabinet. Palmerstone once said that ‘the Premier’s practical power and importance in his government inevitably tend to be diminished when the principal offices are filled by conspicuously energetic and able men’. There have been Prime Ministers like Pitts, Peel, Disraeli, Gladstone, Lloyd George and Churchill who had possessed dynamic personalities and exercised tremendous influence in administration. On the other hand, there have been mediocre Prime Ministers like New Castle, Liverpool, Campbell, Bannerman and Attie. These Prime Ministers had little influence in administration. Thus, the office is actually what the holder makes it.

Often a question is raised, ‘Can the Prime Minister be a dictator’? As he possesses a vast amount of powers in his hand his position can be compared to that of a dictator. He effectively controls not only the Cabinet but also the House of Commons. In a bi-party system when the Prime Minister is assured of a stable majority in the House of Commons, he can easily get his legislative and administrative measures approved in the parliament. In war and emergencies, he arrogates himself many special powers which may not be inferior to that of a dictator. It may be contended that he forms a temporary dictatorship after getting the mandate from the people. The above contention, though seems logical, is not possible in a classic well-established democratic system like Great Britain. The House of Commons has been a citadel of British liberty. Public opinion is very strong in England. The activities of the Prime Minister are subject to serious criticism both inside and outside the parliament. Her Majesty’s Opposition acts as an effective force to check the dictatorial ambition of the Prime Minister. Outside the parliament, the Prime Minister’s activities are also subject to serious criticism from free press and free people. Finally, the election acts as a deterrent on the dictatorial path of the Prime Minister. But in view of the tremendous powers enjoyed by the Prime Minister, he may be described as a constitutional dictator or a dictator by consent. To conclude with Finer, the Prime Minister, ‘is not a Caesar, he is not an unchallengeable oracle, his views are not dooms, he is always on sufferance and its terms are whether he can render undoubtedly useful services. At any time a rival may supplant him.’

Prime-ministerial government

In view of the vast powers exercised by the Prime Minister, some critics observed that there is Prime Ministerial form of Government in England. R. H. S. Crossman writes, ‘The post-war epoch has seen the final transformation of the cabinet government into Prime Ministerial Government. Under this system the “hyphen which joins, the buckle which fastens, the legislative part of the State to the executive part” becomes one single man.’ Even in Bagehot’s time it was probably a misnomer to describe the Premier as Chairman, and *primus inter pares*.

His right to select and remove his own Cabinet, his power to decide the agenda of the Cabinet, his right to announce the decisions of the Cabinet, his right to advise the Monarch for dissolution, his power to control the party members for the sake of discipline—all this has given him near presidential powers. Every Cabinet minister has

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become, in fact, the Prime Minister’s agent or his assistant. No minister can take an important move without consulting the Prime Minister. It may be said that the Cabinet has become a Board of Directors and the Prime Minister, a General Manager or a Managing Director. Important policy decisions are often taken by the Prime Minister alone or after consulting one or two Cabinet ministers. The repeal of the Corn Law in 1846 was done by the personal initiative of Peel. The invasion of Suez in 1956 was decided by Eden in consultation with his few colleagues and the Cabinet was informed in the last moment before Israel attacked Egypt. Harold Wilson reached the final decision to dissolve the House of Commons in 1966 without consulting the Cabinet. Once the Prime Minister announces his policy or takes a step, his followers have little chance to oppose him, for it may endanger party solidarity and stability of the government. Herbert Morrison and some other critics refute the thesis of establishment of Prime Ministerial Government in England. They hold the view that ‘the Cabinet is supreme’ and the Prime Minister is not the master of the Cabinet. He cannot ride roughshod over the desire of the Cabinet. As the captain he must carry the whole team with him. A team is weak without a captain and there can be no captain without a team. Both should work in mutual cooperation and perfect harmony. Hence, the Prime Minister is like an executive chairman.

The above two views seem to be extreme and the real truth lies in between these two views—Prime Ministerial powers with political circumstances and with personalities of the persons concerned. The Prime Minister is, no doubt, more powerful than any cabinet minister. However, it cannot be said that he is more powerful than the whole cabinet. He has to carry the whole cabinet with him.

8.3 THE US PRESIDENT

The US constitution has bestowed all executive powers in the hands of the President. The President is the Chief Executive Head of the state in the US. His powers are so vast and supreme that he is often considered to be the most dominant ruler in the world. There are presidents in parliamentary democracies also, but those presidents are nominal executives. They have to work as per the advice of the cabinet and are answerable to the legislature. India is a great example of one such democratic nation. The president in the US is the real executive. He and his cabinet are not answerable to the legislature. He is the supreme authority in the executive vicinity. His cabinet is actually a personal team to advise him. This team is neither responsible to the legislature nor does it have any collective responsibility. The constitution has given powers to the President and made him the real executive.

Harold Joseph Laski, an English political theorist, has rightly remarked. ‘There is no foreign institution with which in any sense, it can be compared because basically there is no comparable foreign institution. The President of the US is both more or less than a king; he is also both more or less than a prime minister.’

Election Procedure

The President is indirectly elected by an electoral college of each state. Each state elects the electors who are equal to the number of senators and representatives in the Congress, from the state concerned. The presidential electors are elected directly by the people. They meet in each state and cast their votes on the day fixed for presidential election. The election of the President of America goes by the calendar.

Check Your Progress

1. Who is the head of state in Great Britain?
2. Who is the head of the government in Great Britain?
3. Which constitution in the world is known as the mother of all parliaments?
4. What is the first step in the formation of the Cabinet in UK?
5. In UK, who is the sole advisor to the Monarch?

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The presidential electors (Electoral College) are elected on Tuesday after the first Monday, in November of every leap year. These electors meet in the capital of each state, on the first Monday after the second Wednesday in December. They record their votes for their presidential candidate. Then each state sends a certificate of election to the chairman of the Senate. On 6 January, the Congress meets in a joint session and votes are counted. The candidate, securing absolute majority gets elected. The new president is sworn to office on 20 January. In case no candidate secures an absolute majority of votes, then the House of Representatives is authorized to elect one among the top three candidates, who have secured the highest number of votes. If this method does not succeed, then after 4 March the vice-president will automatically succeed to the presidential office.

Qualification for US Presidency

The constitution states that a candidate for presidency should have the following qualifications:

- He should be a natural born citizen of the US.
- He must be at least 35 years of age.
- He must be a resident of the US for 14 years.

Term

The US President is elected for a term of four years. He can be re-elected for another term and according to the convention, no president can contest an election for a third term. Earlier, George Washington, the first President of US was elected twice and the third time he refused to contest election though there was no restriction on re-election in the constitution at that time. After this incident, it became a convention but this convention was broken during Second World War when President Roosevelt was elected four times. His fourth term was in 1944. In 1945 he expired. However, the 22nd amendment of the constitution (1952) fixed the total term for any president at ten years. Normally, a candidate cannot be re-elected for the third time. In case a candidate (vice-president) has succeeded a president after two or more than two years of his term, the vice-president succeeding him will have two chances to contest an election. In any case, the term should not exceed ten years.

The Succession

The constitution has no say on the issue of succession to presidency, in case the office falls empty due to death or resignation of the president and the vice-president. In 1947, an act that was passed says that under such circumstances, the succession after the vice-president would be in the following order:

- (i) The speaker of the House of Representatives
- (ii) The president pro-tempore (for the time being) of the Senate
- (iii) The secretary of the state followed by other members of the cabinet

In case the office of the president falls vacant due to his incapacity or disability, either the president should have given in writing that he is incapable of managing the office or the vice-president and the majority of heads of executive departments should have sufficient reasons to believe that the president is disabled to discharge his duties. This declaration should be sent to the Congress to that effect.

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Removal of the President

The President of the US can be removed only by impeachment on the ground of gross misconduct or high crimes. Impeachment is not a very easy task. The Lower House frames the charges and the Senate acts as a judicial tribunal for impeachment. Its meetings are presided over by the Chief Justice of the Supreme Court. The penalty cannot be more than the removal of the President from office and his disqualification from holding any office of trust and responsibility under the American government.

Immunities

In the US, the President cannot be arrested for any offence and he cannot be summoned before any court of law. He loses all immunities only when he is impeached.

8.3.1 Powers and Functions of the President

The President of the US is the most powerful authority. He commands high respect and backing in the country. The constitution has given limited powers to the President but in course of time, due to several factors, this office assumed boundless powers in all areas of administration. The President enjoys enormous executive, legislative, financial and judicial powers, which can be discussed as follows:

(a) Executive Powers

Some of the executive powers of the President, as per the constitution, by interpretation of the Supreme Court and by customs and conventions, can be summed up as follows:

1. As chief administrator: The President is the chief administrative head of the nation. All administrative functions are carried out in his name. He is responsible to implement the federal laws in the country. He is accountable to see that the laws of the constitution and the decisions of the courts are enforced and implemented. He must see to it that the constitution, life and property of the people of the US are protected. He executes treaties with the consent of the senate and agreements with other countries and protects the country from foreign invasion.

He is also responsible for maintaining peace and order in the country. In case there is breakdown in the governmental machinery in any state, he can act on his initiative and bring the state back to normalcy. In the discharge of these enormous responsibilities, he can make use of the defense forces, civil services, police, etc. For example, John F. Kennedy sent federal troops into the University of Mississippi in 1962 to prevent non-compliance with the order of a federal court, on reconciliation of Black students.

2. As commander-in-chief: The President is the supreme commander-in-chief of the armed forces of the US. He is, as a result, accountable for the defense of the country. He appoints high officials of the army with the support of the senate and can also remove them at will. He cannot declare war because this power is in the hands of the Congress but he can create a situation with his administrative insight, where the declaration of war becomes inevitable.

Once war is declared, the military powers of the President increases tremendously. He is given enormous funds to look after the military operations. Many times, presidents have taken advantage of this power and involved the US troops in undeclared wars with other countries.

(b) Delegated Legislation

As it is, the President is constitutionally very powerful. He has legislative authority in the form of executive power. He can make many rules through the passing of executive orders. Many presidents have made widespread use of this authority. In addition to this, the recent entry of delegated legislation has empowered the president absolutely. Delegated legislation is when the Congress makes laws in a skeletal form, creates a general outline and leaves the details to be filled in by the executive.

(c) Financial Powers

The Congress is the custodian of the nation's finances. However, the President also plays a central role in the financial matters of the country. The budget is prepared under his supervision and directions by the bureau of budget. High level technicalities are applied by the bureau while preparing the budget. After the budget is presented before the Congress, it has the power to amend the budget, but normally they avoid disturbing the budget with amendments because of the technicalities involved. Another reason for avoiding amendments is that the Congress does not have any skilled person to set right the disturbed budget; therefore the budget is passed as it is presented.

(d) Power of Patronage

The President has huge powers of patronage. He appoints a large number of federal officers in superior and inferior services. The senators and the representatives would always like to be in the good books of the President.

Limitations on the Powers of the President

The vast powers and liberties have made the presidency in America quite magnificent and it looks as if he can become a dictator at any time but the situation is not so. The fathers of the constitution adopted the doctrine of Separation of Powers while framing the constitution; hence there are lots of checks on the powers of the President to balance the situation. Some limitations of his executive powers are as follows:

(i) Harmonious working is difficult

The President of America does not have the power to initiate a bill or participate in the deliberation of a bill in the legislature. The ideology of Separation of Powers has kept the executive and legislature in separate impermeable compartments.

(ii) Difficulty in executing his policies due to dependence on the Congress

The Congress is the only law-making body and the President has to depend on it for laws to be passed. At times, he is helpless as the Congress may not pass the necessary legislation for the smooth running of his administration. Therefore, he has to struggle a lot and alternate to other areas of power to get his things done. Furthermore, he depends on the Congress for finances. It is the Congress which is the custodian of the national revenue. Though, the budget is prepared under the supervision of the President, but nonetheless, the Congress has the power to bring changes in the budget and the President has to accept it.

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(iii) Senatorial approval

Senatorial approval is a big obstacle in the president’s administration. The constitution has provided that all federal appointments made by him are to be ratified by the senate, before they come into the forefront. Here also, the President does not have exclusive powers; he is under the check of the senatorial courtesy.

(iv) His veto can be nullified by the Congress

- The President can use his veto power against a bill that is sent by the Congress. He can veto a bill within 10 days and send it back to the Congress. However, if the vetoed bill is re-sent with 2/3rd majority, then the President has to approve it.
- When the Congress is in session and the President does not send the approved bill back to the Congress in ten days, then the bill is considered to be passed without his signature.
- The President has the power for pocket veto. Even here, the Congress has more power. It will not send any important bill to the President for his signature during the last ten days of the session as the President cannot use pocket veto in these situations.

Limitations of Holding an Elected Office

The President of America is not an inherited authority; he is elected by the people because of his good qualities. He has to follow the democratic values and sustain his image to be re-elected for the second term.

Limited Tenure

The President is elected for a short term of four years or at the most for one more term. He cannot contest election for the third term. Due to this limitation, he cannot execute a long-term programme, which according to him will be good for the nation.

Constitutional Limitations

The President has to act within the structure of the constitution, which also puts limitations on his free exercise of powers.

8.3.2 The Presidential Cabinet

The American constitution does not make any provisions for the cabinet. The so called cabinet is the product of the customs and the laws that are passed by the Congress. The term ‘cabinet’ came into use during president George Washington’s term in 1793. He used to seek advice from his four secretaries, whom he called his confidential advisors and later this body came to be called the cabinet.

The American cabinet is totally different from the parliamentary cabinets in other countries. It is an extra constitutional and extra statutory body. It is an advisory body to aid and advice the President in the discharge of his duties. Eventually, separate departments of the administration were made under the charge of one advisor each. They are called secretaries and these secretaries are the heads of the departments and at the same time, the President’s advisers. They are collectively known as the President’s cabinet.

The secretaries are appointed by the President on the advice of the senate. Generally, the senate does not hinder the President’s selection of secretaries. The President

has exclusive authority to remove the secretary, if the former is not happy with his work. Initially, the cabinet started with three departments. State, treasury and war departments; now, there are fifteen such departments. All these departmental heads comprise the cabinet. Their appointment is made by the President. He does not have any restriction on the selection of secretaries. While selecting a secretary, he gives preference to experience, ability and geographical situations. He can even appoint people from opposition if he feels they can be the best advisors. George Washington tried it but failed because the advisors from the opposition created many hassles for him in his administration and finally he had to reject them and select people from his own party. Since then, it has become a convention that the President selects advisors from his own party for political homogeneity.

Meetings

The cabinet ordinarily meets once a week. There are no formal rules for the meetings. The President only decides the matters to be discussed in the meetings. Meetings are held in his room in the White House. There are fair and frank discussions in the meetings but no official record of these meetings is maintained. The proceedings are kept confidential. The decisions of the cabinet are announced as the decisions of the President only.

Responsibility of the cabinet

The cabinet in America is called the official family of the President. It does not have any independent powers or prestige. It is not a policy making body. The cabinet does not have individual or collective responsibility. The President cannot give any responsibility to the cabinet. He is the creator and destroyer of the cabinet. The cabinet does not have any legal sanction. It is dissolved with the departure of the President.

Responsibility of the Secretaries

As the heads of different departments, the secretaries are individually accountable to the President for their functioning in the departments. Consecutively, for efficient administration in their individual departments, they are assisted by junior secretaries.

Organization of the Department

Each department is divided into bureaus which are headed by a commissioner or a bureau chief. The bureau is further divided into divisions. It is the duty of the secretary of the department to see that his department works competently with full assistance and harmonization between bureaus and units of division. They are not accountable to the legislature for their actions. They are only answerable to the president. But, Congress can summon any secretary for explanation, when there is a need to do so, or when the Congress constitutes an investigation committee to investigate the complaints received against any department. The secretary is called to get information or clarification and not for accountability.

Position of the Cabinet

The position of the American cabinet is what the President makes it. It is formed only to assist and advice the President but it is up to the President to accept the advice or not.

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Check Your Progress

6. Who is the Chief Executive Head of the state in the US?
7. How is the US president elected?
8. Who is the custodian of the finances in the US?
9. What is the tenure of the president of America?
10. How did the term 'Cabinet' come into existence in the US?

8.4 THE EXECUTIVE IN CHINA

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The President of the People's Republic of China (PRC) is one of the most powerful persons in the whole world. His powers are often compared to the American President. A survey stated that the former President Hu Jintao was the most powerful man in the whole world. He was ranked ahead of the former American President Barack Obama, which came as a surprise to many.

The President of the People's Republic of China is chosen by the National People's Congress. The function was adorned by the Constitution of 1954. The same year, Mao Zedong was appointed as the President of the People's Republic of China.

History

Mao Zedong was without a doubt the uncontested leader of the Communist Party of China, throughout the period 1949–57. Mao's paramount position within the party was already indisputable by the mid-1940s. Not only was Mao the subject of a major personality cult, but by 1943 his leading colleagues restrained doubts about his theoretical capabilities and in 1945 'the thought of Mao Zedong' was enshrined in the Communist Party of China's new constitution. Furthermore, despite the emphasis of party rules on collective leadership, Mao was granted formal powers to act unilaterally in certain cases.

The basis of Mao's rapidly increasing power was the success of party's strategies and policies after the start of the Sino–Japanese War in 1937, which he had shaped more than any other leader. The conclusive success of these strategies and policies further boosted his ultimate authority since 1945–1949. Much as the victory of 1949 deepened party unity, it also solidified Mao's authority.

Mao's authority was further improved by his major initiatives in the period 1949–57. The chairman apparently took such initiatives on only three occasions during these years. The first, in October 1950, concerned China's response to the northwards march of American forces in Korea. On that occasion, Mao seemingly overrode reservations of the great majority of his associates concerning costs and dangers. He secured their consent and ordered the involvement of Chinese troops in war.

Although the costs of China's Korean venture were indeed high, the advantages that were achieved in security and international peace were widely recognized as outweighing these costs and thus strengthened Mao's reputation for political insight. The second instance was the chairman's initiative to speed up the pace of agricultural cooperation in mid-1955 despite an official decision that was taken a few months earlier to tamper the rate of growth. The ensuing basic achievement of collectivity by the end of 1956, once again appeared to demonstrate Mao's insight. Mao's efforts to promote intellectual criticism of the party, through the Hundred Flowers movement in 1956–57, was not successful. Still, the damage to his prestige was minimized by his sudden shift of position in mid-1957.

Both, the broader achievement of the initial period and the specific successes of the Korean expedition rendered Mao's position strong in spite of the setback of the Hundred Flowers. The chairman's strength was symbolized in his moves, to divide the leadership into two fronts. Under these arrangements Mao would retreat to the 'second front', where he could contemplate matters of theory and overall policy, while being separated from daily operations. Such steps indicated a great level of confidence as well as substantial faith in his leadership.

The fact of Mao's unchallenged authority was the key player of the entire structure of elite stability. Apart from the decisive initiatives, Mao served as the final arbiter of policy disputes when his associates were unable to reach a consensus. Under these circumstances, policy advocacy to a substantial degree was aimed at winning the chairman's approval rather than functioning as a tool in the pursuit of supreme power.

Although Mao's authority made leadership unity possible, by no means did it assure unity. Mao's unpredictable behaviour would worsen existing elite tensions. During the period 1949–57, Mao directed his efforts to increase the unity among elites by adhering to the standards of a unified leadership. This was broadly implemented by emphasizing ability and achievement as criteria for leadership. Unlike others, Mao did not create discord among his colleagues, nor did he demand that they have close factional links with him. Instead, the ranking members of the ruling elite were men of talent and major figures in the history of the Communist Party of China, in their own right.

Liu Shaoqi had quite a distinct career involving work in the so-called white areas behind enemy lines, while Zhou Enlai, the third ranking figure and a leading government administrator, had even opposed Mao in the early 1930s. Though Mao reserved the right to collective leadership, it did not mean that the simple majority had the right to rule. In the early and mid-1950s, policies were generally based on a variety of factors. All the concerned officials were consulted while making decisions.

8.4.1 President, his Functions and the Vice-President

The National People's Congress (NPC) elects the president of the People's Republic of China. The same body also elects the Vice-President. Those citizens of China, who have reached 45 years of age, who have voting rights and are eligible to contest elections can apply for the presidential elections. The president's term of the office of the PRC, is similar to the term of the office of the NPC. His tenure cannot extend beyond two successive terms.

The President of the People's Republic of China, in accord with the judgments of the National People's Congress and the standing committee of the NPC, assigns and eliminates the Premier, Vice-Premiers, Ministers in charge of ministries, or commissions, State Councilors and the Auditor-General and the Secretary-General of the State-Council. He promulgates statutes, honours state medals and titles of honour, issues orders of pardon, announces martial law, declares a state of war and also declares recruitment orders.

The Chinese President receives foreign diplomatic delegates on behalf of the PRC with pursuance of assessments of the standing committee of the NPC. He assigns and summons plenipotentiary representatives overseas and sanctions and abrogates treaties along with significant contracts. These are accomplished with foreign nations. The Chinese vice-president helps and supports the president. The vice-president of the PRC may implement fractions of the tasks and authorities of the president which are assigned to him by the president. The Chinese president, along with the vice-president executes his/her powers and authorities till the successive NCP elects the new president and vice-president and they take charge of their office.

In a situation where the President of the PRC remains unoccupied, the vice-president is supposed to automatically succeed to the presidential office. In case the vice-president's office falls vacant, the NCP shall elect a new vice-president to fill his/her position. In case both the offices of president and that of the vice-president remain unoccupied, the NCP will elect a new president along with a new vice-president.

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The chairman of the standing committee of the NCP shall act as the President of China for the interim period.

Except for the first President, all succeeding presidents have been married men. The names of the Presidents and their wives are listed as follows:

- Xi Jinping: Peng Liyuan (2013-present)
- Hu Jintao: Liu Yongqing (2003-2013)
- Jiang Zemin: Wang Yeping (1993–2003)
- Yang Shangkun: Li Bozhao (1988–1993)
- Li Xiannian: Lin Jiamei (1983–1988)
- Liu Shaoqi: Wang Guangmei (1959–1968)
- Mao Zedong: Jiang Qing (1954–1958)

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Check Your Progress

11. Fill in the blanks.
- (a) _____ is the current President of the People’s Republic of China.
- (b) The _____ of the People’s Republic of China is chosen by the National People’s Congress.
12. State whether the following statements are true or false.
- (a) The National People’s of China elects the Vice-President of China.
- (b) Except for the first President of China, all succeeding presidents have been married men.

8.5 SUMMARY

- The British governmental system is being acknowledged as a parliamentary monarchy which means that the country is ruled by a monarch whose powers are governed by constitutional law.
- The British Constitution, the oldest of all the constitutions of the world, is considered as ‘the mother of all parliaments’.
- Great Britain is the classic home of parliamentary form of government. The most characteristic feature of the parliamentary form of government is the responsibility of the executive to the legislature.
- Absence of strict separation of powers is another important feature of parliamentary form of government.
- The chief characteristic of the British party system is the existence of two well-organized and more or less equally balanced parties which dominate the political arena.
- The cabinet is ‘the core of the British constitutional system.’ It is the most important single piece of mechanism in the structure of the British government.
- The British cabinet is not recognized by law. It is a product of conventions and it has a long historical growth.
- There are ministers of different ranks. They vary in nomenclature and in importance.
- It may be pointed here that the Prime Minister is legally under no obligation to include any particular person in his cabinet.
- The cabinet system, as it is found in Great Britain, is based on certain recognized principles. The principles have been developed in course of time and these are based more on conventions than on law.
- The cabinet occupies a unique position in the British constitutional system. Writers of the British Constitution have used colourful phrases to describe the position of the Cabinet in the political system of that country.
- According to John Morley, the Prime Minister is the key stone of the Cabinet arch. He holds one of the most powerful political offices in the world.

- The office of the Prime Minister, as stated earlier, is the result of a mere accident. Sir Robert Walpole was the first Prime Minister of England.
- The selection of the prime minister depends essentially on the Monarch. During the 18th century, the royal choice was playing an effective role in such election.
- The entire position of the Prime Minister, is based, not on law but on convention. The constitution is very much silent with regards to the office of the Prime Minister. His functions are many and varied.
- The Prime Minister holds a key position in the British Constitutional system.
- In view of the vast powers exercised by the Prime Minister, some critics observed that there is Prime Ministerial form of Government in England.
- The US constitution has bestowed all executive powers in the hands of the President. The President is the Chief Executive Head of the state in the US.
- The President is indirectly elected by an electoral college of each state. Each state elects the electors who are equal to the number of senators and representatives in the Congress, from the state concerned.
- The US President is elected for a term of four years. He can be re-elected for another term and according to the convention, no president can contest an election for a third term.
- The President of the US is the most powerful authority. He commands high respect and backing in the country.
- The American constitution does not make any provisions for the cabinet. The so called cabinet is the product of the customs and the laws that are passed by the Congress.
- The position of the American cabinet is what the President makes it.
- The President of the People's Republic of China is one of the most powerful people in the whole world. His powers are often compared to the American President. A recent survey stated that the current President Hu Jintao is the most powerful man in the whole world.
- The National People's Congress elects the president of the People's Republic of China.
- The Chinese president assigns and summons plenipotentiary representatives overseas and sanctions and abrogates treaties along with significant contracts.

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8.6 KEY TERMS

- **Legislature:** It refers to a group of people who have the power to make and change laws.
- **Monarch:** It refers to a person who rules a country, for example, a king or a queen.
- **Constitution:** It is the system of laws and basic principles that a state, a country or an organization is governed by.
- **Cabinet:** It refers to a group of chosen members of a government, which is responsible for advising and deciding on the government policy.

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- **Senate:** It is one of the two groups of elected politicians who make laws in countries like the US.
- **House of Representatives:** It is the largest part of Congress in the US whose members are elected by the people of the country.
- **House of Commons:** It is the lower house of the Parliament of the United Kingdom.
- **Arbiter:** It refers to a person who settles a dispute or has ultimate authority in a matter.
- **Plenipotentiary:** It refers to a person who has full powers to make decisions and take actions on behalf of his/her government, particularly in a foreign country.
- **Abrogate:** It refers to terminate a law officially.

8.7 ANSWERS TO ‘CHECK YOUR PROGRESS’

1. The Monarch is the head of the state in Great Britain.
2. The Prime Minister is the head of the government in Great Britain.
3. The British Constitution is known as the mother of all parliaments.
4. The first step in the formation of the Cabinet in UK is the selection of the Prime Minister.
5. In UK, the Prime Minister is the sole advisor to the Monarch.
6. The President is the Chief Executive Head of the state in the US.
7. The President is indirectly elected by an electoral college of each state.
8. The Congress is the custodian of the finances in the US.
9. The President is elected for a short term of four years or at the most for one more term.
10. The term ‘cabinet’ came into use during president George Washington’s term, in 1793.
11. (a) Xi Jinping; (b) President
12. (a) True; (b) True

8.8 QUESTIONS AND EXERCISES

Short-Answer Questions

1. List the salient features of the British constitution.
2. Write a short note on the parliamentary form of government that exists in Britain.
3. State the importance of the Cabinet in the British constitutional system.
4. What is the procedure for the selection of the Prime Minister in the British constitutional system?
5. What is the role of the cabinet in the US government?
6. What are the limitations of holding an elected office in the US?
7. What are the functions of the President and Vice-President of the National People’s Congress?

Long-Answer Questions

1. Explain the evolution of the Cabinet in Britain.
2. Explain the features of the cabinet system in Britain.
3. What are the functions of the cabinet system in Britain?
4. Describe the functions of the Prime Minister of Britain.
5. Discuss the powers and functions of the American president.
6. Write a detailed note on the US presidential cabinet
7. Write a detailed note on the history of presidentship in the People's Republic of China.

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UNIT 9 LEGISLATURE

Structure

- 9.0 Introduction
- 9.1 Unit Objectives
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9.0 INTRODUCTION

In the previous unit, you studied about the various executive bodies of the United States, the United Kingdom and China. In this unit, you will study the legislative bodies of the UK, the US, and China.

The British Parliament consists of two houses—the House of Lords and the House of Commons. Another important member of the British Parliament is its speaker. The British speaker holds an important position in the British democracy.

The US Constitution was crafted in 1787. It gave the US Congress the power to make laws for the federal government and to check the actions of the US President. The Senate of the US is mainly a legislative body. It has the power to pass legislations that may become law or prevent legislations from becoming law. There are forty-three standing rules of the Senate, ten of which are codes of ethics. The Vice-President of the US is the President of the Senate.

The most essential part of the central government system of the People’s Republic of China is its National People’s Congress. The National People’s Congress has a standing committee. The main work of this committee is to convene the annual session of the Congress. It is a permanent body, which is composed of a chairman and a number of vice-chairmen and members as well as a secretary general. The chief administrative authority of the People’s Republic of China is its state council. Even though the state council has the vast power of appointment and removal of officials, those on local levels are practically decided upon by the local government councils.

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9.1 UNIT OBJECTIVES

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

- Explain the origin of the British parliament and its houses—the House of Lords and the House of Commons
 - Assess the procedure and practice of the US senate
 - Describe the functioning of the House of Representatives
 - Discuss the functioning and powers of the National People’s Congress of China
 - Analyse the responsibilities of the State Council in China
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9.2 STRUCTURE, FUNCTION AND PROCESS OF LAW-MAKING IN THE UK

In the beginning, the British parliament was an aristocratic and feudal assembly of the king’s tenants-in-chief. It met at intervals of perhaps two or three times a year, to advise, sometimes to control or pressurize the king on important matters. Its work was not primarily legislative, still sometimes an ordinance or statute did emerge. Business might include matters of state—war and peace, administration, assessment and completion of feudal obligations, arguments over fiefs, points of feudal law and the trial of one of its own members who were accused of treason or felony. In contrast to such a large council, there was a small council, a group of household servants and public officials, ever present with the king to assist the actual day-to-day business of government. The evolution of the parliament involved two great processes, both of which began in the 13th century, but belong more particularly to the 14th century. There was gradual but fundamental change in the personnel of the great council from that of feudal tenants-in-chief to a select group of hereditary peers. When the change was completed, the body had become the House of Lords. At the same time, certain new representative elements were being added, which were finally to constitute the House of Commons.

In modern times, it is hard to realize that the term parliament did not always indicate the August assembly at Westminster or other assemblies later devised in its image. The word derived from *parler* (to speak or parley) and the more impressive Latin *parliamentum*, was used loosely to indicate a conversation, a parley or an interview. The 13th century French writer, De Joinville, uses it in three ways: an informal gathering of barons; a judicial session of the king’s court and a tryst between the young king and his Queen Marguerite.

In England, *Parliamentum* creeps into official records as an offensive subject for colloquium that appeared on the Close Roll in 1242 and on the Memoranda Rolls, of the Exchequer in 1248. Quite naturally, it was used in domestic parleys, such as those between Alexander II of Scotland and Richard, Earl of Cornwall, in 1244, and the meeting of the kings of France and Castile. Thus, a parliament, quoted by Maitland ‘is rather an act than a body of persons. One cannot present a petition to colloquy, to a debate. It is only slowly that this word is appropriated to colloquies of a particular kind, namely those which the king has with the estates of his realm, and still more slowly that it is transferred from the colloquy to the body of men whom the king has summoned. . . .the personification of the Parliament which enables us to say that laws are made, and not merely in parliament, is a slow and subtle process.’

It was the noted English chronicler Matthew Paris of St. Albans, who first applied the term to a great council of prelates, earls and barons in 1239 and again in 1246. From this time it was used gradually though not exclusively for such an assembly. The term did not necessarily signify the presence of the Commons. Due to the writings of some historians, we are led to believe that any great council, without the Commons is not a council at all. Professor Plucknett has convincingly demonstrated that this theory is unsustainable: he asserts that ‘there was a verbal dissimilarity, but no actual difference: and this objection seems fatal.’ In writing the history of parliament as an institution, all the assemblies which contained the later parliamentary elements must evidently be considered.

It is helpful to be reminded that the ‘number of people interested in politics and the size of the “political nation” has varied from time to time. This has increased with the growth of population, the progress of education and in general with the expansion of democratic sentiment.’ Historians have elected to call Edward I’s assembly of 1295, the model parliament because of its complete embodiment of all elements of parliament. These elements were bishops and abbots, earls and barons, invited individually; elected representatives; knights and burgesses, summoned through the sheriff and even representatives of the lower clergy.

9.2.1 The House of Lords

The House of Lords emerged as a result of the feudal system, which was not fully developed in England, until after the Norman Conquest. But even though ‘the conqueror’ remodelled the English government on the foreign pattern, he was cautious enough to do so with a distinction. In making grants of lands to his victorious followers, he created several small baronies in favour of each grantee. These baronies were distant from one another, instead of one large fief. He also exacted the oath of allegiance to the crown from all free holders, whether holding directly from the crown or from the tenant-in-chief. These measures prevented the tenants-in-chief from developing into petty sovereigns, practically independent and owning only a titular commitment to the king.

These tenants-in-chief of the king were entitled to be summoned by writ to the king’s council, which is the origin of the modern British parliament. It was the virtue of the duties forced upon them by the feudal system of government that they obtained this right. They were responsible as far as their own fiefs were concerned, for the military defense of the realm; through them the exchequer was replenished. From them evolved the maintenance of order and the administration of the law in their several baronies.

The interests of their feudatories were their interests, the prosperity of their feudatories were their prosperity. The idea of a ‘Lord of Parliament’ would have appeared bizarre to those old barons as it is beginning to appear presently. By reason of this identity of interest between the barons and their feudatories, the former were always forward in resisting the encroachments of the crown on the freedom of the people. One can say that they were the radical reformers of their time. The Magna Carta, concerning which Bishop Stubbs remarks that ‘the whole Constitutional history of England is a commentary on this Charter’ and the subsequent confirmations of the rights thereby secured, were wrung by the great Peers from unwilling monarchs by force, or threats of force. The policy which the conqueror pursued towards his tenants-in-chief had this salutary effect. It forced them into the position of defenders of the liberties of a great nation.

Such being the relation between the nobles, it followed almost inescapably that the chief personal right was the right to a writ of summons to the king’s council. This

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was originally, no doubt a matter of discretion for the king. The tenants who held small fiefs of the crown were willing to ignore summons and in time ceased to receive it. This gave rise to the distinction between the greater and the lesser barons. The crown, in its struggle with the Peers, was tempted to refuse the summons to those who opposed its wishes. Hence, one of the rights established by the Magna Carta was the right of the greater barons to be summoned by writ, personally. The lesser barons were to be summoned by a writ addressed to the sheriff of the county.

The greater barons became the nucleus of the House of Peers, the lesser barons being ultimately represented in the Commons by the Knights of the Shires. In the course of time, the crown exercised the right of summoning other persons to the council. These were not necessarily barons by tenure. These persons were not considered hereditary peers in the first instance, nor did a summon even confer a right to attend the council for life. The records show that many persons were summoned once only, others more frequently. But in process of time the right to a writ became hereditary. Since the 5th year of Richard II, a writ of summons, coupled with proof that the person summoned actually sat in the House of Lords, conferred a hereditary peerage. In this respect, a peerage by writ differs from a peerage created by patent. There was another method of creating peers which is of significant interest because it shows an inclination to admit the influence of a popular voice in the selection of peers. The creation of peerages by statute was at once confined to the granting of steps in the peerage. But the patent which was created by Sir John Cornwall Lord Fanhope in 1432 states that the grant was made by the consent of the lords in the presence of the three estates of the parliament. In many patents, the assent of the parliament is more clearly expressed and in some cases it is stated on the Roll of Parliament.

It must be remembered that the creation of the first peerage in 1382, when Richard II, raised Sir John Holt to the House of Lords by the title of Lord Beauchamp of Kidderminster, was looked upon as an unconstitutional and arbitrary act and Sir John Holt was consequently impeached as a commoner. But no such statement occurs in any patent after the accession of Henry VII. The strengthening of the royal authority, during the early Tudor period enabled the sovereign to do away with even the formality of consulting the parliament for creation of the peers.

Another class of men nearly established a right to sit in the House of Lords by virtue of their office. In early times, the judges were summoned to the House by writ as advisors or assistants, but without the right of voting. Their functions were merely consultative. If the bench had possessed such overwhelming influence as was at the command of the church, it was probable that the judges would have succeeded in sitting in the house as life peers. But it was not the case. The judges of those days were men of little personal influence. They had no security of tenure in their offices: They could be removed at the sole will of the crown. The subordinate position which they achieved is still in some sort recognized by the constitution. The House of Lords has the right to consult the judicial bench, which it exercises on rare occasions and the judges go to the house in full robes to deliver their opinion.

The following statements may be accepted as fairly representing the formative processes for moulding the constitution of the House of Lords:

1. The feudal baron by tenure was summoned to the king's council in virtue of his responsibility for good governance of a portion of the kingdom.

2. The progress of the nation and the growing complexity of the questions presented before the house made it necessary to summon capable persons to its councils; even although they were not supportive to the Crown. These persons originally attended only the parliament to which they were summoned and there was no intention on the part of the Crown to confer either a hereditary dignity or a hereditary right to legislate; but a comparatively modern doctrine, attributable to legal astuteness, had declared that obedience to the writ conferred a hereditary dignity in the family of any person so summoned.
3. The modern method of creating a peerage by patent, which undoubtedly conferred a hereditary right, was in its inception an act of arbitrary power. For a long period, this usurped right was observed by the parliament who later found it necessary to be declared by the consent of the parliament. This custom was rendered useless after the Tudor dynasty gained access to the throne.
4. Originally, the House of Lords was composed of a majority of life members. It is clear, therefore, that the conception of a peer of parliament, with a hereditary right to legislate without any corresponding hereditary duties to perform, is not based upon ancient constitutional doctrine; that the tendency to recruit the Upper House by life members, or members for a given parliament, was first checked by civil commotion and that the modern method of creating peers had its origin in an arbitrary act of the crown.
5. The history of the House of Lords has revealed facts which are important in dealing with this subject. History shows that there has been a constant numeric increase in the membership of that house until it has become the most cumbersome upper chamber in the civilized world. As Lord Roseberry said in 1888, 'Hardly a squadron or a regiment of peers would redress the balance in certain contingencies.' It also shows that since 1832 that unrelenting numerical increase has been accompanied by a persistent decline of influence. This decline has been due to the steady establishment of the House of Commons on an ever-extending democratic basis.

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Table 9.1 The House of Lords, as on 27 January 2016

Party/Group	Life Peers	Hereditary Peers	Bishops (Lords Spiritual)	Total
Bishops	0	0	26	26
Conservative	201	49	0	250
Crossbench	147	31	0	178
Labour	209	4	0	213
Liberal Democrat	107	4	0	111
Non-affiliated	25	0	0	25
Other parties	16	1	0	17
Total	705	89	26	820

9.2.2 House of Commons

The history of the House of Commons is in fact the history of England, during the last 600 years. The journal of its deeds fills 120 folio volumes. No writer on the historic course of action of the House of Commons can fail to point out its most prominent feature—the great antiquity of forms and rules on which it is based. Sir Reginald Palgrave,

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in his preface to the tenth edition of Sir Thomas Erskine May's classical treatise on 'Parliamentary Practice', introduces his retrospect of the half century since the first appearance of the book with the words, 'The parliamentary procedure of 1844 was essentially the procedure on which the House of Commons conducted business during the Long Parliament.' The most recent historian of parliament, Edward Porritt, takes his readers even further back than Sir Reginald Palgrave. In his most informative work, he says: 'the most remarkable fact with regard to the procedure of the house is the small change which has taken place since, in the reign of Henry VII, enactment by bill superseded enactment by petition. Following in its main lines the procedure which the Journals show to have been in use when in 1547, the House migrated from the Chapter House of Westminster Abbey to the famous Chapel which Edward VI then assigned to the Commons for their meeting place.'

The beginning of the order of business in the House of Commons is traced back to yet another century. This step was the adoption of the bill as the exclusive technical form for the exercise of the great functions of parliament and procedure by bill. To this day, it is the characteristic mark of the English parliamentary system and all its descendants. From the point of view of procedure, this change may well be called the boundary between two great eras in parliamentary history. With the advent of bill, the individuality of the English parliament as a constitutional and political creation became complete. However, many favoured its application and however extensive the orb of its undertakings, the development of the procedure moved on within the fixed form given to it by the bill.

Three periods can be distinguished in the growth of the historic order of business in the House of Commons, which, approximately, are successive, but which cannot be sharply divided from each other.

- (i) The first period is that of the estates. It begins with the meetings under Henry III and Edward I and continues until the beginning of the journals of the house and the first contemporary reports of the debates and proceedings, i.e., till the middle of the 16th century. In this period again, we have to distinguish between two parts: The period in which petition is the sole form of parliamentary activity and the period from the first quarter of the 15th century in which bill becomes its normal form.
- (ii) In the second, the parliament regularly meets the order of business and the procedure as a whole appears on its permanent fundamental lines. It covers the reign of Queen Elizabeth and the first four sovereigns of the house. The framing of the whole historic order of business, by the practice of the House of Commons, was carried out in this period. The only essential qualification is that there can be no doubt that most of the fundamental elements of procedure date back much further than our knowledge of the proceedings of the house. In other words, their inception and earliest development belongs to our first period.
- (iii) The opening of the third period is marked by the great political landmark in the constitutional history of England—the Revolution. This ushers the age of conservative parliamentary rule, which the governing classes strove to retain and develop, for the maintenance of their own supremacy in the state. The period closes with the carrying of the first extension of the franchise in 1832. With the meeting of the reformed House of Commons, begins another era in the development of the order of business and procedure of the house. This is connected with the political transformation of parliament.

Table 9.2 Summary of the May 2010 House of Commons of the United Kingdom Election Results

Political Party	Candidates	Elected	Seats Gained	Seats Lost	Net Change in seats	% of Seats	% of Votes	Number of Votes	Change in % of vote
Conservative	631	306	100	3	+97	47.1	36.1	10,703,754	+3.7
Labour	631	258	3	94	-91	39.7	29.0	8,609,527	-6.2
Liberal Democrat	631	57	8	13	-5	8.8	23.0	6,836,824	+1.0
UKIP	572	0	0	0	0	0	3.1	920,334	+0.9
BNP	338	0	0	0	0	0	1.9	563,743	+1.2
SNP	59	6	0	0	0	0.9	1.7	491,386	+0.1
Green	310	1	1	0	+1	0.2	1.0	285,616	-0.1
Sinn Féin	17	5	0	0	0	0.8	0.6	171,942	-0.1
Democratic Unionist	16	8	0	1	-1	1.2	0.6	168,216	-0.3
Plaid Cymru	40	3	1	0	+1	0.5	0.6	165,394	0.1
SDLP	18	3	0	0	0	0.5	0.4	110,970	-0.1
Conservatives and Unionists	17	0	0	1	-1	0	0.3	102,361	-0.1
English Democrats	107	0	0	0	0	0	0.2	64,826	0.2
Alliance	18	1	1	0	+1	0.2	0.1	42,762	0.0
Respect	10	0	0	1	-1	0	0.1	33,251	-0.1
Traditional Unionist Voice	10	0	0	0	0	0	0.1	26,300	N/A

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Speaker	1	1	1	0	0	0	0	0	0	0.1	22,860	0.0
Independent - Rodney Connor	1	0	0	0	0	0	0	0	0	0.0	21,300	N/A
Independent - Sylvia Hermon	1	1	1	0	0	0	0	0	+1	0.1	21,181	N/A
Christian	71	0	0	0	0	0	0	0	0	0.1	18,623	+0.1
Scottish Green	20	0	0	0	0	0	0	0	0	0.1	16,827	0.0
Health Concern	1	0	0	0	0	0	0	0	-1	0.1	16,150	0.0
Trade Unionist & Socialist	41	0	0	0	0	0	0	0	0	0.0	12,275	N/A
Independent - Bob Spink	1	0	0	0	0	0	0	0	-1	0.0	12,174	N/A
National Front	17	0	0	0	0	0	0	0	0	0.0	10,784	0.0
Buckinghamshire Campaign for Democracy	1	0	0	0	0	0	0	0	0	0.0	10,331	N/A
Monster Raving Loony	27	0	0	0	0	0	0	0	0	0.0	7,510	0.0
Socialist Labour	24	0	0	0	0	0	0	0	0	0.0	7,219	-0.1
Liberal	5	0	0	0	0	0	0	0	0	0.0	6,781	-0.1
Blaenau Gwent People's Voice	1	0	0	0	0	0	0	0	-1	0.0	6,458	-0.1
Christian Peoples	11	0	0	0	0	0	0	0	0	0.0	6,276	0.0
Mebyon Kerrow	6	0	0	0	0	0	0	0	0	0.0	5,379	0.0
Lincolnshire Independents	3	0	0	0	0	0	0	0	0	0.0	5,311	N/A
Mansfield Independent Forum	1	0	0	0	0	0	0	0	0	0.0	4,339	N/A

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Green (NI)	4	0	0	0	0	0	0	0	0	0.0	3,542	0.0
Socialist Alternative	3	0	0	0	0	0	0	0	0	0.0	3,298	0.0
Trust	2	0	0	0	0	0	0	0	0	0.0	3,233	N/A
Scottish Socialist	10	0	0	0	0	0	0	0	0	0.0	3,157	-0.1
People Before Profit	1	0	0	0	0	0	0	0	0	0.0	2,936	N/A
Local Liberals People Before Politics	1	0	0	0	0	0	0	0	0	0.0	1,964	N/A
Independent - Esther Rantzen	1	0	0	0	0	0	0	0	0	0.0	1,872	N/A'
Alliance for Green Socialism	6	0	0	0	0	0	0	0	0	0.0	1,581	0.0
Social Democrat	2	0	0	0	0	0	0	0	0	0.0	1,551	N/A
Pirate	9	0	0	0	0	0	0	0	0	0.0	1,340	N/A
Communist	6	0	0	0	0	0	0	0	0	0.0	947	0.0
Democratic Nationalists	2	0	0	0	0	0	0	0	0	0.0	753	N/A
Workers' Revolutionary	7	0	0	0	0	0	0	0	0	0.0	738	0.0
Peace	3	0	0	0	0	0	0	0	0	0.0	737	0.0
New Millennium Bean Party	1	0	0	0	0	0	0	0	0	0.0	558	0.0
Total	-	650	-	-	-	-	-	-	Turnout	65.1	29,691,780	-

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House of Commons—Relationship with the Prime Minister

The parties in the House of Commons do not elect the prime minister but still their position is of dominant importance. The prime minister must maintain a good relationship and should support and be answerable to the members of the House of Commons. Ironically, in modern times, the prime minister is always a member of the House of Commons and not of the House of Lords.

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Members and Election

Each member of the parliament stands for a single constituency. There always remains a procedural difference between county constituencies and borough constituencies, which lies in the difference of the amount of money the candidates are allowed to spend during their election campaign. As mentioned earlier, the timing of the election is in the hands of the prime minister. Thus, the parliament is dissolved by the sovereign and the timing is chosen by the prime minister. Traditionally, all elections in the United Kingdom are held on Thursdays. A nomination paper must be signed by ten registered voters of a constituency for a member to stand up for elections. Though there are many qualifications that apply to the members of the parliament, the most important one is that the individual must be 18 years old and must be a citizen of the United Kingdom.

Table 9.3 MPs Elected in the UK General Election, 2010

Affiliation	Members
Conservative	305
Labour	253
Liberal Democrat	57
Democratic Unionist	8
SNP	6
Sinn Féin	5
Plaid Cymru	3
SDLP	3
Alliance	1
Green	1
Independent	3
Speakers and Deputy Speakers	4
Vacant	1
Total	650
Actual government majority	83

Source: BBC News

Check Your Progress

1. Fill in the blanks.
 - (a) Each ____ of the parliament stands for a single constituency.
 - (b) In modern times, the _____ is always a member of the House of Commons and not of the House of Lords.
2. State whether True or False.
 - (a) The House of Lords emerged as a result of the feudal system, which was not fully developed in England.
 - (b) The parties in the House of Commons elect the prime minister.

9.3 STRUCTURE, FUNCTION AND PROCESS OF LAW-MAKING IN THE US

In 1787, when the founding fathers of the US crafted the constitution (a constitution which still carries on today), they chose the US Congress for the very first article. The constitution gave the Congress the power to make laws for the federal government, the capability to check the actions of the president and the duty to stand for the American people.

Constitutions are never written in vacuity. They reflect the beliefs, goals and aspirations of their authors and in many cases, the values of society. In this way, the American constitution is no exception. To be able to understand the principles on which the US Congress was established, one must first understand the politics which surrounded the formation of the United States of America.

The founding of British colonies in what was known as the ‘new world’ is only one part of the history of America, but it is fundamental to the history of the United States. It was from the British colonies that, in 1776, a new nation was born. The first British colonists landed in 1585, in what is now Virginia. Life was difficult in the new world and many of the early colonies surrendered to disease, famine and attack by native ‘Indian’ tribes. The first colony to conquer these difficulties and endure was established in Jamestown, Virginia, in 1607. Their success was due to two reasons: surviving the first winter with the aid of friendly Native Americans and an ability to grow tobacco. The colonists had discovered a mix of Caribbean and mainland American tobacco leaves which was appealing to the European taste and trade with the ‘old world’ had become both, possible and lucrative. By 1732, thirteen colonies had been established up and down the eastern seaboard of North America. These colonies began to thrive through trade and soon found a degree of autonomy from the British government. Colonial assemblies were established in America and these began to check the power of resident royal governors, often taking control of characteristics of taxation and expenditure. Steadily, the principles of self-government were becoming ascertained in the minds of the colonists.

As the 18th century progressed, the British Crown and parliament once again began to look to the West. The colonies had proved to be a success and Britain wanted to expand their control in the west. Their efforts directed at west-ward expansion, however, meant clash with French forces who had established a powerful position in North America. The ‘French Indian War’ lasted from 1754–1763, until the French forces were defeated. This left the British in control of a large area. At present, this large area is Canada and the US. The cost of the war and the resources needed to control their recently expanded western empire put a strain on British finances and led the parliament to look for new ways to raise revenue. Having decided that the colonies should pay more for their own defense, the British parliament passed a series of acts which levied taxes on colonial trade. The British actions had endangered the ability of the colonies to trade freely and given the historical importance of trade of colonies’ existence, caused a great deal of bitterness. Over the next ten years, protest over British taxation and oppression grew, occasionally breaking into violence. Matters came to a head in Lexington, Massachusetts in 1775 when a raid by British troops on colonial militias led to full-scale fighting. This marked the beginning of the American Revolution.

A formal declaration of independence was issued on 4 July 1776. Largely written by Thomas Jefferson of Virginia, the declaration set the grounds on which the colonies claimed their right to throw off the British rule. Behind the declaration, were the ideas of the 18th century philosophers and writers such as Thomas Paine and John Locke. These ideas were widespread among the aristocracy of that time. These ideas would go on to play a large part in writing the constitution.

The war of independence formally ended in 1783 with the signing of the Treaty of Paris, in which the British Crown recognized the independence, freedom and sovereignty of thirteen former colonies. With victory certain, the thirteen states were faced with the task of devising a system of government. Having just conquered what they viewed as

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tyrannical power, the leaders of the new states had no intention of replacing the British Crown with their own monarch, or creating a central government. However, it was recognized that some form of central administration was inevitable for a newly founded independent nation.

There was never an issue that the new US would be anything other than federal. A federal state maintains more than one level of government, with each having their own rights and independence. Unlike in Britain, where the government in London is paramount and can create, alter or abolish local governments as it sees fit, the new US Constitution maintained the autonomy of individual states. They created a central, or federal, government with certain powers and responsibilities that rose out of necessity.

As the failure of the articles of confederation showed, there were certain jobs, necessary for the success of the new nation that could not be carried out by the state governments alone. On the other hand, under the new constitution, the state governments intended to be the primary level of government, with responsibility for their own affairs and those of their citizens. The federal government was to be restricted to those areas which fell outside the individual state: regulating trade between states, establishing a national currency, conducting foreign affairs and controlling the national military forces. This ideal, where each level of government had its own separate areas of influence, was known as dual federalism. Such a pure form of federalism was going to be short lived, but for the early years of the US, it was the state governments which seized power.

The constitution established a system whereby each branch of government would be checked by another. A bicameral legislature was chosen so that the Congress could act as a check upon itself in effect. For any law to be passed, the approval of both chambers would be considered necessary. These two chambers which make up the US Congress were the senate and the House of Representatives.

9.3.1 The Senate

The senate of the US is generally known as the greatest deliberative body in the world for a number of reasons. Right from its beginning, the senate chamber has been the setting of some of the most moving, influential and consequential debates in American history.

First, the senate is mainly a legislative body. It has the power to pass legislations that may become law or to prevent legislations from becoming law. Moreover, it is responsible to approve or deny consent to ratify treaties, to approve and advice on presidential nominees and to try impeachments. Till date, it is more powerful and significant than any upper chamber across the world. Those who framed the constitution wanted the senate to be an incomparable legislative body, such that it should be both, unique in its structure and superior as an institution. They believed this was essential for the republic to endure. So the framers provided for the following, among other things, in the senate: equal representation of every state; terms extending six years, beyond those of the house and the president; elections in which only one third of members would stand before the people every two years; and a minimum age requirement to attract 'enlightened citizens' to serve the body. These characteristics lent an exclusive character to the senate; a small, stable, stately, thoughtful, independent, experienced, and a deliberative body. With equal legislative authority for the House of Representatives, the framers expected that the senate would remain steady in a representative democracy. This, along with its duties specified in the constitution, was the framers' design for the senate. However, the senate required a structure to operate. And that structure has for more

than two hundred years taken the form of senate procedure: standing rules, rule-making statutes, and precedents.

In 1789, the first senate assumed twenty standing rules. Surprisingly, sixteen of those rules still form the core of the senate procedure today. Since 1939, the senate has assumed twenty-five rule-making statutes. The presiding officer has established a quantity of precedents over the course of the senate's history to fill nearly 1600 pages in the seminal reference work, known as the 'Riddick's Senate Procedure'.

The senate's rules and the precedents are nothing less than the institution's genetic material: they have evolved over a period of time; they are entwined and complex. Those who unlock and understand and apply the senate's procedure have an edge over their colleagues and the course of the senate's negotiations. But most of all, together, the senate faithfully reflects the framers' design and ambition for the body. The senate has two paramount values: unlimited debate and minority rights.

Procedure and Practice of the Senate

Great scholars have anticipated that to understand the senate procedure is to understand the greatness of America in many respects. The senate procedure rests on three pillars:

- (i) The standing rules of the senate, which have adopted pursuant to the senate's right under Article 1, Section 5, of the constitution to make rules governing its own proceedings
- (ii) Special procedures found in rule-making statutes, also written under the senate's rule-making power
- (iii) Precedents that interpret the standing rules, interpret provisions in rule-making statutes and interpret other precedents

Distinguishing Characteristics of the US Senate

Senate procedure also embraces two features that differentiate the senate from other parliamentary bodies of the world:

- (i) Debate rules are fundamentally unrestricted
- (ii) Amendment opportunities are fundamentally unrestricted

As mentioned earlier, the US senate is the most powerful upper chamber on earth. Unlike many upper chambers that have limited authority, the senate has equal legislative jurisdiction with the house and is authorized to address two areas which the house does not possess: nomination and treaties. The senate's authority is grounded in the constitution and is improved by the rules and precedents, through which the body elects to govern itself.

The Text of the Standing Rules

There are forty-three standing rules of the senate, ten of which are code of ethics. The origin of certain rules can be found in the twenty rules of the first senate in 1789, sixteen of which have considerably carried over until till date. The rules and their history reflect the solidity and uniqueness of the senate. They represent strong fibres in the fabric that binds the institution together.

Senate rules grant considerable power to individual members, minority coalitions and the minority party. Individuals with knowledge of procedure and willingness to employ it can exert influence far beyond their single vote. A disciplined and organized minority

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can sometimes be disrupted by a filibuster, a measure or matter favoured by the majority of senators. An individual senator can ruin many situations in which unanimous consent is a practical precondition for action. Unlike the House of Representatives, which adopts new rules at the beginning of each Congress; the rules of the senate continue from one Congress to its successor and remain in force until amended. The standing rules provide that ‘the rule of the senate shall continue from one Congress to the next, unless they are changed as provided in these rules.’

Changes to the standing rules can be made but they have not been recurrent. Before changes can be proposed, Rule V requires a one day notice in writing. Amendments to the text of the standing rules are adopted customarily by simple majority passage of a senate resolution. However, such a measure is debatable and subject to a special cloture requirement. Normally, a vote of three-fifths of all senators who are duly chosen and sworn, or sixty senators, is sufficient to invoke cloture. To end a debate on a rules change resolution requires an affirmative vote of two-thirds of all senators who are present. This rule has remained unchanged since the crude amendment of 1959.

Recodification of rules has happened only seven times in the history of the senate, the first being in 1806 and the most recent occurring in 1979, under the leadership of senator Robert Byrd. After Senator Byrd proposed the 1979 adjustments, the rules have not been re-codified since 1884. Execution of the rules is often restricted by unanimous consent orders. Under consent orders, senators voluntarily agree to forgo or adjust some aspect of their rights. A single objection bars agreement and forces reliance on senate rules and precedents.

The Senate Parliamentarian

The senate parliamentarian is procedural counselor to the presiding officer. Since it has become a practice to rotate the chair hourly among majority party senators, the parliamentarian’s authority becomes central. Few senators have the knowledge or experience to manage the procedure of the senate, so they often rely heavily on the advice of the parliamentarian.

It is often wrongly stated that the parliamentarians make rules. The presiding officer rules after having received the parliamentarian’s counsel. Even though the presiding officer has the power to take no notice of the parliamentarian’s advice and simply rule on his own, it would be extraordinary for him to do so. If the senate wishes to break new ground, divergent to the parliamentarian’s outlook, it will vote for against an appeal to overturn the presiding officer’s ruling. The presiding officer’s is not frequently overturned.

Senator

The constitution states that a senator must be a citizen of the US for at least nine years, be at least 30 years old and be a resident of the state that he or she represents. For more than a century, senators were selected by their state legislatures, not directly by the voters. Mutually, in law and practice, this excluded many groups, some of whom were African-Americans.

The election of the senators by the people was not necessary until the seventeenth amendment to the constitution was ratified in 1913, one year before the election year of 1914. Until the middle of the 19th century, the system in which the state legislatures selected senators worked proficiently, even though it may have benefited special-interest groups in the state. By 1870, the US Senate had its first African American senator, republican Hiram Rhodes Revels of Mississippi. The first woman senator, Rebecca

Latimer Felton of Georgia, was appointed to fill up the term of her husband, who died in office. She was sworn in on 21 November 1922.

Senate Officers

The constitution states that the president of the senate shall be the vice-president of the US, who supervises over the sessions but votes only in case of a tie. For many years, that remained the vice-president's chief responsibility and his offices were in the US capital. On the other hand, stipulations had to be made for an officer who could take the position in the vice-president's absence thus the constitution provided a second presiding officer, the president pro tempore, also known as the president pro tem.

Party secretaries, elected both by the majority and the minority parties, are employees who are seated at either side of the senate chamber. Their everyday responsibilities include making sure that the pages are in place, scheduling legislation and keeping senators informed about pending business in the session.

Table 9.4 The Party Composition of the Senate after 3 January 2011

<i>Affiliation</i>	<i>Members</i>
Democratic Party	51
Republican Party	46
Independent	3
Total	100

9.3.2 House of Representatives

The legislative processes on the floor of the House of Representatives are governed by numerous rules, practices as well as precedents that are also complex in nature. The House rules mentioned in an official manual run into more than a thousand pages. Additionally, there exists more than 25 volumes of precedents that complement the official rules. Yet, compared to the Senate, the House applies its rules in a more moderately conventional fashion. The rules in themselves are multi-faceted; some are naturally complex and thus difficult to interpret. Therefore, the House does tend to follow parallel procedures under somewhat similar circumstances. Even in cases where, for instance, the House can follow similar pattern of rules tend to differentiate with each other and have limited number of recognizable patterns.

Yet, the fundamental importance of the rules the representatives of the House follow, including its many procedures, cannot be undermined. With time, majority of members are able to use their will on the floor of the House. As per the rules of the House, the minority members cannot intentionally delay voting in the House, for instance, by making long speeches or using such devices, to prevent the majority from making the decisions.

Modes of Procedure

While dealing with a Bill or passing a resolution, the House does not restrict itself to following a single course of action. Different Bills or sets of Bills require usage of certain kinds of House rules and they need to be considered in a particular manner. It is the members who decide which rule will fit the discussion of a particular Bill. This depends on factors like the imminence and estimated cost of the Bill and the contention and arguments over its merits and provisions. The difference between these choices of

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rules depends on many factors, like the time members had to debate over the Bill, the amendments proposed and how promptly the House is able to act on these matters.

Legislative Procedures and Comparisons with the Senate

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The constitution has imposed restrictions on national legislature and on the Congress’s legislative agenda. The Congress has the authority to create laws that provide it with the power that is required for carrying out its numerous functions, apart from the authority that is allocated by the constitution to the federal government.

In constitutional powers, the two houses of Congress are almost equal; each has unique privileges. Both houses must agree on a bill before it becomes a law. Neither house consistently dominates the other; nor is there any authority other than an electorate, to which both are accountable. Each chamber has the constitutional power to select its own officers, devise its own rules and by implication, set its own agenda. There are no Congressional leaders; there are only house leaders and senate leaders, with no formal mechanisms for coordination between them. For many functional reasons, each house is autonomous. The house and the senate classically refer to each other as ‘the other body’, reflecting a sense of separateness between the two. When representatives and senators meet in a conference committee to decide specific legislative differences between them, their discussions can take a characteristic of bilateral treaty negotiations.

A typical Congressional agenda does not exist. Both the houses are authorized to set priorities for matters, which they need to decide upon. The freedom of action is restricted to a certain extent. Certain laws must be passed each year; the activities of the federal government must be funded before the new fiscal year begins. The presidential influence, popular sentiment and national and international emergencies can incite the house and the senate, to give priority to the same matters. In such cases, however, the two houses respond independently to the same requirements, pressures and developments. Neither house has the constitutional power to force the other to act. There is no Congressional agenda; there is a house agenda and a senate agenda, both of which do not always coincide.

Check Your Progress

3. Fill in the blanks.
 - (a) The _____ parliamentarian is procedural counselor to the presiding officer.
 - (b) The constitution states that the _____ of the senate shall be the vice-president of the US, who supervises over the sessions but votes only in case of a tie.
4. State whether True or False.
 - (a) In 1789, the first senate assumed twenty standing rules.
 - (b) A complex body of rules, precedents and practices governs the legislative process on the floor of the House of Representatives.

Table 9.5 2013 Election Results and Current Party Standings

Affiliation	Members	Delegates/Resident Commissioner (non-voting)	Number of state majorities
Republican Party	234	0	30
Democratic Party	201	6	17
Total	435	6	

9.4 STRUCTURE, FUNCTION AND PROCESS OF LAW-MAKING IN CHINA

The National People’s Congress (NPC) is an essential part of the central government system of the People’s Republic of China. Due to its exclusive nature and importance, it is treated as one of the organs of the Central People’s Government. The constitution of 1954 places the National People’s Congress as the highest wing of the state authority and the only legislative authority of China. The deputies to the Congress, from provinces,

autonomous regions, municipalities directly under the central authority, the armed forces and overseas Chinese are prescribed by the Electoral Law of China for the National People's Congress and Local People's Congresses, at all Levels. This was propagated on 1 March 1953.

The term of office of the deputies is four years, which may be extended in case the election of deputies to a new Congress is not completed. When a deputy is incapable to perform his duties, his electoral unit will hold a by-election to fill the vacancy. The new deputy so elected is to serve the remainder of the unexpired term. The deputies are not arrested or put on trial without the approval of the Congress or else its standing committee, when the Congress is in recess. Moreover, they are supervised by the units which they represent and may be replaced in harmony with law. The deputies may attend the meetings of the people's Congresses or of their local units.

The National People's Congress has a standing committee as well as other committees. The annual session of the Congress is to be convened by the standing committee, which may also call for special sessions of deputies. The meetings of the Congress are controlled by an executive chairman of the presidium, who is elected by the deputies at the beginning of the session. For each session, the Congress sets up a secretariat, under the direction of a secretary general. He conducts the routine business of the Congress.

Functions of the National People's Congress

The National People's Congress has the following authorities and responsibilities:

1. To administer the enforcement of the constitution and amend it
2. To enact laws
3. To elect the chairman and vice-chairman of the People's Republic of China, the president of the Supreme People's Court and the procurator general
4. To decide on the choice of the premier of the state council, vice-chairman and members of the council of national defense, on recommendation of the chairman of the People's Republic of China
5. To decide upon the members of the state council, on recommendation by the premier
6. To remove the officials who are elected or appointed by the Congress, from the office
7. To examine and approve the state budget and the financial report
8. To suspend the responsible officials of the state council or of its ministries and commissions
9. To decide on national economic plans, general amnesties and questions of war and peace
10. To ratify the status and boundaries of provinces, autonomous regions and municipalities which are directly under the central authority
11. To exercise other functions and powers that the Congress may consider necessary

As the highest state authority, the power of the National People's Congress would be almost unlimited; yet, in fact, it is dominated by the Communist Party which actually exerts the ultimate authority of the state.

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NOTES**The Standing Committee of the National People's Congress**

The standing committee is a permanent body of the National People's Congress to which it is responsible and answerable. It is composed of a chairman and a number of vice-chairmen and members, as well as a secretary general. They are elected by the Congress to perform its functions. The Chairman supervises the meetings of the standing committee. Resolutions may be adopted by a vote of simple majority. The standing committee, elected by the First National People's Congress on 27 September 1954, comprised a chairman, 13 vice-chairmen and 65 members. Liu Shao-chi was elected as its chairman. Political leaders of different parties and groups were represented at the Committee.

The standing committee exercises the following authority and responsibilities:

1. To elect deputies to the National People's Congress
2. To convene the next National People's Congress
3. To construe laws and issue decrees
4. To administer the work of the state council, the Supreme People's Court and the Supreme People Procuratorate
5. To annul decisions and orders of the state council, which are in conflict with the constitution, laws or decrees
6. To amend inappropriate annual decisions of the government authorities of provinces, autonomous regions and municipalities which fall directly under the central authority
7. To decide on the appointment or elimination of the vice-premiers, ministers, heads of commissions or secretary general of the state council, when the Congress is not in session
8. To appoint or remove vice-presidents, judges, deputy procurators general, procurators and other members of the judicial committee of the Supreme People's Court and the procuratorial committee of the Supreme People's Procuratorate
9. To make a decision on the appointment or to recall diplomatic representatives to foreign states
10. To introduce military, diplomatic and other special titles and ranks
11. To institute and decide on the award of state orders, medals and titles of honour
12. To make a decision on the granting of pardons
13. To make decisions on behalf of and when the National People's Congress is in recess
14. To decide on the proclamation of a state of war in the event of foreign invasion or due to treaty obligations for collective defense
15. To decide on general or partial mobilization or enforcement of martial law
16. To exercise such other functions and powers which are authorized by the National People's Congress

9.4.1 Other Committees and Commissions of Inquiry

Besides the standing committee, the National People's Congress has a nationalities committee, a bills committee, a budget committee, a credentials committee and other

necessary committees. Commissions of inquiry for the investigation of specific matters may be instituted by the National People's Congress, or if not in session, by the standing committee. All state organs, people's organizations and citizens concerned are needed to supply necessary information to these commissions, if requested. When the National People's Congress is not in session, the nationalities committee and the bills committee are under the direction of the standing committee. Each committee is composed of a chairman and a certain number of vice-chairmen and other concerned members. Whereas the nature of the committees on bills, budgets and credentials are self-explanatory, the work of the nationalities committee requires additional embellishment; two of the functions of the committees are as follows:

- (i) To examine provisions of the bills that concern the affairs of nationalities, which are referred to it by the Congress or its standing committee
- (ii) To examine laws and regulations concerning the exercise of autonomy, submitted by different autonomous units for approval by the standing committee

9.4.2 The State Council

The state council is the chief administrative authority of the People's Republic of China. Despite the fact that the general organization of the state council is similar to that of the government administrative council, there are certain differences between the two organs. The intermediary committees between the premier and ministers were abolished. Also, there was no provision for council members without portfolio. Differences can also be found in the number of vice-premiers, ministries and commissions. The state council resembles the Soviet Council of the People's Commissars in some respects, but the Chinese Communist Government chooses to retain the traditional pattern of ministries and commissions.

Even though the premier directs the work of the state council, any resolution has to be deliberated and adopted at the Council's plenary or executive meetings. Plenary meetings are usually held once a month. They are attended by the premier, vice-premiers, the secretary general, ministers and heads of commissions. The members who attend the executive meetings are limited to the premier, vice-premiers and the secretary general, who constitute a so-called 'inner cabinet.'

Authority and Responsibilities of the State Council

The authority and responsibilities of the state council are as follows:

1. To adopt measures pertaining to administration and to issue and implement decisions and orders
2. To submit bills to the National People's Congress or its standing committee
3. To organize and direct the work of the ministries and commissions under the council as well as that of local bodies of administration, all over the country
4. To amend or cancel improper directives and instructions issued by ministries, commissions, as well as local administrative organs
5. To implement the national economic plans and provisions of the state budget
6. To direct the external affairs as well as international and national trade
7. To direct cultural, educational and public health work, as well as the affairs concerning national minorities and overseas Chinese

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8. To protect the interests of the state, ensure law and order and protect the rights of the citizens
9. To strengthen the national defense forces
10. To sanction the stages and limits of autonomous prefectures, districts, autonomous districts and municipalities
11. To hire or eliminate administrative staff according to the provisions of law
12. To execute other authority and responsibilities that are vested in the state council by the National People’s Congress or its standing committee
13. According to the Organic Law of State Council of 1954, the state council has the power to appoint and remove the administrative personnel under the following groupings:
 - (a) Deputy secretaries general of the state council, vice-ministers and assistants to the ministers, deputy heads and members and commissions, heads and deputy heads of departments and directors and deputy directors of bureaus under ministries and commissions
 - (b) Heads and deputy heads of boards, directors and deputy directors of bureaus under the people’s councils of provinces and municipalities directly subject to the central authority
 - (c) Commissioners and special administrative offices
 - (d) Officials in autonomous regions with the rank corresponding to those listed under categories a and b
 - (e) Counsellors of diplomatic missions and consul generals
 - (f) Presidents and vice-presidents of national universities and colleges
 - (g) Other officials corresponding to the above ranks

Even though the state council has the vast power of appointment and removal of officials, those on local levels are practically decided upon by the local government councils, which submit them to the state council for verification as a matter of procedural requirement.

Table 9.6 Membership of previous National People’s Congresses

Congress	Year	Total Deputies	Female Deputies	Female %	Minority Deputies	Minority %
First	1954	1226	147	12	178	14.5
Second	1959	1226	150	12.2	179	14.6
Third	1964	3040	542	17.8	372	12.2
Fourth	1975	2885	653	22.6	270	9.4
Fifth	1978	3497	742	21.2	381	10.9
Sixth	1983	2978	632	21.2	403	13.5
Seventh	1988	2978	634	21.3	445	14.9
Eighth	1993	2978	626	21	439	14.8
Ninth	1998	2979	650	21.8	428	14.4
Tenth	2002	2985	604	20.2	414	13.9

Check Your Progress

5. Fill in the blanks.
 - (a) The standing committee is a _____ body of the National People’s Congress to which it is responsible and answerable.
 - (b) The _____ is the chief administrative authority of the People’s Republic of China.
6. State whether True or False.
 - (a) The state council is responsible for strengthening the national defense forces.
 - (b) The National People’s Congress (NCP) is an unnecessary part of the central government system of the People’s Republic of China.

9.5 SUMMARY

- In the beginning, the parliament was an aristocratic and feudal assembly of the king's tenants-in-chief. It met at intervals of perhaps two or three times a year, to advice, sometimes to control or pressurize the king on important matters.
- The British Parliament consists of two houses—the House of Lords and the House of Commons. Another important member of the British Parliament is its speaker. The British speaker holds an important position in the British democracy.
- The House of Lords emerged as a result of the feudal system, which was not fully developed in England, until after the Norman Conquest. But even though 'the conqueror' remodelled the English government on the foreign pattern, he was cautious enough to do so with a distinction. In making grants of lands to his victorious followers, he created several small baronies in favour of each grantee.
- The history of the House of Commons is in fact the history of England, during the last 600 years. The journal of its deeds fills 120 folio volumes. No writer on the historic course of action of the House of Commons can fail to point out its most prominent feature—the great antiquity of forms and rules on which it is based.
- The parties in the House of Commons do not elect the prime minister but still their position is of dominant importance. The prime minister must maintain a good relationship and should support and be answerable to the members of the House of Commons.
- As the 18th century progressed, the British crown and parliament once again began to look to the west.
- The US Constitution was crafted in 1787. It gave the US Congress the power to make laws for the federal government and to check the actions of the US President. The Senate of the US is mainly a legislative body.
- In 1787, when the founding fathers of the US crafted the constitution (a constitution which still carries on today), they chose the US Congress for the very first article.
- There are forty-three standing rules of the Senate, ten of which are codes of ethics. The Vice-President of the US is the President of the Senate.
- The senate of the US is generally known as the greatest deliberative body in the world for a number of reasons.
- The senate's rules and the precedents are nothing less than the institution's genetic material: they have evolved over a period of time; they are entwined and complex.
- Great scholars have anticipated that to understand the senate procedure, is to understand the greatness of America in many respects.
- There are forty-three standing rules of the senate, ten of which are code of ethics.
- The senate parliamentarian is procedural counselor to the presiding officer.
- The constitution states that the president of the senate shall be the vice-president of the US, who supervises over the sessions but votes only in case of a tie.
- A complex body of rules, precedents and practices governs the legislative process on the floor of the House of Representatives.

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- The constitution has imposed restrictions on national legislature and on the legislative agenda of the Congress.
- The most essential part of the central government system of the People's Republic of China is its National People's Congress. The National People's Congress has a standing committee. The main work of this committee is to convene the annual session of the Congress.
- The National People's Congress (NPC) is an essential part of the central government system of the People's Republic of China.
- The National People's Congress has a standing committee as well as other committees. The annual session of the Congress is to be convened by the standing committee, which may also call for special sessions of deputies.
- The standing committee is a permanent body of the National People's Congress to which it is responsible and answerable.
- The chief administrative authority of the People's Republic of China is its state council. Even though the state council has the vast power of appointment and removal of officials, those on local levels are practically decided upon by the local government councils.

9.6 KEY TERMS

- **Rolls of Parliament:** They were the official records of the English Parliament and the subsequent Parliament of the United Kingdom.
- **House of Commons:** It is that part of parliament whose members are elected by the people of the country (in Britain).
- **House of Lords:** It is that part of parliament whose members are not elected by the people of the country (in Britain).
- **House of Representatives:** It is the largest part of Congress in the US, whose members are elected by the people of the country.
- **Republican Party:** It is one of the two main political parties in the US, usually considered to support conservative views and desires limit the power of central government.
- **Cabinet:** It is a group of chosen members of a government, which is responsible for advising and deciding on government policies.
- **State Council:** The state council is the chief administrative authority of the People's Republic of China.

9.7 ANSWERS TO 'CHECK YOUR PROGRESS'

1. (a) member (b) prime minister
2. (a) True (b) False
3. (a) Senate (b) President
4. (a) True (b) True
5. (a) permanent (b) state council
6. (a) True (b) False

9.8 QUESTIONS AND EXERCISES

Short-Answer Questions

1. How did the House of Lords emerge?
2. Write a short note on the House of Commons.
3. What are the pillars on which the US senate procedure rests?
4. Write a short note on the mode of procedure of the House of Representatives.
5. Write a short note on the organization and functions of the National People's Congress of China.

Long-Answer Questions

1. Give an overview of the origin and development of the House of Lords and the House of Commons.
2. Assess the relationship of the House of Commons with the Prime Minister.
3. Explain the working of the Senate in the US.
4. Analyse the role played by the standing committee of the National People's Congress.
5. Discuss the authority and responsibilities of the state council in China.

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UNIT 10 ELECTORAL PROCESS

Structure

- 10.0 Introduction
- 10.1 Unit Objectives
- 10.2 Electoral Process in the UK
 - 10.2.1 Electoral Systems
 - 10.2.2 Plurality Voting and Party Representation
- 10.3 Electoral Process in the United States
 - 10.3.1 Eligibility
 - 10.3.2 Presidential Election
 - 10.3.3 History
 - 10.3.4 Electoral College
 - 10.3.5 Presidential Nominating Convention
- 10.4 Electoral Process in China
- 10.5 Summary
- 10.6 Key Terms
- 10.7 Answers to ‘Check Your Progress’
- 10.8 Questions and Exercises
- 10.9 Further Reading

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10.0 INTRODUCTION

Democracy should be defined as a system of representation—of the people, for the people, by the people. This is a broad definition and has some more key principal issues attached to it. There are other certain institutional aspects of democracy which make politicians represent their electorate much effectively. Two factors that explain this representation are—mandate and accountability. A mandate is the will or the command or an authorization of the people, who are also called the political electorate, towards their representative. Accountability should be studied as a vertical accountability granted on the capacity of constituents to reward or authorize.

This unit will introduce you to the electoral process in the United Kingdom, the United States and China. Briefly, in the UK, the House of Commons delegates the assemblies and mayors who are elected using different types of voting systems. The House of Commons and the House of Lords also have their own variety of voting systems for internal polls. The United States has a federal government and the representatives are chosen for the federal (national), state and local levels through elections. On the federal level, the President, who is also the head of the state, is chosen through an electoral college, which is an indirect way of electing people.

Elections in China are based on a hierarchical electoral system, whereby local People’s Congresses are directly elected, and all higher levels of People’s Congresses up to the National People’s Congress, the national legislature, are indirectly elected by the People’s Congress of the level immediately below.

10.1 UNIT OBJECTIVES

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

- Discuss the electoral process in the UK
- Explain the methods of casting vote in the UK

- Discuss people's participation in electing the president of the US
- Assess the voting process in China

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10.2 ELECTORAL PROCESS IN THE UK

The parliamentary system of government has been derived from the Great Britain where it developed gradually under what is known as a non-coded constitution. This constitution is made up of numerous laws, decisions of courts and many diverse as well as unwritten conventions. Presently, the leader of the party which has the majority in the House of Commons represents the government as the prime minister. Naturally, the members of the PM's Cabinet are drawn from the party in power. The prime minister is also the member of House of Commons and so are most members of the Cabinet. To stay in power, the government requires majority in the House of Commons. In case the government loses the vote of confidence in the House of Commons, it is required to put in its papers or seek the dissolution of the Parliament.

The Upper Chamber of the UK Parliament is represented by the House of Lords, which is composed of the Crown, i.e., the Monarch. This House is appointive as compared to the Lower Chamber or the House of Commons. However, it is the Lower Chamber that reigns over the Upper Chamber. In the past, the powers of the House of Lords were equivalent to those of the House of Commons but these were reduced considerably in 1911 and 1949 after the non-money (non-fiscal) bills were delayed. In 1999, it was decided to exclude the country's hereditary peers from membership to the House of Lords. The Monarch was earlier a formidable part of the Parliament. However, since the year 1952, the Monarch plays an almost ceremonial role. The Crown is representative of the unity of the nation and is above party politics. The Monarch also does not exercise any royal right of veto over legislation approved by Parliament.

For the purpose of general elections, the UK has 650 constituencies. Each constituency is represented by one Member of Parliament (MP) in the House of Commons. The term of an MP is for a maximum term of five years. Broadly, there are six kinds of elections in the UK:

- UK general elections
- Elections to devolve parliaments and assemblies
- Elections to the European Parliament
- Local elections
- Mayoral elections
- Police and Crime Commissioner elections

Elections are held on the Election Day which is conventionally a Thursday. General elections are also held on fixed dates. It is a rule to call them within five years of the opening of Parliament, following the last polls. Other elections are also held on fixed dates. In the case of the devolved assemblies and parliaments, early elections can occur in certain situations.

10.2.1 Electoral Systems

Currently, six electoral systems are in place in the UK:

- The single member plurality system (First-Past-the-Post)
- The multi-member plurality system

- Party list
- The single transferable vote
- The Additional Member System
- The Supplementary Vote

First-past-the-post

This system is used in the election of the members of the House of Commons and during other local polls in England and Wales. Under this system, the country or local authorities are divided in a number of voting areas, also known as constituencies or wards. During the time of a general poll, voters mark a cross against the name of the candidate they prefer on the ballot paper. The papers are finally counted and candidates who receive maximum votes in this manner are selected to represent their constituency or ward.

Supplementary Vote (SV)

This system is used to elect the Mayor of London and others in England and Wales. The process of this system is similar to the alternative vote system. Under this, however, voters can only cast a first and second preference vote. Thus, a voter marks against one column for first preference and in the other, for second preference. The second preference is not compulsory.

During the counting, if a candidate receives more than 50 per cent of the first preference votes during the first count, then their selection is made. In case this mark is not reached, then those candidates who poll the highest number of votes are retained and the others are eliminated. Thereafter, from those candidates who are eliminated, the second preference is counted and those votes which are polled in the favour of the first two candidates are transferred in their names. The candidate who receives most votes in this process is declared the winner.

Alternative Vote (AV)

This system is used to choose most of the committees in the House of Commons as well as for the election of the Lord Speaker and during the by poll for hereditary peers. Under this system, voters 'poll' in the manner of ranking. Candidates are ranked in the form of 1, 2 or 3 and so on, on the ballot paper. A voter can rank as many candidates or just one that he/she wants. The final counting is made with the use of these preferences. In case a candidate is polled more than 50 per cent of first preference votes, he/she is elected.

In case no candidate makes it to this mark of 50 per cent, then those with least number of first preference votes are eliminated. Their votes are given to candidates next in the line, i.e., in the second preference. If a stage is reached where a candidate has more votes than all others put together, then he/she is elected. In case this is not reached, candidates are eliminated in the process and the reallocation of preference votes is repeated till the time one candidate who gets the highest number of votes is selected.

Single Transferable Vote (STV)

This system is used for the election of deputy speakers in the House of Commons. It is also practiced in local polls of Scotland and Northern Ireland; for electing the latter's assembly as well as for European Parliament polls in Northern Ireland. To be able to

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follow this system, multi-member constituencies are needed, i.e., those constituencies which are large and elect several representatives. Under this system, the electors rank the candidates in the series of 1, 2, 3 and so on, on the ballot paper. A voter is empowered to rank as many candidates as he/she wants or rank just one. The candidates need minimum votes to be elected. Their numbers are computed according to the number of available seats and the votes polled. This is called a quota. Candidates are ranked according to preference marked by the voters and the candidate who gains this quota is declared elected.

If a candidate has been polled more votes than are required to make it to the quota, then his/her surplus votes are transferred to the other candidates. Thus, the winner's votes go to the person on the second of the preference list. In case the quota is not reached, then the candidate with minimum first preference votes is declared out of the race and the votes are transferred to other candidates. This process is repeated until all the seats are filled.

Additional Member System (AMS)

This kind of system is used for the election of the Scottish Parliament, the National Assembly for Wales and the London Assembly. Under this system, electors are given two votes: one is to be cast for an individual and another for a party contesting the polls. In the first category, candidates are selected for single-member constituencies and the method of first-past-the-post or the second ballot or alternative vote is used. In the party vote, additional members for larger region are chosen according to the proportion. In this category, the percentage of votes polled by each party is used to establish the total number of representatives in each region. This includes those members in single member constituencies for whom votes are cast.

Closed Party List

Such a system is used to choose members of the European Parliament. Exception is made in the case of Northern Ireland where the system of Single Transferable Vote is used. According to this system, a voter is required to mark (in the form of a cross) against the party they choose to support on the ballot paper. After all papers have been counted, each party is given seats proportionate to the votes it receives in each constituency. For such a List, multi-member constituencies are needed. These are those constituencies which are large and elect several representatives.

In such a system, polls are held locally. The polling procedure is looked after by the Returning Officer and the electoral register is made by the Electoral Registration Officer in all the lower-tier local authority. Exception is made in the case of Northern Ireland, where the electoral office of the country holds both the responsibilities. The election body sets principles and issues guidelines to the returning officers and all electoral registration officers even though it is in charge of the polling process in the entire country. The election commission, for instance, also registers political parties and administers the national referendums.

Entitlement to register

Any person who is above the age of 18 years and a national of the UK, the Republic of Ireland, a Commonwealth country (including Fiji, Zimbabwe and the whole of Cyprus) or a European Union member state, can seek to register their names at the Electoral Registration Officer at the district in the UK where they live. Such persons also need to

site a ‘considerable degree of permanence’ in the area’s electoral register. People can also register by providing their address even if they will be away at the time of the polls. This provision can be used in instances of being away for work, on a holiday, a person residing in student accommodation or admitted in hospital. A person with two homes, for instance, a student living in a hostel and having a permanent residential address, can register to vote in either of the booths under the address as long as they do not fall in the same area.

Additionally, to be able to appear on the electoral register, people who are also Commonwealth citizens, have to either enter or remain in the UK for the purpose. Applicants also cannot be registered as a convicted person in prison or a mental hospital or if found guilty of indulging in corrupt or illegal practices.

Electoral Register

An electoral register is maintained by each district council; it is a compilation of all registered voters. It comprises the names, address and the electoral number of every voter; voter registered under any special category, for instance service voters; as well as the electoral number of every anonymous elector. A voter who had not yet reached 18 years of age at the time of registration also has his/her date of birth on the electoral register. The electoral register of each district is further divided into separate registers for all polling districts.

Within individual voters, their franchise can differ. Thus, against the electoral list, a number of markers are made next to a voter’s name to identify in which elections he or she can vote. For instance, citizens of European Union who are not Commonwealth or Irish citizens, have against their names marked either G, which means they are only entitled to vote in government polls, or K, which refers to their eligibility to vote European Parliamentary and local government elections. Voters who live overseas have against their names marked F, indicating their eligibility to cast ballot in European and UK Parliamentary elections. Those members of the House of Lords who live in the UK have their names prefixed with the letter L, indicating that they can only vote European Parliamentary and local government elections. Members who are overseas have their names marked against letter E, meaning that they can only cast ballot in the European Parliamentary polls.

The electoral register is printed each year on December 1, following the ‘annual canvass’ period. Exception is made in case a poll is being held between July 1 and December 1. In this case, the register is published on February 1 the next year. In the year 2012, due to the scheduling of the Police and Crime Commissioner polls on November 15, the annual canvass in England and Wales was held between July and October and the electoral register was published on October 16. The registration periods are between January and September. Notice to alter names in the register is published on the first working day of each month wherein voters can add, remove or amend their names. Such a notice is also made five working days before an election any time of the year or just before a poll is being closed in order to correct any error or in case such an order has been made by the government. Except a person who has died and is automatically removed from the register, anyone who is added or removed from the register has to be notified by the main electoral registration officer.

Two versions of electoral register exist. One is the full register and the other is the edited register. The full register is required to be scrutinized under the supervision of an electoral registration officer. The Returning Officer of a district has to be supplied the

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register free of charge as well as to the British Library, the Electoral Commission, the Office for National Statistics (only English and Welsh Registers), the General Register Office for Scotland (only Scottish Registers), the National Library of Wales (only English and Welsh Registers), the National Library of Scotland (only English and Scottish Registers) and the relevant Boundary Commission.

The edited register, on the other hand, is available for sale at the electoral registration officers and can be used for personal purpose. People can also choose to have their names removed from this register after informing their local electoral registration officer.

10.2.2 Plurality Voting and Party Representation

A significant feature of the polling system in the UK is not the number of votes garnered by a political party but the numbers with which it beats other parties in the poll race. This is particularly true in marginal constituencies, where seats are held by majorities by less than 10 per cent of the vote. Ironically, the final result of the polls is dependent on these seats, and most parties focus on securing their own margins and then capturing those that are held by their opponents.

Methods of casting vote

The UK Constitution allows eligible voters to cast their ballot through these different methods:

(i) In person

On the polling day, booths are open from 7 am to 10 pm. The returning officer of each local authority gives voters their poll card which contains details of polling places allocated to them. Voters are not required to flash their voter cards or any other identification document at the polling booth to be able to vote. In Northern Ireland, one identification document is required at the polling station which can either be an NI Electoral Identity Card, a photographic NI or GB driving licence, a UK or other EU passport, a Translink 60+ SmartPass, a Translink Senior SmartPass, a Translink Blind Person's SmartPass or a Translink War Disabled SmartPass.

On being verified and marked on the voters' list, the presiding officer or poll clerk at each booth issues the ballot paper to each voter. The voter is given an elector number and polling district reference unless he/she is an anonymous elector. Ballot papers are marked with official mark, which can be a watermark or perforation, and also carry a unique identifying number. Papers issued without these two are declared invalid and not counted during the final calculation. There is also a separate list, called corresponding number list, where the officer presiding over the polls writes a voter's elector number next to the unique identifying number of the ballot paper. In order to maintain secrecy of the ballot, this paper is sealed and is only opened if the election result is challenged.

The ballot paper is marked in a private corner of the polling booth. In case the paper is spoiled, the official can issue a new one to the voter and cancel the old one. Before submitting the marked paper in the ballot box, a voter is required to show the presiding official the official mark or the unique identifying number given on the backside of the ballot paper. The law also has provision for tendered ballot. This service can be used, for instance, if a voter seeks a ballot paper even though his/her name has been marked on the voters' list. While this will mean that the voter has already cast his/her vote even though he/she may not have done so and been a victim of impersonation, he/she is allowed to cast a tendered ballot. This provision is also allowed in case a voter,

having applied for postal ballot, turns up at the polling booth. In such cases, after having marked the ballot paper, the voter cannot put it inside the ballot box but is required to return it to the presiding official who marks it with the voters' name, elector number and polling district reference. It is then placed inside a special envelope. The voter's details are then noted in the 'List of Tendered Votes'. Tendered ballots are not counted in the final count of votes but they are part of the record that the voter tried and was unable to cast vote. It is also an evidence that the voter is concerned about the polls. In case a voter wants to complain, a tendered ballot needs to be marked first.

After the polling is concluded, the top of the ballot box is sealed by the official presiding over the elections and are transported to the central counting location, where the final count is made.

(ii) By post

As per law, eligible persons can receive ballot by post either for one election or for all elections for life without citing any reason. In Northern Ireland, however, voters are expected to explain the reason for their absence to get this service. Applications for this service are required to be made before 5 pm, 11 working days before the official polling day. This is also the time when the postal ballots can be dispatched. Such ballots can also be sent outside of the country. In case they are not to be sent to the address registered by the voter, a reason needs to be provided to the EC as to why they should be sent to the alternative address.

Voters are required to return their postal ballots after having filled all the necessary details, including their date of birth, and also put in their official signatures. Then, it is dispatched to the returning officer either by hand or by post on the polling day or at the booth situated within the constituency/ward. The address of the constituency/ward is printed on the return envelope sent to the voter. For the postal ballot to be counted as vote, it has to be received at the polling booth by the person in charge of such an exercise before the polling is wrapped, which is usually 10 pm of the day.

(iii) By proxy

A unique feature of the UK voting pattern is proxy voting. This means that any person who is eligible to vote but cannot do so can appoint anyone else to vote for him/her. However, to appoint a proxy, an application has to be filled and dispatched to the local Electoral Registration Officer and it should be received by the EC six days before the polling is due. The proxy person, on the other hand, can vote in person or apply for a postal proxy vote. The postal proxy vote application should be received by the EC 11 days before the polling is due. A voter who cannot vote, for instance, in case of an emergency, can file an emergency petition with the local EC body any time before 5 pm on the voting day.

Except in case of a family member, a person is entitled to vote as a proxy for only two voters in each election in the said person's constituency. If a person applies for proxy for more than one election, he/she is required to attach an attested copy and justify his/her case on one of these basis: blindness, disability, employment, out of country on an education course, registered as a service, overseas or an anonymous elector. However, if proxy is being applied for only one poll, the person has to explain the reason why he/she cannot appear in person. Attestation is not required in this case. In case the polling booth is approachable only by air or sea, an elector is also eligible to apply for permanent proxy without an attestation.

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But this law differs for people in other regions. In Northern Ireland, for instance, voters are required to explain their absence from the polling booth if they seek to appoint another person as a proxy.

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Accessibility

As per law, all polling booths have to be made accessible to the physically disabled and equipped with PD-friendly devices. One large print display also needs to be kept for the visually impaired. It can be used for reference. Service to the PD and VI is also provided in the form of Presiding Officer to assist in voting or can even bring along a family member for help. If a person cannot enter a poll booth due to disability, the Presiding Officer is required to take out the ballot paper to the voter. Electoral registration forms are provided by the election commission in foreign languages but as per law, all voting material like ballot papers are only printed in English and in Welsh in Wales.

Post-election

Polling generally concludes at 10 pm. In most constituencies, votes are counted immediately. At the earliest, the results are declared by eve within an hour at 11 pm. Results have also been declared well into the night at 3 or 4 am. Some constituencies declare it the next day. At the time when the declaration happens and one party achieves absolute majority in the House of Commons, a public statement is made by the outgoing prime minister. In case the majority is received by the same party who had been in power earlier, they continue to hold office without making a reconfirmation or reappointment. The start of their term is not marked. If a new party achieves majority, then the outgoing prime minister submits resignation to the Monarch. Then the Monarch calls upon the leader of the party that has achieved majority to form the government. The constitution gives prime minister the option to attempt to hold power even if his/her party's seats have been lost. This is followed by the *Queen's Speech*, wherein the details of the next legislative programme are presented. This process gives a chance to the House of Commons to give a confidence or a no-confidence motion by either accepting or rejecting the Queen's Speech.

The Queen has the power to dismiss the serving prime minister and seek a replacement since there are no constitutional guidelines on the matter, though precedents are available. The last such incident was the dismissal of Lord Melbourne in 1834. It can trigger a crisis as it did in 1975 and led to the Australian constitutional crisis. Recent prime ministers who chose to not resign despite not winning a majority are Edward Heath in 1974 and Gordon Brown in 2010. After negotiations with the Liberal Party failed to culminate into a deal in 1974, Heath put in his papers following which Queen II asked Labour leader Harold Wilson to form the government. Therefore, it is incumbent on the serving prime minister to react to the poll results, either by deciding to resign or to continue. The Monarch plays no role till this point. Only after the prime minister decides to resign, the Monarch asks the leader of the other party to form a government. For instance, despite being prime minister from 1979-1990, Margaret Thatcher was only asked once to form the government. Tony Blair too was asked to form a government once in 1997. While the prime minister can order the reshuffle of ministers anytime, after each election too, a prime minister can engage in a major or minor reshuffle of ministers.

After taking over the government, the largest party who could not achieve majority becomes the Opposition party. It is also known as *Her Majesty's Loyal Opposition*. All other small parties too who could not form government are known as just 'opposition'.

Vacancies in the House created due to death, ennoblement, or resignations of members are filled through by-election. There is no fixed timeframe for by-election and they can be held months after the creation of the vacancy. They cannot be filled at all if the general elections are due in near time. The dissolution of Parliament means that all seats are vacant and polls have to be held.

How often are general elections held?

As mentioned earlier, under this Act, polls are held on the first Thursday of the month of May every five years. Under the following two provisions, polls can be held on occasions other than the said five years:

- When a no confidence motion is passed in Her Majesty's government by a simple majority and 14 days elapse without the House having passed a confidence motion in any new government.
- When a motion for the general polls is agreed by two-third of the total number of seats in the House of Commons. This includes vacant seats, which stand at 434 out of 650 at present.

Before this Act was put into place, the Parliament was conceived for five years despite the fact that many were dissolved before the said period. This was always done at the request of the PM to the Monarch.

10.3 ELECTORAL PROCESS IN THE UNITED STATES

Two parties have dominated the US political scene for a long time — the Republican or Democrats. Since 1852, every president elected in the US has belonged to either of the two parties. As per the US system, a 'single-member district system' applies in the country. The candidate who is polled the highest number of votes in his/her state is elected as president. Thus, the voters poll for electors in their state. The leader of the country is thus indirectly elected. In total, there are 538 electors in the Electoral College. To win the presidential polls, it is important to win in most populated states. From all electoral votes cast nationwide, a candidate needs to earn an absolute majority at least 270 of the 538.

There exists a federal government in the US and members are elected at the national, state and local levels. At the federal or the national level, President is the head of the state and, as mentioned above, is indirectly elected through an electoral college. In the present times, the citizens almost vote with the votes being cast in their states. The federal legislature is also called the Congress and all its members are directly elected. At the state level, many elected offices exist and many states have an elective governor and legislature. Similarly, at the local level and the counties, there are many elected offices. As per an estimate, nearly one million offices are filled in every electoral cycle in the US.

The elections are regulated through the state laws which often go beyond many constitutional definitions. The state laws decide on issues like the eligibility of the voters, ways in which each state's Electoral College is run and on the local and state elections. Articles I, II and the many amendments of the US Constitution pertain to the federal elections. On its part, the federal government has been trying to stimulate the voters' turnout through measures like the National Voter Registration Act, 1993.

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Check Your Progress

1. Where did the parliamentary system of governance originate?
2. What is the composition of the UK Parliament?
3. Name the six types of elections held in the UK.

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Issues related to the financing of the elections have always been surrounded in controversy because of high amounts provided by the private sector especially towards the federal polls. Cap on public funding from volunteers towards candidates' campaign was introduced in the year 1974 for presidential primaries and elections. In 1975, a Federal Elections Commission was formed through an amendment to the Federal Election Campaign Act. This body has the responsibility to release all information about financing of campaigns so that legal provisions like the limits and prohibitions on contributions and public funding of the presidential elections are adhered to.

10.3.1 Eligibility

As mentioned above, the eligibility of a person to vote is mentioned in the Constitution and also decided by the states. As per the Constitution, the right to vote cannot be denied on the basis of sex, race or colour and everyone above 18 years of age can vote. Issues other than these are decided by state legislatures. States can prevent, for instance, convicted criminals, especially felons, from voting for a fixed period or forever. Some states also prevent 'insane' or 'idiot' persons from voting. These terms are generally considered derogatory and steps are on in the US to review these terms or remove them wherever they appear.

10.3.2 Presidential Election

The president and the vice-president of the US are indirectly elected; citizens cast their vote for a number of members to form the US Electoral College. The College then directly elects the president and the vice-president. Elections for the president are held quadrennial, starting from the year 1792. Votes are polled on the Election Day, which is traditionally a Tuesday between November 2 and 8. Polls are held simultaneously in various states and local counties. The last election was held in 2016 on November 8. The next polls are due on 3 November, 2020.

The elections are regulated by both the federal and state laws. Each state is given a number of Electoral College electors equal to the number of senators and representatives it has in the US Congress. Washington D.C. is also provided electors equal to the numbers held by the smallest state. Electoral College has no representation from the US territories.

The US Constitution empowers each state to decide how it will choose its electors. Therefore, on the Election Day, the popular vote is held by various states and not the government at the centre. Electors can independently vote once they are chosen; there have been exceptions such as unpledged or faithless electors who vote for their own candidates. Their votes are confirmed by the Congress who is the final judge of electors, two months after the voting.

The process of nomination, including those for the federal elections, has not been specified in the Constitution and is developed by various states and political parties. This is also an indirect process and voters cast their ballot for a number of delegates who are chosen to represent their states at their party conventions. Delegates then cast their vote in favour of one candidate for the post of the president.

10.3.3 History

It is in Article II of the US Constitution that the method of presidential elections has been detailed. This includes selection of the Electoral College. Article II and its contents are the result of deliberations and compromises between one section of constitution of framers who wanted to rest the power with the Congress for choice of president even as the

other section favoured national voting. Later, each state was given the number of electors equal to the size of its members in the two houses of Congress. The process to choose electors is decided by each state through its legislature. In 1789, when the first presidential elections were held, only six of the then existing 13 states chose electors through voting. Later, however, most states following the method of popular voting choose their slate of electors. This resulted in a nationwide indirect polling system as it is today.

As established originally under Article II, electors were allowed two votes for two different presidential candidates. The candidate who polled the highest number of votes was elected the president and the second polled candidate was appointed the vice president. However, this system had its own problems. For instance, in the 1800 presidential elections, Aaron Burr was polled the equal number of votes as Thomas Jefferson. Jefferson was allegedly selected for the top post job under the influence of Alexander Hamilton in the House of Representatives. Burr challenged Jefferson's selection and this led to deep rivalry between the two, resulting in their famous duel in 1804.

The 12th amendment to the US Constitution was passed in response to the polls in 1800. It required voters to cast two distinct votes, one for the president and another for the vice president. The amendment also provided rules in case no candidate won a majority in the Electoral College. After the presidential election of 1824, Andrew Jackson registered plurality but not majority. Then, the House of Representatives was given charge of the polls and John Quincy Adams was elected as the president. Again, this led to deep rivalry between Jackson and the then speaker of the House, Henry Clay, who was one of the candidates in the polls.

10.3.4 Electoral College

As an institution, the US Electoral College is in charge of officially electing the president and vice president every four years. As mentioned earlier, people indirectly elect them through popular vote in each state. All states also have own electors which is equal to the number of members they have in the Congress. The 23rd amendment gave the District of Columbia three electors. At present, there are 538 electors in the US. Of these, 435 are representatives and 100 senators, including three electors from the District of Columbia.

Except the states of Maine and Nebraska, electors are chosen in all others on 'winner-take-all' basis. Electors who support the presidential candidate who is polled most votes become electors for him/her. The states of Maine and Nebraska use the 'congressional district method' wherein one elector is chosen by popular vote and the remaining two are selected through nationwide voting. The federal law does not seek that an elector honours a pledge but there have been instances where electors voted against the pledge they had taken. As per the 12th amendment, each elector had to cast two votes, one for the president and another for the vice president. The candidate who receives most votes—the current majority is 270—for both the offices of the president or the vice president is elected to that office.

The 12th amendment also specified on measures to be taken if the Electoral College failed to choose a president or vice president. In case no candidate receives majority for the post of the president, then the House of Representatives selects a candidate wherein each state has one vote each. In case no candidate receives majority for vice president, then the Senate selects him/her, with each senator having one vote.

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Critics of the system contend that the system of Electoral College is inherently undemocratic and gives states undue influence in choosing the heads of the country. This is because the Electoral College provides for numerical majority in the presidential election to small states as minimum electors from such states are three. On the other hand, the winner-take-all method of voting favours the larger states. Many constitutional amendments have sought modifications to the Electoral College and its replacement with popular vote.

10.3.5 Presidential Nominating Convention

The country holds a presidential nominating convention every four years. It is held by parties who want to field their candidates in the presidential elections. The purpose of each such convention is to choose a party's nominee for the post of the president. It also seeks to adopt a statement of party principles and goals known as the *platform* and set rules for party's activities, including the process to choose the presidential nominee for the next polls. Owing to changes in the poll laws and the process of running campaigns, such conventions since the latter half of the 20th century have nearly renounced their original goals and are merely ceremonial affairs at present. Today, such conventions refer to the quadrennial events of two dominating parties, and are called the Democratic National Convention and the Republican National Convention. Other smaller parties also hold such conventions. Few examples are those of the Green Party, Socialist Party, Libertarian Party, Constitution Party and Reform Party.

Nominating process

The process of nominating a candidate in the present times is divided into two parts: state-wise presidential primary elections and caucuses and the nominating conventions held by each political party. This process finds no mention in the US Constitution and has evolved over the time by participating political parties.

The primary polls are held by the state and local government. Caucuses are held by political parties directly. While some states organize only primary polls, some hold caucuses while others hold both the processes. These processes are generally held between January and June before the federal elections are due. Traditionally, the states of Iowa and New Hampshire hold the state caucus and primary first.

Presidential caucuses or primaries are indirect elections like general polls. It is at their respective nominating conventions that major political parties vote for the presidential candidate. These are usually held in the summer before the federal elections are due. Each state or political party has a different rule wherein voters cast ballot to choose presidential caucus or primary. With such an exercise, the voters could be voting to award delegates who will in turn vote for a particular candidate at the presidential nominating conventions or voters could be only expressing their opinion which a party is not bound to follow at the national convention. Voters in territories are also empowered to choose delegates to the national conventions.

Along with these, political parties also include 'unpledged' delegates who can vote for whoever they want. For the Republicans, top party officials comprise this list while for the Democrats, these are usually the party leaders and elected officials. The presidential candidate for each party also chooses a vice-presidential candidate who runs with him/her on the same ticket. Their choice is always approved by the convention.

10.4 ELECTORAL PROCESS IN CHINA

The National People's Congress (NPC) is an essential part of the central government system of the People's Republic of China. Due to its exclusive nature and importance, it is treated among the organs of the Central People's Government. The constitution of 1954 places the National People's Congress as the highest wing of the state authority and the only legislative authority of China. The deputies to the Congress, from provinces, autonomous regions, municipalities directly under the central authority, the armed forces and overseas Chinese are prescribed by the Electoral Law of China for the National People's Congress and Local People's Congresses, at all levels. This was propagated on 1 March 1953.

The term of office of the deputies is four years, which may extend in case the election of deputies to a new Congress is not completed. When a deputy is incapable of performing his duties, his electoral unit will hold a by-election to fill the vacancy. The new deputy so elected is to serve the remainder of the unexpired term. The deputies are not arrested or put on trial without the approval of the Congress or its standing committee, when the Congress is in recess. Moreover, they are supervised by the units that they represent and may be replaced in harmony with law. The deputies may attend the meetings of the people's Congresses or of their local units.

The National People's Congress has a standing committee as well as other committees. The annual session of the Congress is to be convened by the standing committee, which may also call for special sessions of deputies. The meetings of the Congress are controlled by an executive chairman of the presidium, who is elected by the deputies at the beginning of the session. For each session, the Congress sets up a secretariat, under the direction of a secretary general. He conducts the routine business of the Congress.

10.5 SUMMARY

- Democracy should be defined as a system of representation—of the people, for the people, by the people. This is a broad definition and has some more key principal issues attached to it. There are other certain institutional aspects to democracy which make politicians represent their electorate much effectively. Two factors that explain this representation are—mandate and accountability.
- The parliamentary system of government is derived from the Great Britain where it developed gradually under what is known as a non-coded constitution. This constitution is made up of numerous laws, decisions of courts and many diverse as well as unwritten conventions.
- For the purpose of general elections, the UK has 650 constituencies. Each constituency is represented by one Member of Parliament (MP) in the House of Commons. The term of an MP is for a maximum term of five years. Broadly, there are six kinds of elections in the UK:
 - o UK general elections
 - o Elections to devolve parliaments and assemblies
 - o Elections to the European Parliament
 - o Local elections
 - o Mayoral elections
 - o Police and Crime Commissioner elections

NOTES

Check Your Progress

4. How many electors are there in the electoral college of the US?
5. What type of a government does the United States have?
6. Which Article of the United States Constitution originally established the method of presidential elections?
7. What is the term of office of the deputies in China?

NOTES

- There are two main types of electoral systems in the UK:
 - First Past the Post (FPTP)
 - Proportional Representation (PR)
- FPTP is an electoral system used for electing MPs to ‘seats’ in the UK Parliament. It is a procedure in which the ‘winner gets everything’ and generally gives an absolute majority at both, constituency and national levels.
- In PR systems there are no exhausted votes in elections. Consequently, there is a much higher degree of proportionality; the number of seats more precisely mirrors the number of votes won by each party.
- An electoral register is maintained by each district council; it is a compilation of all registered voters. It comprises the names, address and the electoral number of every voter; voter registered under any special category, for instance service voters; as well as the electoral number of every anonymous elector.
- A significant feature of the polling system in the UK is not the number of votes garnered by a political party but the numbers with which it beats other parties in the poll race. This is particularly true in marginal constituencies, where seats are held by majorities by less than 10 per cent of the vote.
- The United States is a republic. This indicates that the people have the entitlement and they elect representatives of their choice.
- Two parties have dominated the US political scene for a long time—the Republican or Democrats. Since 1852, every president elected in the US has belonged to either of the two parties. As per the US system, a ‘single-member district system’ applies in the country.
- US also a federal nation, which means that power is shared between the central government and the individual states.
- Federal power is shared by three different branches of government—the president and his cabinet (the Executive), the two chambers of the US Congress (the Legislature) and the courts (Judiciary).
- The president and the vice-president of the US are indirectly elected; citizens cast their vote for a number of members to form the US Electoral College. The College then directly elects the president and the vice-president.
- It is in Article II of the US Constitution that the method of presidential elections has been detailed. This includes selection of the Electoral College.
- As an institution, the US Electoral College is in charge of officially electing the president and vice president every four years. People indirectly elect them through popular vote in each state. All states also have own electors which is equal to the number of members they have in the Congress.
- Elections in China are based on a hierarchical electoral system, whereby local People’s Congresses are directly elected, and all higher levels of People’s Congresses up to the National People’s Congress, the national legislature, are indirectly elected by the People’s Congress of the level immediately below.
- The deputies to the Congress, from provinces, autonomous regions, municipalities directly under the central authority, the armed forces and overseas Chinese are prescribed by the Electoral Law of China for the National People’s Congress and Local People’s Congresses, at all levels. This was propagated on 1 March 1953.

- The term of office of the deputies is four years, which may extend in case the election of deputies to a new Congress is not completed. When a deputy is incapable of performing his duties, his electoral unit will hold a by-election to fill the vacancy.

10.6 KEY TERMS

- **Mandate:** It is a command or an approval given by a political electorate to its representative.
- **Electoral College:** It is a body of electors chosen or appointed by a larger group.
- **Cabinet:** It is a body of advisers to the President, composed of the heads of the executive departments of the government.
- **Caucus:** In some US states, it is a meeting at which local members of a political party register their preference among candidates running for office or select delegates to attend a convention.
- **Supplementary vote:** It is an electoral system used to elect a single winner, in which the voter ranks the candidates in order of preference.
- **Alternative vote:** It is a voting system designed to elect one winner.
- **Single transferable vote:** It is a voting system based on proportional representation and preferential voting.
- **Additional member system:** It is a branch of voting systems in which some representatives are elected from geographic constituencies and others are elected under proportional representation from a wider area, usually by party lists.
- **Electoral register:** It is a listing of all those registered to vote in a particular area.
- **Plurality voting:** It is a vote of one or more than the number received by any other candidate or issue in a group of three or more.

10.7 ANSWERS TO ‘CHECK YOUR PROGRESS’

1. The parliamentary system of government originated in Great Britain, where it has gradually developed under a non-coded constitution defined by a vast body of laws, court decisions and diverse unwritten conventions.
2. The UK Parliament is composed of the Crown that is the monarch, the House of Lords, an appointive and hereditary upper chamber and the popularly elected lower chamber, the House of Commons.
3. There are six types of elections held in UK. These are:
 - UK general elections
 - Elections to devolved parliaments and assemblies
 - Elections to the European Parliament
 - Local elections
 - Mayoral elections and
 - Police and Crime Commissioner elections

NOTES

NOTES

4. All together there are 538 electors in the Electoral College of the US.
5. The United States has a federal government, with elected officials at the federal (national), state and local levels.
6. Article Two of the United States Constitution originally established the method of presidential elections, including the Electoral College.
7. The term of office of the deputies in China is four years, which may extend in case the election of deputies to a new Congress is not completed.

10.8 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What is the role of the Queen in the British Parliament?
2. State the functioning of the six electoral systems used in the UK.
3. What is an electoral register?
4. List the various methods of casting vote that the UK Constitution allows its eligible voters.
5. What is an electoral college?

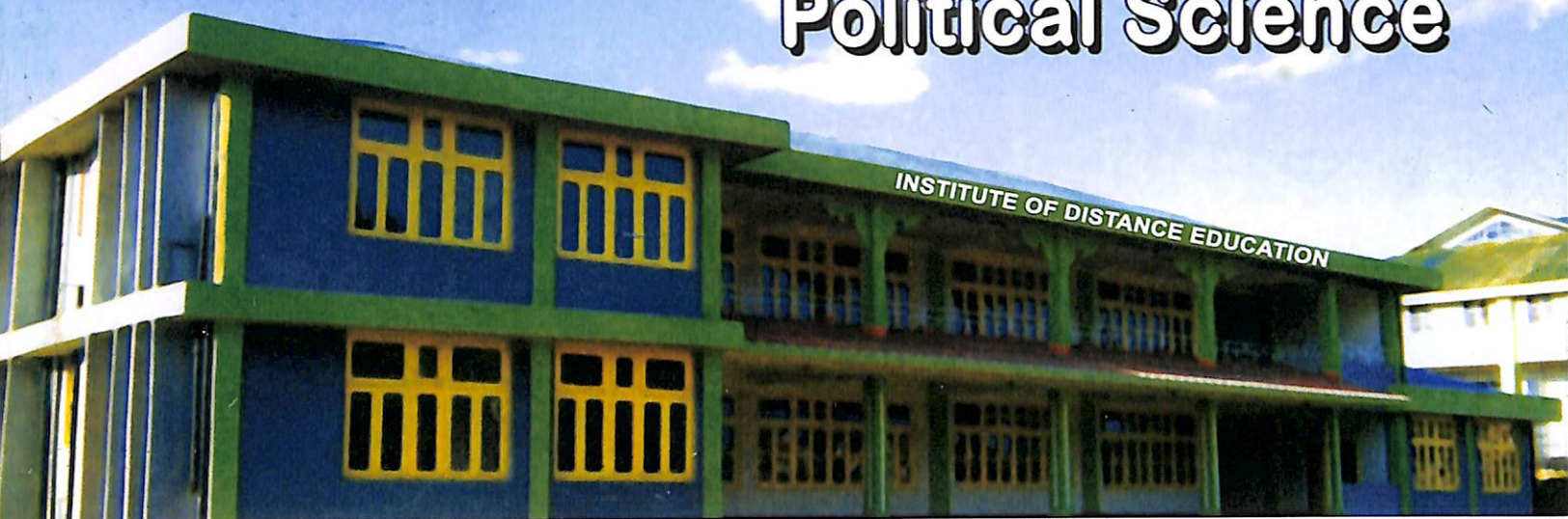
Long-Answer Questions

1. Give a detailed account of the electoral process in the UK.
2. Critically evaluate the various types of voting systems used in the UK.
3. Discuss the process of presidential elections in the US.
4. What is the presidential nominating convention in the US?
5. How are the deputies in China elected? Describe.

10.9 FURTHER READING

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Political Science



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THIRD YEAR**

PAPER - IV

LOCAL SELF GOVERNMENT IN INDIA (WITH SPECIAL REFERENCE TO ARUNACHAL PRADESH)

INSTITUTE OF DISTANCE EDUCATION
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INTRODUCTION

The emergence of Local Government as distinct governmental unit is a result of the interplay of several factors- historical, ideological and administrative. This institution has flourished in India since time immemorial. The Panchayat or village Government as they were called, were ancient institutions and were themselves small republics. Although it existed in India in ancient times, in its present structure and style of functioning it owes existence to British rule in India which set up for the first time, a local governing body- a municipal corporation for the city of Madras in 1687. This was followed by the Charter Act of 1793 which established municipal administration in three Presidency towns of Madras, Calcutta and Bombay by authorising the Governor General of India to appoint the Justice of Peace in these three towns. The local government in India may be said to have entered a new phase when the present constitution came into force in 1950. The Constitution allotted local government to the State list of functions and secondly, in the Directive Principles of State Policy. Following the initiation of Central Government, many states like Maharashtra, Gujarat, Rajasthan, Madhya Pradesh, and Punjab set up committees to enquire into the functioning of local government and to suggest remedial measures. Among the North-Eastern states, Arunachal Pradesh is the only hill state which introduced the Panchayat system as early as 1969 under the recommendation of the committee, which was constituted on 11th April, 1964 by the Governor of Assam. The President of India with a slight modification on the recommendation promulgated NEFA Panchayati Raj regulation in 1967 which followed all India pattern of three tier system but unlike other parts of India, it considered the village authority (Traditional Village Council), constituted under the Assam Frontier (Administration of Justice) Regulation, 1945, as the Gram Panchayat. The introduction of the Panchayati Raj heralded a new era of Political development and integrates the tribal people of Arunachal Pradesh towards the greater administration of the country. The units in the paper essentially focus on the above line of thinking with special reference to the Local Self Government in Arunachal Pradesh.

Unit-I of this paper studies the importance, nature and scope of the Local- Self Government in democracy. The unit traces its origin under the British administration which did not enjoy any self government either at the central or state levels. It discusses phenomenal increase in functions of local government which is a democratic institution and where people directly participate and involve in the process of local governance.

Unit-II covers the process of development of Local Self Government as an important step towards democratic decentralisation. It traces the evolution of this system from the ancient period upto the historic 73rd Constitutional Amendment Act, 1992.

Unit-III the provisions of the 73rd Constitutional Amendment Act, 1992 are discussed in detail along with the problems that Rural Local Government is facing today.

Unit-IV covers the provisions of the 74th Constitutional Amendment Act, 1992 relating to the Urban Local Government, different kinds of urban local government, sources of finance and functions in detail.

Unit-V covers the relation between the state and Local Self Government in matters of finance and functions in detail.

Unit-VI studies the major traditional village council system of Arunachal Pradesh. These institutions were indigenously developed through years of experience and experimentation. These were the basic political units which looked after day-to-day administration in villages before introduction of the Panchayati Raj. Different types of village council on the basis of functions and compositions are also included.

In unit-VII the provisions of the Assam Frontier Regulation, 1945 regarding the functions of village councils and administration of justice is discussed.

Unit-VIII covers the introduction of Panchayati Raj in Arunachal Pradesh under the recommendation of D. Firing Committee of 1964. It also discusses the promulgation of NIEFA Panchayati Raj Regulation, 1967, which heralded a new era in the arena of political development.

Unit-IX covers the Arunachal Panchayati Raj Act, 1997 and discusses the constitutions and functions of Gram Panchayat, Anchal Samiti and Zilla Parishad, State Education Commission and State Finance Commission.

Unit-X I highlights the Socio-Political changes due to the introduction of Panchayati Raj in Arunachal Pradesh.

To sum up, the units in this paper deal with the process of development of Panchayati Raj in India and its working. They also deal with the traditional village councils operating side by side the modern participatory representative form of government in Arunachal Pradesh. The learners following this course should have a fair idea of Local Self Government in India with special reference to Arunachal Pradesh.

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Unit-I

CONCEPT OF LOCAL SELF GOVERNMENT IN INDIA: ITS NATURE, SCOPE AND IMPORTANCE IN DEMOCRACY; DIFFERENCE BETWEEN LOCAL SELF GOVERNMENT AND STATE GOVERNMENT

Structure

- 1.0 Objectives
- 1.1 Introduction
- 1.2 Meaning, Nature and Scope of the Local Self Government.
- 1.3 Importance of Local Self Government.
- 1.4 Difference between Local Self Government and State Government
- 1.5 Let Us Sum Up
- 1.6 Key Words
- 1.7 Check Your Learning
- 1.8 Suggested Readings
- 1.9 Hints/Answers to Questions in Check Your Progress

1.0 Objectives

After reading this unit, you will be able to learn:

- the basic concept of local self government i.e., meaning, nature and scope;
- the importance of local self government in a democratic polity; and
- difference between the local self government and state government.

1.1 Introduction

The system of local self government is found in almost all countries of the world in some form or the other. It is a very important organ especially in a democratic set up. Even in a highly centralised government, we find some measures of decentralization through devolution or delegation of power to the local authorities so that the central government can have contact with the local problems. In India, though we have long tradition of Panchayat or village government, the systematic study of local government institutions is at the nascent stage because of which it becomes difficult to understand its conceptual dimension. The problem is further compounded by the lack of uniform pattern of local self government especially in rural areas.

1.2 Meaning, Nature and Scope of the Local Self Government

"Local government is that part of the state government in federal countries dealing mainly with local affairs, administered by authorities subordinate to the state government". The local government derives its power from the state legislation but at the same time enjoys considerable autonomous character for its day-to-day administration of the local problems. To understand the meaning of local government, it is important to note some of the important definitions given by scholars. William A. Robson says that 'Local Government may be said to involve the conception of territorial, non-sovereign community possessing the legal right and the necessary organization to regulate its own affairs'. To Gokhale, the local self government is the government of a specified locality by the local people through the representatives elected by them. The definition given by Venkatarangaiya and Pattabhiram is lengthy but simple and more appropriate. According to them, "The local government is the administration of a locality, a village, a town, a city or any other area smaller than the state by a body representing local inhabitants, possessing a fairly large amount of authority, raising at least a part of its revenue through local taxation and spending its income on services which are regarded as local and therefore, distinct from state and central services". Thus, the local self government may be understood as a statutory authority in a specified area within a state constituted by the elected representatives of the local people and enjoying certain power to raise revenue through local taxation to enable it to perform its services.

To know more about meaning, nature and scope of the local self government, it is important to note some of its important characteristics.

(i) **Statutory Status:** The local self government enjoys statutory status because it is created by a specific law or statute of the state legislature. However, India accorded constitutional status to both rural and urban local government since 1993 when the constitution 73rd and 74th amendment Acts were passed and made operative. So, the local government in India derives many of its power directly from the constitution itself.

(ii) **Local Area:** The local government operates within a smaller geographical area such as a village, or a town or a city. However, it is difficult to fix precisely the size of territory and population of a local government. A village may have a small population but modern metropolitan cities may have millions of population under local authority. In many metropolitan areas, the city is usually governed through several independent wards, boards and committees to give it a local character.

(iii) **Local Autonomy:** The local government enjoys certain degree of autonomy in administration and financial management within the framework of the Act of legislature. Though the Act of legislature outlines the broad power, function and constitution of the local government institutions, the state government cannot arbitrarily curtail its autonomy unless the statute is amended. However, the functional autonomy of the local government is to be within the general supervision of the state government.

(iv) **Local Finance:** The institutions of local government are substantially financed through the local taxation. However, in India, the local governments particularly the rural one is heavily dependent on the grants-in-aid from the state. Though they raise considerable amount through taxation, such is not adequate to meet the requirement of the local government given its vast responsibilities.

(v) **Local Problems:** The local government usually deals with the problems which are intimately connected with the common people. Such decentralization of functions facilitates local initiative and popular participation in the process of administration.

(vi) **General Purpose:** The local government is a multi-purpose authority at the grassroots level performing variety of functions like health care, primary education, sanitary, water supply, regulation of local fairs and market, maintenance of parks and libraries, local transport and so on.

With the emergence of concept of welfare state and democratic governance, the scope of local government has widened to a great extent. It is almost impossible to think of democratic governance without devolving power to the people at grassroots level. The democracy to be successful must have its root at the lowest level which the Local Self Government alone can provide. Jawaharlal Nehru once emphasized, "Local Self Government is and must be the basis of any true system of democracy. Democracy at the top may not be a success unless you build on this foundation from below." The close analyses of the power and responsibilities given to the Local Self Government institutions show that it involves in every important aspect of the human life.

1.3 Importance of Local Self Government

Writing about the necessity of local self government, Prof. Gilchrist writes, "It can be described but not defined, for a definition requires limit and a local government and central government cannot always be demarcated". To know more about the nature and scope of the local self government, it is worthwhile to take note of its importance in the modern democratic system.

(i) **Real democracy:** The modern liberal democratic government is basically representative and indirect kind of democracy where the participation of common people in the political process is remote and distant. But, the local self government provides the scope for more intimate participation of public in the process

of governance and development, thereby facilitates real democracy at the grassroots level. The ideals of the true democracy can be realized only when there is active participation and cooperation of general public in the administration and this can be advised only through the institution of local self government. This institution further recognizes the role of community in public policy and decision-making. Thus, local government lays the very foundation of successful democracy through grassroots democracy. The local government contributes to the resistance, strength and richness of democracy by ensuring popular participation.

(ii) **Instrument of popular and political education:** The local government serves not only as the training ground for democracy but also act as an effective channel of popular and political education. The institution of Local Self Government is an excellent training ground for the future leaders. The participation of people at the local level in the management of their affairs gives them necessary experience to handle bigger issues at later stage. Besides, the Local Self Government gives popular and political education to the masses about important issues and problems. It educates the innocent masses about the responsibility, initiative, leadership and decision-making. It has been rightly stated that the local self government is the best school for democracy and the best guarantee for its success.

(iii) **Local solution to the local problems:** Due to the vastness of the modern nation-state, ever-increasing role of the states and complexities of the problems, the central government has neither time nor competence to deal with local problems effectively. The problem in a village, a town, hilly area, a desert area and so on has different dimensions which need different approach. The problems are so varied that the central or state government don't have necessary knowledge to deal with local problems. However, the institutions of local self government, being constituted by the local resident, have better knowledge about the problems and ways and means to solve them. The local self government provides ample opportunity to the local people to shoulder the responsibility of developing the local area.

(iv) **Encourages participative development:** The local self government gives wide scope for participation of general public in the process of development. It has become almost impracticable for the common people to participate in public affairs at state and national level. Further, the affairs at the state or national level are too complex to understand for the ordinary people. But the local government is too close to the common men and affect their everyday life. The institution of local self government facilitates not only the participation of common people in implementation of development programmes but also in deciding the development priorities in the area. It is relatively free from evils of bureaucratic administration and bad politics of the parties. Rather, it facilitates direct, personal, intimate, informal and face to face dealing in the process of deciding and implementing a development project.

(v) **Medium of communication:** The institution of local self government serves as an effective means of communication between common people at one end and state or central government at the other. It also serves an adequate forum for the common people to articulate their grievances and aspiration to the government at higher level. Further, all the developmental plans and programs for the local area flow from the government through the institutions of local self government. It becomes an important source of knowledge and information about a locality.

(vi) **Share the workload of state and central government:** Every government has certain minimum services to deliver and this can be better realised through the institution of local self government at various levels. Since the local functions are looked after by the local self government, the central government can concentrate on the affairs of national and international importance. In this way, the local self government effectively share and reduces the workload of the central and state government. It is vital for national progress. The government cannot think of national progress without the help of local self government. The rural reconstruction programs and urban civic services are channelled through the institutions of local self government. Hence, it shares not only the burden of administration but also shares in generating financial and human resources. It is more economical too.

Check Your Progress-I

1. Why Local Self Government is understood as multi-purpose agency/authority?
2. What is the significance of the 73rd Constitutional (Amendment) Act?
3. Why Local Self Government is considered as the basis for democracy?

1.4 Difference between Local Self Government and State Government

Considering the kind of role a local government is expected to perform, it is not very much different from the state government. However, there are certain procedural as well as structural differences between the two.

(i) Local self government is the creation of the state government. It is created by the Acts of state legislature and hence, derives its power from the state legislation. The state government can dissolve and supersede the local self government in extreme cases. In short, the local self government functions under the general control and supervision of the state government.

(ii) Most of the local self government institutions are based on the fusion of executive and deliberative functions. Except big corporations, the executive and legislative sphere of the local self government is not clearly demarcated. On the other hand, the state government has separate legislature and executive which function on the principle of separation of power.

(iii) The Local Self Government is usually administered by the representatives chosen by the local residents. But, the administration of the state government is basically carried on by strong bureaucracy. We can assume that local self government is a rule by people but the state government is a rule by bureaucracy.

(iv) The machinery and procedure in local self government is simple and relatively more informal. It facilitates direct, personal, intimate, informal and face to face contact between the local government personnel and the citizen. On the other hand, the machinery and procedure of the state government is more formal and complex. The nature of relationship between the state government and citizens is indirect, impersonal, anonymous, distant and formal. There are more formalities and paper works in the state government.

(v) There is more popular control in local self government since there is popular participation: the local self government is more closely accountable to the people. However, due to its distant nature, there is no effective mechanism of popular control and participation in the state government.

(vi) Flexibility is the hallmark of local self government. There is scope for modification of rules and regulations to suit the local conditions. On the other hand, the state government is characterized by formality and rigidity of procedures. Laws cannot be easily modified unless it is debated and approved by the state legislature. It is now increasingly realised that the local self government is essential for growth of the nation. It has become an indispensable part of the democratic governance to enlist peoples' participation and to inculcate the sense of responsibility. It seeks to provide unique opportunity to the people to participate in development, administration and decision-making.

Check Your Progress-II

1. What are the importances of Local Self Government?
2. What are the important characteristics of Local Self Government?
3. Does Local Self Government authority enjoy judicial power?

1.5 Let Us Sum Up

The concept of Local Self Government is not new to the Indians, but it remained varying, because of ethnic diversity and territorial isolation. The name and nomenclature structure and organisational level were also different from one place to another. Such situation continued in the British rule and even after independence; but in the year 1992, law makers felt the vital importance of bringing about uniform status and organisation and duration for easy and effective functioning of the Local Self Government institution. In 1992, the 73rd and 74th Constitutional amendment Act enhanced the power, privilege and autonomy of the Local Self Government authority, and attempts had been made to separate the Local Self Government Institutions from the clutch of the State Government. But State government is still reluctant to give up their lion share.

1.6 Key Words

Nascent state	:	Infant or recent stage.
Statutory	:	Legal or having legislative sanctions.
Articulate	:	To speak out clearly.
Deliberative functions	:	To consider or to debate in the legislature.
Accountable	:	Answerable or responsible.

1.7 Check Your Learning

1. What is local self government? How is it different from the state government?
2. Discuss the meaning, nature and scope of the local self government?
3. Discuss the importance of the local self government in a democratic polity?

1.8 Suggested Readings

V.V. Rao & N. Hazarika,	:	<i>Local Self Government in India</i> , S.Chand & Company (Pvt) Ltd, Delhi.
Sahib Singh & Swinder Singh	:	<i>Local Government of India - a Study in Rural & Urban Development Administration</i> , New Academic Publishing Co. Jalandhar.
B.C. Rai,	:	<i>Local Self Government in India</i> , Prakashan Kendra, Lucknow.
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B.C. Rai,	:	<i>Local Self Government in India</i> , Prakashan Kendra, Lucknow.
M.P. Sharma	:	<i>Public Administration in Theory and Practice</i> , Katab Mahal, Allahabad.
V.V. Rao	:	<i>Local Self Govt. in India</i> , S.Chand & Company.

1.9

Hints/Answers to Questions in Check Your Progress

Check Your Progress-I

1. The Local Self Govt. is multi-purpose in the sense that its role is not confined to a particular area. It is expected to perform multiple functions like providing primary education, health care, sanitation, drinking water; regulating local fairs and market, maintaining parks and libraries, local transport and so on.

- 2 The objective behind the 73rd Constitutional (Amendment) Act is to strengthen the rural local government in India. The Act confers constitutional status to the institutions of Panchayati Raj.
- 3 Democracy implies positive participation of people in the process of governance and development administration which a local government seeks to fulfil.

Check Your Progress-II

1. (i) Real democracy (ii) Instrument of education
(iii) Local Solution to the Local problems.
(iv) Medium of communication
(v) Share the work load of state and central government.
2. (i) Statutory Status, (ii) Local Area.
(iii) Local Autonomy (iv) Local Finance
(v) Local Problems (vi) General purpose.
3. Yes, they can discuss and resolve civil dispute in Panchayat courts.

Unit-II

DEVELOPMENT OF LOCAL SELF GOVERNMENT IN INDIA

Structure

- 2.0 Objectives
- 2.1 Introduction
- 2.2 Early traditions
- 2.3 Development during the British Period
- 2.4 Development since Independence
- 2.5 Let Us Sum Up
- 2.6 Key Words
- 2.7 Check Your Learning
- 2.8 Suggested Reading
- 2.9 Hints/Answers to Questions in Check Your Progress

2.0 Objectives

After reading this unit, you will be able to learn the development of the Local Self Government in India

- during the early period, i.e. ancient period;
- during the British Period; and
- in the post-independence period.

2.1 Introduction

The Local Self-Government in India has a long and chequered history. Though the institutions of local government have flourished in India since times immemorial, it owes very little to the system that existed during the ancient and medieval India. Due to the longevity of history, vastness of the territory and diversities of the nation, a uniform pattern of local government could not evolve in India. Hence, it becomes very difficult to study the history and evolution of local government in India in a systematic and precise manner. In spite of that, we can study the history of local government in India under three sub-headings -- early tradition, development during the British Period and development since independence.

2.2 Early traditions

The idea of local is not a new conception; rather it is rooted in the tradition and history of India. The village and city as the smallest unit of administration was there throughout the history of India. The civic amenities of the Indus Valley civilization like town planning, streets, drainage and sewerage system were the good examples of the prevalence of efficient municipal administration in that time. Megasthenes' account has also mentioned of efficient city administration during the 4th and 3rd century B.C. It consisted of a body of 30 members divided into five sub-committees to deal with different matters. The Nanda, the Maurya and the Gupta Empire had also well developed urban local government. The medieval period in India witnessed a lot of invasions and instability in the central administration. Though the Sultanate of Delhi was despotic and had centralized bureaucracy, the civil administration of the city was vested in Muhtasib. He performed a lot of functions like looking after public utility services, maintenance of public building, supervision of market, inspection of weight and measures which in modern times are regarded as municipal functions. During the Mughal rule, each town was usually divided into wards (Mohalla) and there was Mir Mohalla for each Mohalla. The head of the city administration was known as Kotwal who exercised lot of powers -- magisterial, police, fiscal and many other municipal functions. Coming to the rural local government during the Vedic period, village was the lowest unit of administration among the

Aryans. The Vedic literature termed the village headman as Grahmani, the most important officer of the village administration. Another important village officer was the village accountant who keeps records, papers, decisions of the village council and maintained correspondence with the central authority. The village assemblies were known by different names in different places such as Mahajanas, Mahattamas, Mahattoras, Perumakkal, Ur Sabha, etc. These village assemblies played an important part in the interest of the village by promoting material and moral progress of the people. The people also had high regards towards these village assemblies. Writing about the village communities in 1830, Sir Charles Metcalfe remarked, "They seem to last where nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds revolution; Hindu, Pathan, Mughal, Maratha, Sikh, English are all masters in turn; but the village communities remain the same." (As quoted) S.R. Maheshwari, *Local Government in India*, Education Publishers, Agra, 2002, p. 11.

Although the local government in India has a long history starting from the Vedic Period, they were constituted on the narrow basis of hereditary privilege and caste. Its scope was limited and confined to collection of revenue and protection of life and property. The successive rulers used the Local Self Government institution as a mechanism to expand their administration to the grassroots level. Though the village and city were considered as the lowest unit of administration, there were no genuine efforts to associate the people in the process of administration and governance. The institutions of local governments during the early period functioned more as an agent of the central autocratic rulers rather than self governing institution of the people.

2.3 Development during the British Period

The present structure and style of functioning of the local government in India has a recent origin. The local self-government as a representative institution of the people and as an instrument of popular and political education to the masses is basically considered as a British creation. However, the British had their own compulsions in introducing their brand of local government in India. The growth and development of the local government in India during the British Period is usually divided into four phases.

Phase I (1687-1881): The first step towards the establishment of local government in India was taken in 1687 with the creation of the Municipal Corporation in Madras. The corporation consisted of a mayor, alderman and the burgesses who were empowered to levy taxes on the services provided by the corporation. But the general people strongly resented the local taxation. So, the corporation was replaced by Mayor's Court in 1720 which was more a judicial body than an administrative one. Further, the charter Act of 1793 empowered the Governor-General of India to appoint Justices of peace in three Presidency towns of Bombay, Madras and Calcutta. They were empowered to levy taxes on houses and land to provide for scavenging, police, maintenance of roads etc. The Bengal Act of 1842, which was made applicable to whole country, empowered the provincial governments to constitute municipal governments in the provincial towns on voluntary basis. However, this effort also failed chiefly due to its voluntary principle. In 1863, the Royal Army Sanitary Commission expressed its concern over sanitary conditions of the towns. The earlier principle of voluntarism was abandoned and the provincial governments were empowered to constitute municipal committees vested with the responsibility of sanitation, lighting, water supply, etc. The next important event in the growth and development of local government was the publication of Lord Mayo's resolution in 1870. It provided for decentralization and increased association of the Indians in the administration. It also encouraged the system of election in the local bodies. Accordingly, series of municipal acts were passed by various provincial governments to constitute the local governments.

Though the beginning was made, the institutions of local government during this period were introduced primarily to serve the British interests rather than to promote self governing bodies in the country. The main features of the local government during this phase were as follows

- (i) The institutions of local government were confined to the towns only. There was no effort to constitute local government in the rural areas.

- (ii) The institutions of the local government were dominated by the British through nomination. There was no proper representation to the Indians.
- (iii) The dominant motive behind these institutions was to give relief to the imperial finance through local taxations.

Phase II (1882-1919): The local government as a self-governing institution of the people started to take shape during this period. In 1882, Lord Ripon issued a resolution, which is popularly known as Ripon's resolution, to make the local government a self-governing institution. The basic objectives and scope of the local government was reoriented by Lord Ripon. His resolution is hailed as the Magna Charta in the history of local government and Ripon is considered as father of local government in India. Lord Ripon considered local government primarily as an instrument of political and popular education. It was a landmark in the history of local government in India because it made genuine effort to involve the common people in the local administration. The main objective of Ripon's resolution was that the local government should be made an instrument of political and popular education even at the risk of administrative inefficiency and failure. The basic features of the resolution were as follows:

- (i) The local bodies should have elected non-official members and chairmen.
- (ii) The state's control over the local bodies should be indirect rather than direct.
- (iii) Local bodies should be endowed with certain local revenue and sufficient grants from the provincial governments.
- (iv) The personnel including deputed ones should work under the administrative control of the local bodies.
- (v) The provincial governments should enact necessary legislation to this effect according to the local conditions.

After the Ripon's resolution, several provinces enacted Municipal Acts to constitute local bodies. The Madras District Municipalities Act and the Bengal Municipal Act were enacted in 1884. However, in spite of the best of intention and efforts, the Resolution could not bring out desired change and improvement as it was originally intended. The bureaucratic disinterestedness and power of the provincial governments to interpret the Resolution according to the local conditions were main causes of the failure. The other reasons for the failure of Ripon's resolution were lack of enthusiasm of his successors, apathy and ignorance of the people and opposition by the landlords. However, it must be admitted that though the Ripon's resolution might not have brought about material change but it certainly had revolutionized the concept of local government and given new meaning and objectives to it.

Another significant development after Ripon's resolution was the publication of the report of the Royal Commission on Decentralization in 1909. The commission identified certain issues which was responsible for the failure of local government such as excessive official control, lack of finance, lack of training and education, narrow franchise, lack of competent personnel and so on. To overcome these problems, the commission made following recommendations --

1. Every village should have a Panchayat and it should be made the basic unit of local government. Municipalities should be constituted in the urban areas.
2. The majority of the members in the local bodies should be elected.
3. The Municipalities should elect its own president.
4. Municipalities should be given power to determine the taxes and to prepare their own budget. The government should give adequate grants for public works.
5. The government's control over the local bodies should be confined to advice, suggestions and audit.

In spite of these recommendations, nothing concrete was accomplished in the field of local government. So, in 1918, the government of India issued another resolution emphasizing the self government as a means to train the people in management of their own affairs. The resolution contained following principles

(i) revival of the village Panchayats and the local government was kept under the transferred subjects. Thus, the local government was transferred to popular control. Ministers elected by the people and responsible to the provincial legislature took charge of the portfolio of the local government. The Act further strengthened not only the role of local government but also gave them more financial autonomy. Thus, various provinces amended their Municipal acts to increase the power and independence of the local government institutions. The people like Jawaharlal Nehru, Sardar Patel and Purushottam Das became the member of the municipal council. However, the diarchy was a failure, so also the working of the local government institutions. The government did not extend genuine support and guidance to the elected bodies and the ministers too exploited the local bodies for gaining political support. The local government institutions were neither fully representative nor financially sound. The political and religious movements, ethnic and caste conflicts, lack of guidance and support, half-hearted attitude of the bureaucracy further contributed to its failure.

Phase IV (1937-47): The British government in India was under constant pressure to give more reforms in the administration. The freedom struggle for independence was at its peak during this period. So, the Govt. of India Act, 1935 was passed which established all-India federation and provincial autonomy. The provincial part of the Act was implemented in 1937 only. The diarchy was replaced by the provincial autonomy. The local government which was included in the provincial list came under the control of popular government. The local provinces enacted legislation to further democratize the local bodies and to improve the administrative efficiency. The most important development during this period was the abolition of the system of nomination, lowering of the franchise and separation of the deliberative and executive functions. However, the popular congress ministry resigned in 1939 in protest against the government's decision to join the Second World War. Thus, this period was too short for any significant experiment in the areas of local government.

Check Your Progress-I

1. What were the basic features of the Ripon resolution?
2. In which year was the Madras District Municipalities Act enclosed?
3. In which year did Lord Ripon issue a Resolution?

2.4 Development since Independence

The termination of foreign rule in 1947 ushered in a new era in the history of local government in India. The new beginning with great enthusiasm was made when in 1948, the ministers of local government met in a conference under the chairmanship of Rajkumari Amrit Kaur, the then Minister of Health. Jawaharlal Nehru, who inaugurated the conference, remarked, "Local self-government is and must be the basis of any true system of democracy, we have got rather into the habit of thinking of democracy at the top and not so much below. Democracy at top may not be a success unless you build on this foundation from below". (As quoted S.R. Maheswari, *Local Government in India*, Educational Publishers, Agra, 2002 P-23. Another important development during the early independence period was the Janapada Scheme at the central provinces. It was an innovative scheme in the sense that it tried to bring administration closer to the people by adopting tehsils as the unit of government. The new level of tahsil below the district was known as Janapada. Literally, it meant a group of villages constituting a single unit for purpose of administration. Further, this scheme tried to integrate both the urban and rural local government by bringing both under the control of Janapada Sabha. Though it was criticized, the Janapada scheme was a good attempt towards decentralization and devolution of powers to the people. As the constitution of India came into force in 1950, the local government entered into a new phase and found place in the new constitution. Article 40 under Directive Principles of state policy affirmed, "The state shall take steps to organize village Panchayats and endow them with such powers and authority as may be necessary to enable them

to function as a unit of self-government." After independence, the immediate task before the national leaders was to fulfil the rising expectations of the common people. Hence, the Govt. of India started the biggest rural reconstruction programs known as the Community Development Program and the National Extension services in 1952. The basic objectives behind these programs were to encourage the participation of the common people in the process of administration and development. However, these programs suffered from two main drawbacks. Firstly, it was too much dependent on government machinery for implementation of the development projects and second, the institutions of rural and urban local government were kept outside the purview of the Community Development Programs. As a result, the government appointed a study team popularly known as the Balwant Rai Mehta Committee in 1956 to study and report on community projects and National Extension services. The Committee, which submitted its reports in 1957, admitted that community programs and extension services had failed to evoke popular enthusiasm and participation. The committee further opined that there should be proper decentralization and devolution of power at the grassroots level. To achieve this, the committee recommended a three-tier Panchayati Raj -- Gram Panchayat at village level, Panchayat Samiti at block level and Zila Parishad at district level. Hence, the government accepted the recommendation of the Mehta Committee and consequently almost all the state governments created a three-tier Panchayat system. Besides this, so many teams, committees and commission have been appointed at regular intervals to revitalize the institutions of the local government. Some of the important committees are Ashoka Mehta Committee on Panchayati Raj, 1978, G.V.K. Rao Committee on Rural Development and Poverty Alleviation, 1985, the Local Finance Enquiry Committee, 1951, the Taxation Enquiry Commission, 1954, Rural Urban Relationship Committee, 1966, and so on. The final and present shape to the local government institutions has been given by the Constitution's 73rd and 74th Amendment, 1992. These constitutional amendments have given a new face to the local government and it has become the integral part of the constitutional scheme. The 73rd amendment has revitalized the Panchayati Raj institutions to a great extent. It added many new things like direct election on party basis, compulsory reservation of one-third seats for woman and more taxation and financial powers to the local bodies. Now all the local government institutions operating in the country are established under the broad framework of these two amendments.

Check Your Progress-II

1. In which year Royal commission report was published?
2. As per the Royal Commission Report what was the factor of failure of Local Self Government?
3. What were the recommendations made by the Royal Commission?

2.5 Let Us Sum Up

The history of Local Self Government in India is unaccountable because of the diversity and vastness of the territory, but people experienced these age-old institutions even before Mughals and British Periods.

The Britishers felt the importance of this institution; but to fulfil their vested interest, they introduced some new types of administration which actually suited to and benefited them. In 1687 they created and established the Madras Municipal Corporation and replaced by Mayor's court in 1720. In 1882 Lord Ripon issued a resolution and in 1884, Madras Municipality Act and Bengal Municipalities Act were enacted. In 1909 Royal commission report was published. Acts of 1919 and 1935 were also enacted. After independence also, various committees and commissions had been constituted for growth of local self government. Likewise the 73rd and 74th Constitution amendment act in 1992 had enhanced its status and gravity.

2.6 Key Words

Despotic	:	absolute, autocratic, tyrant.
Popular education	:	Mass education
Popular Participation	:	Participation of the Common People
Imperial finances	:	Financial interest of the imperial power i.e. the Britishers
Swaraj	:	Self-rule

Diarchy	:	Dual government
Transferred subjects	:	Items of administration which were transferred to the Popular Ministries under Act of 1919.
Enthusiasm	:	interest, zeal
Apathy	:	indifference, insensible, not sensitive
Innovative	:	novelty, to make a new change.

2.7 Check Your Learning

- Trace the evolution of local government in India since ancient period.
- Discuss the growth and development of the local self government in India during the British rule.
- Discuss the growth of local self government in India since 1947.

Short notes

- Ripon's Resolution, 1882
- Balwant Rai Mehta Committee Report, 1957

2.8 Suggested Readings

S.R. Maheshwari	:	<i>Local Government in India</i> , Published by Lakshmi Narian Agarwal
Shalini Rajneesh	:	<i>Rural Development through Democratic Decentralisation</i> , Published by Deep and Deep Publication Pvt. Ltd.
Radhakomud Mookerji:		<i>Low Prices Publication</i> , Delhi-110052
Nikunjalata Dutta	:	<i>Village Panchayat in India</i> , Mittal Publication, New Delhi-110059

2.9 Hints/Answers to Questions in Check Your Progress

Check Your Progress-I

- elected non-official members and chairman;
 - state's indirect control over local body;
 - revenue and grants from provisional government as sources of finance; and
 - power of provisional government to legislate to suit local conditions.
- 1884
- 1882

Check Your Progress-II

- 1902
- Excessive official control,
 - Lack of education and training,
 - Lack of finance
 - Narrow franchise
- Village level Panchayat as unit of Local Self Government and Municipalities in the urban areas.
 - Majority of the members are to be elected.
 - Municipalities should elect its president.
 - Municipalities should be allowed to generate taxes and receive grant from government, also can prepare own budget.
 - Government's control over the local bodies should be confined to advice, suggestion and audit.

Unit-III RURAL LOCAL SELF GOVERNMENT IN INDIA: THREE-TIER PANCHAYAT SYSTEM WITH SPECIAL REFERENCE TO 73RD AMENDMENT ACT; PROBLEMS OF RURAL LOCAL GOVERNMENT

Structure

- Objective
- Introduction
- Beginning of the Three-tier Panchayati Raj
- Important provisions of 73rd Amendment Act
- Organization, function and working of Panchayati Raj under 73rd constitutional Amendment Act, 1992
- Problems of Rural Local Self-Government in India
- Let Us Sum Up
- Key Words
- Check Your Learning
- Suggested Readings
- Hints/Answers to Questions in Check Your Progress

3.0 Objective

After reading this unit, the students will be able to:

- discuss the general background of three-tier Panchayati Raj System of rural local self government in India;
- make the students acquaint with the important provisions of 73rd Amendment Act;
- discuss the composition and working of the Panchayats under the framework of the 73rd Constitutional Amendment Act, 1992; and
- analyze some of the important issues and problems confronting the rural local self government in India.

3.1 Introduction

The local self government in India is of two broad types -- rural local self government and urban local self government. India has a long tradition of informal Panchayat or village government since ancient times. The village as a unit of administration is as old as the human civilization itself. The loose kind of Panchayat system was prevalent throughout the ages in some form or the other. But the formal institutional Panchayat is relatively a recent development. It began during the British rule particularly in the mid 19th century. The concept of modern Panchayat government began with the objective of local taxes for local purposes. Hence, throughout the British rule in India, the rural self government was seen as an easy mechanism for levy and collection of taxes for the imperial interest. The much hailed resolution of Ripon of 1882 on local self government is also more or less silent on the organization of rural self government. Though Ripon's resolution revolutionized the basic objectives of the local self government in India, it was mainly in regard to the urban local government. Till the setting up the Royal Commission on Decentralization in 1906, nothing concrete was done to provide any kind of mechanism for administration of the villages. However, the commission laid much stress on the importance of fostering village panchayats. The commission contended that in the interest of decentralization and in order to associate the people with local administration, an attempt was made to constitute and develop village Panchayats. The Royal Commission on Decentralization observed, "We are ... of the opinion that the foundation of any stable edifice which shall associate the people with administration must be the village." The subsequent constitutional reforms such as Diarchy under the Government of India Act, 1919 and provincial autonomy under the Government of India Act, 1935 too could not provide genuine rural self government which was acceptable to the people.

3.2 Beginning of the three-tier Panchayati Raj

The real beginning in the journey of rural self government was made only after India got independence and the subsequent enforcement of the new constitution in 1950. Article 40 of the constitution states that the state shall take steps to organize village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. Further, the immediate agenda before the nation during early 1950s was to contain poverty, hunger, illiteracy, disease and ignorance. Hence, the union government, in its first five year plan, started major rural reconstruction programmes which are popularly known as Community Development Programme and National Extension Services. These programmes were genuine efforts to involve the people in the process of rural development. These programmes were hailed as declaration of war against diseases and ignorance. However, the initial enthusiasm about these programmes gradually faded away due to the lack of popular participation. The Community Development Programmes and National Extension Services could not produce desired result as it was expected originally. Hence, in 1957, the Union government appointed a study team under the chairmanship of Balwant Rai Mehta to review the working of community programmes and extension services. The committee in its report states that the Community Development Programmes and National Extension Services had failed to evoke popular initiative and there was no popular enthusiasm in the programme. The committee further observed that even the Panchayat did not come within the in field of community development. Hence, the Balwant Rai Mehta Committee suggested genuine association of the people in the process of rural development through devolution and democratic decentralisation of power to the grassroots. To secure this all the years to come. The government accepted the recommendation of the Mehta Committee. Various states enacted legislation to create Panchayati Raj, of course with considerable variation in structural composition. However, in spite of all the efforts made to reorganise and strengthen the rural self-government, the institution of Panchayati Raj could not evolve as viable and responsible government due to various reasons such as irregular election, prolonged supersession, inadequate representation of the weaker section, lack of devolution of proper power, lack of financial resources and lack of political will. Various committees and commissions were appointed from time to time to revitalise the institutions of rural local self-government. Various legislations were brought and attempted at regular intervals but without any success due to some reason or the other. The effort of the central government could materialise only in 1992 when the Union Parliament passed the 73rd Constitutional Amendment Act, and after having been ratified by the state legislature, was assented to by the President of India in April 1993. The Amendment Act inserted a new part called Part IX and a new schedule called Schedule XI in the constitution outlined in various clauses and sub-clauses of Article 243 of the constitution. Thus, the Panchayati Raj institution became part of the constitutional scheme. By now, all states and union territories, except those exempted from the purview of the Act, have enacted legislation to create and organise Panchayati Raj institution in conformity with the constitution.

3.3 Important provision of 73rd Constitutional Amendment Act, 1992

(i) Constitution of Panchayats

A Panchayat shall be constituted at the village, intermediate and district levels. The Panchayat, as an institution of Local Self Government, was constituted under Article 243 (B) of the constitution. However, the Panchayats at the intermediate level are not mandatory for a state having a population of less than twenty lakh.

(ii) Composition of Panchayats

The details of composition of Panchayats shall be provided by the state legislatures. Members of the Panchayats shall be directly elected by the people from territorial constituencies. The chairperson of the Panchayats at intermediate and district level shall be elected by and from amongst themselves. However, the manner of election of the chairperson or head of the village Panchayat has to be provided by the state.

(iii) Reservation of Seats for SC/ST/OBC

The Act provides for reservation seats in Panchayat at all levels for the schedule tribe, the schedule caste, women and other backward class of the people. The seats to be reserved for the office of chairperson for schedule tribes and schedule caste shall be in proportion to their respective population in the concerned Panchayat area. The Act also provides for compulsory reservation of one-third of the seats for the women. Also one-third of the office of chairperson at all levels shall be reserved for women.

(iv) Duration of Panchayat

The Act provides for five years term for all Panchayats. The election must be held before the expiry of the term. If a Panchayat has been dissolved earlier, the election process for constitution of new Panchayat must be completed within six months of its dissolution.

(v) Power and Responsibilities

The Act stipulates that power and authority of the Panchayats may be laid down by the law of the state legislature to enable them to function as institution of self-government. Such law shall devolve powers and responsibilities upon the Panchayats at all level.

(vi) Taxation and other Financial Sources of Panchayat

The Act enables state legislatures to authorise a Panchayat to levy and collect taxes, duties, tolls and fees. The state may also provide grant-in-aid to the Panchayats out of the consolidated fund of the state. The Act further empowers the Governor to constitute Finance Commission after every five years to review the financial position of the Panchayats and to make necessary recommendations for distribution of financial resources, taxation shares, grants and other measures of sound financial management.

3.4 Organization, Function and Working of the PRIs under 73rd Amendment Act, 1992

Village Level

(i) Gram Sabha

Village is the lowest unit of the institution of Panchayati Raj. Gram Sabha is a village assembly consisting of all the registered voters in the village. It is mandatory for Gram Sabha to hold at least two sittings in a year. Such meeting is usually presided over by the chairperson of the Gram Panchayat. The issues like statement of accounts and audit, annual performance report, proposal for new taxation, selection of schemes and beneficiaries and so on are usually taken up in such meeting.

(ii) Gram Panchayat

It is the executive committee of the gram Sabha. The members of Gram Panchayat are directly elected by the registered voters from the single-member territorial words or constituencies for the period of five years. The Gram Panchayat is headed by a chairperson who is known by different nomenclatures in different states, such as Mukhya, Pradhan, Adhyaksha, President and so on. In most of the states, a chairperson is elected by and from amongst the members of the Gram Panchayat. Broadly, the functions of the Gram Panchayat are of two types - mandatory and discretionary. The Act passed by the state legislature provides for some mandatory functions of the Panchayat which include sanitation, drinking water, village roads, registration of birth and death, annual budget, development plans, agriculture, etc. It is difficult to enumerate the functions of the Gram Panchayat because these vary from state to state. Apart from the mandatory functions, some functions are performed by them at their discretion or the state may assign certain functions to the Gram Panchayats. Further, the village Panchayats have been empowered to levy taxes or fees on areas like house, profession, trades, fairs, water, lighting, etc., of course with variations in different states. Apart from the developmental functions, some states have Nyaya Panchayats at the village level to deal with petty offences and civil disputes.

(iii) Block level

The Panchayat, at the intermediate level, is also known by different names in different states such as Mandal Panchayat, Anchalik Panchayat, Anchal Samiti, Panchayat Samiti, Taluk Panchayat, Kshetra Panchayat and so on. Its method of constitution too is not strictly uniform. However, in most of the States, members of this body are directly elected by the electorate through secret ballot. There are also provisions for corporation of members including Member of Parliament, MLA and MLAs of the concerned area. This body is also constituted for a period five years unless dissolved earlier. There is provision for reservation of seats for the S.T., SC and the meeting and maintains records of its proceedings. The chairperson is usually elected from among themselves. He presides over its power and functions of the block Panchayat are not uniform in all states. The District Panchayat may also assign additional functions to it. Apart from their assigned role, the Block Panchayat has to supervise the workings of the village Panchayats within its jurisdiction. The source of income of the Panchayat Samiti includes grants from the state or central government, income from properties owned by the Samiti, taxes and fees, loans raised by themselves, etc. The executive authority of the block Panchayat is vested in the elected chairperson but the administrative headship is usually vested in the Block Development Officer. Again, he is known by different designations. He is submitting the progress reports and annual administrative reports to the state government. He is assisted by various technical and non-technical staffs like education officer, junior engineer, account officer and a host of extension officers.

(iv) District Level

The institution of Panchayati Raj at the district level is again known by different nomenclatures such as District Panchayat, Zilla Panchayat but in most of the states, it is known as Zilla Parishad. It is the apex body of PRIs in the states. The Zilla Parishad is consisted of directly elected members and other ex-officio members such as MPs and MLAs. In many states, the chairpersons of the intermediate Panchayat are also made the ex-officio members of the Zilla Parishad. There is provision for reservation of seats as well as the office of chair and for S.T., SC and women in Zilla Parishad also. The chairperson is elected from among themselves for the co-terminus period of five years unless he resigns or is removed from the office earlier. He convenes and presides over its sittings. The chairperson is to see that offices and employees of the Panchayat function properly and resolutions adopted by them are duly implemented. The function of the Zilla Parishad is not uniform in all states. In many states, its functions confine to supervision, coordination and guidance of the works of Panchayats at the lower level. They tender advice to the state government regarding the Panchayati Raj institutions of the district. In many other states, they are assigned all developmental, planning and welfare activities of the Panchayats. The Zilla Parishad functions through some statutory committees of their own with inter-state variations. The Zilla revenue of Zilla Parishad include grant-in-aid, income from rent, lease or sale of its properties, local taxes, loans, etc. The administrative personnel include the chief executive officer and a host of other district level officers and staff.

Evaluation

The 73rd constitutional amendment Act, 1992 is an important milestone on the road towards rural local government and a bold step to compel the states to revive the age-old tradition of Panchayat government. The constitutional status accorded to the institutions of rural self government has definitely given respectability to it. The Act at least makes it mandatory for the states to adhere to certain core principles of this institution. The constitutional provisions like regular election, creation of an independent election commissioner, reservation of seats for women, S.Ts and SCs, appointment of finance commission after every five years provide a guaranteed basic framework for the Panchayati Raj. However, it has still to go a long way to evolve as a responsible government

of the people at the grassroots. Though devolution of power is made mandatory, the nature and quantum of powers to be devolved are left at the discretion of the states. The functional and financial autonomy has not been genuinely granted to the Panchayati Raj institutions. The strong hold of the bureaucracy over the rural government institutions still continues. The states still enjoy wide varieties of discretion in relation to the rural local self governance.

Check Your Progress-I

1. Did Local Self Government exist before Independence?
2. What was the name of the development programme initiated by the Union Government in the year 1950?
3. What was the name of the Committee instituted by the Union Government in the year 1957?
4. What are the important provisions of the 73rd constitutional Amendment Act, 1992?
5. What are the organizational structures of the PRI under the 1992 Amendment Act?

3.5 Problems of Rural Local Government in India

The institutions of rural local self government have been facing a lot of problems since its inception in the mid 1950s. More than a decade has passed since the landmark legislation was enacted but the problem persists because of which it is unable to achieve its declared objectives. Some of the crucial issues and problems confronting the institution of Panchayati Raj are discussed below.

(i) Lack of Vision and Will

The original vision of the nationalist leaders was to make the village communities self-governing and autonomous as a unit of self-governance. The idea was to seek people's cooperation and active participation in the process of rural development. However, such vision subsequently got diluted and the institution of Panchayati Raj became the victim of power politics. There is total lack of political will on the part of the national and state leadership in reinvigorating the institution of self-government. In most of the states, the institution of Panchayati Raj remained suspended for a long period of time.

(ii) Diversity and Vastness of Nation

India is so diversified and territorially so vast that it becomes very difficult to evolve a uniform pattern of rural self government. Since local self government falls under the State List, different states have their own systems of local government according to the local needs. So, due to its heterogeneity and vastness of the nation, it becomes almost impossible to develop homogenous institutions of Panchayat government in India.

(iii) Ignorance of the People

Due to rampant poverty and illiteracy, the general people are ignorant of the importance of self-governance. There is no adequate awareness among the people about their rights and opportunities. The ignorance and apathy of the people result in the lack of popular initiative and participation which is a prerequisite for success of grassroots democracy.

(iv) Dominance of Rich and Powerful People

The rural society in India is not only conservative but also caste-ridden. Hence, the important posts of the Panchayati Raj institutions have often been occupied by the rich and influential people of higher caste. In actual practice, there is no equality of participation and decision making.

(v) Corruption

The virus of corruption has already infected the institutions of Panchayati Raj. The funds given to these institutions for development projects are siphoned off by the influential members of Panchayat bodies in collusion with the local politicians and corrupt bureaucrats. Politicization of the development process is a big challenge in the emerging situation.

(vi) Presence of Parallel Agencies

The PRIs were started as an integral part of community programmes but the government failed to utilize these institutions for the purpose for which they were actually created. Rather, the government has created parallel agencies for rural development like District Rural Development Agency (DRDA) which is responsible for implantation of centrally sponsored schemes (CPS) like IRDP, TRYSEM, NREP, RLDP, etc. There are many rural development programmes and schemes implemented under the control of central and state governments which minimize the scope for the functioning of Panchayat Raj bodies.

(vii) Personnel Problems

There is no personnel management of uniform pattern. Most of the personnel of PRIs are taken from the state civil services on temporary basis. They are not necessarily placed under the administrative control of the PRIs. This ad-hoc kind of arrangement leads to the problem of command, control, coordination, training and education. Another dimension of the problem is the lack of coordination between elected members and the official personnel of the Panchayati Raj bodies.

(viii) Problems of Control and Supervision

The question of state control and supervision over the PR institution is a continuing debate. What should be the nature and extent of state control and supervision is not properly defined and understood. There is wide scope to curtail the basic freedom and autonomy of the local government by the state governments in the guise of supervision. Further, the state governments have been armed with the power of dissolution and supersession of the Panchayat bodies.

(ix) Lack of Finance

No government or organization can function without sound finance. The lack of sufficient funds has been the greatest problem of the Panchayati Raj so far. Given the nature of responsibilities assigned to the Panchayat bodies, it needs huge financial resources. But the Panchayat bodies do not have big source of income. The local taxes assigned to them are practically non-existent or insufficient to meet their requirements. So, they have to depend heavily on state or central governments for grants-in-aid which makes them powerless and dependent.

Hence, the institutions of rural local government in India are facing a lot of problems which hinder its healthy growth as a democratic institution of the people. There may be many more problems and issues but most of them are linked to the problems discussed above in one way or the other.

Check Your Progress-II

1. What are the problems of the Rural Local Government in India?
2. What is the full form of D.R.D.A.?
3. What is the full form of the B.D.O.?

3.6 Let Us Sum Up

The Panchayat or Local Self Government, being in survival from ancient period, is nothing new to the people of India. But it has got different forms or names and nomenclature in different places or societies.

The British too encouraged and continued the Local Self Government in order to achieve their vested interest especially for easy collection of taxes. The Government of India too adapted the same informal organisation and structure like the Panchayat institution. It was only after 1957 the leaders were shocked and shaken when the Community Development Programme and the National Extension Service failed to feel the need of the hour. So they constituted Balwant Rai Mehta Committee to awaken the grass roots level people.

In 1992, the 73rd and 74th constitutional amendments were initiated to articulate and fulfil the long awaited aspirations of the people. In the real sense, this 1992 Act gives teeth to the local self government authority.

3.7 Key Words

State edifice	:	Strong foundation: strong beginning.
Popular enthusiasm	:	Interest or eagerness shown by the public
Mandatory	:	Compulsory
Discretion	:	Freedom to act at pleasure, unrestricted freedom
Power politics	:	Competitive party politics to remain in power
Apathy	:	indifference, having no concern.
Siphoned of	:	to aggrandize, misuse of public funds
Personnel	:	Staffs and officials employed in an organization, enterprise or a department

3.8 Check Your Learning

1. Discuss briefly the historical background of rural local government in India since the British period.
2. What is a Three-tier Panchayati Raj? What are the main objectives behind it?
3. Discuss the important provisions of the 73rd constitutional Amendment Act 1992.
4. Discuss the composition, functions and working of the Panchayati Raj institutions in India under the framework of the 73rd Amendment Act.
5. What are the major issues and problems confronting the institutions of rural local government in India?

3.9 Suggested Readings

V.V. Rao	:	<i>Local Self Government in India</i> , S. Chand & Company, New Delhi, 1986, p. 65.
V.V. Rao & Niru Hazarika	:	<i>Local Self Government in India</i> , S. Chand and Company (Pvt) Ltd. Ram Nagar, New Delhi, 1100055
Sahib Singh & Swinder Singh	:	<i>Local Government in India: A Study in Rural & Urban Development Administration</i> , New Academic publishing Co. Jalandhar.
M.P. Sharma	:	<i>Public Administration in India</i> , Kitab Mahal, Patna.
B.C. Rai,	:	<i>Local Self Government in India</i> , Prakashan Kendra, Lucknow.
S.R. Maheshwari	:	<i>Local Government in India</i> , L.N. Agrawal Educational Publishers, Agra -03
B.L. Fadia	:	<i>Indian Government and Politics</i> , Sahitya Bhawan Publications, Agra

3.10 Hints/Answers to Questions in Check Your Progress

Check Your Progress-I

1. Yes, the People of India experienced the concept of Local Self Government before independence.
2. Community Development Programme and National Extension Service.
3. Balwant Rai Mehta committee.
4. (i) Constitution of uniform Panchayat system.
(ii) Composition
(iii) Reservation of seats for ST/SC/OBC and women
(iv) Five years duration
(v) Power and responsibility
(vi) Tax/Revenue

5. (i) Gram Sabha, (ii) Gram Panchayat
(iii) Anchal Samiti (Block Level) (iv) Zilla Parishad (District level)

Check Your Progress-II

1. (i) Lack of vision and will.
(ii) Diversity and vastness of nation.
(iii) Ignorance of the people.
(iv) Domination of rich and powerful people.
(v) Corruption
(vi) Presence of parallel agencies.
(vii) Low moral values.
(viii) Problem of control and supervision
(ix) Lack of finance.
2. District Rural Development Agency.
3. Block Development Officer.

Unit – IV

URBAN LOCAL GOVERNMENT IN INDIA: 74TH AMENDMENT ACT

Structure

- 4.0 Objectives
- 4.1 Introduction
- 4.2 Need of Local Government
 - 4.2.1 History of Local Government in India
- 4.3 Institution of Urban Government Working before 74th Amendment Act.
 - 4.3.1 Municipal Corporation
 - 4.3.2 Municipalities
 - 4.3.3 Notified Area Committees
 - 4.3.4 Improvement Trust
 - 4.3.5 Town Area Committees
 - 4.3.6 Port Trusts
 - 4.3.7 Cantonment Board.
- 4.4 Urban Local Government and 74th Amendment Act.
 - 4.4.1 Types of Municipalities
 - 4.4.2 Composition of Municipalities
 - 4.4.3 Election of Chairperson
 - 4.4.4 Ward Committees
 - 4.4.5 Reservation of Seats
 - 4.4.6 Duration of Municipalities
 - 4.4.7 Qualifications
- 4.5 State Election Commission
- 4.6 Powers and Function of the Municipalities
 - 4.6.1 Taxes and Finances of Municipalities/Sources of Income
 - 4.6.2 Finance Commission
 - 4.6.3 District Planning Committee
 - 4.6.4 Metropolitan Planning Committee
 - 4.6.5 Application to Union Territories
 - 4.6.6 The Scheduled and Tribal Areas
- 4.7 Let Us Sum Up
- 4.8 Key Words
- 4.9 Check Your Learning
- 4.10 Suggested Readings
- 4.11 Hints/Answers to Questions in Check Your Progress

4.0 Objectives

The objectives of this unit are to explain the various institutions of urban local self government which is functioning in India. After going through this unit, you will be able to:

- know the institutions of the Urban Local Self Government;
- know the need and history of the local government in India;
- discuss the urban local government and their types with special reference to the 74th Amendment Act; and
- acquaint yourself with the powers and functions of the urban local self government found in India.

4.1 Introduction

The successful working of democracy demands participation of the people at various levels of administration. It is admitted by all believers of democracy that a true democracy can be sustained in a country only through an effective institutions of local self government. Lord Bryce has rightly said in his 'Modern Democracies' that the best school of democracy and the best guarantee for its success is the practice of local self government. Democracy does not merely mean that people must participate in the election at various levels; it rather implies that they must be encouraged and provided with the opportunity to participate in the administrative process. The people are entrusted with the responsibility of formulating and implementing their own plans under the supervision and control of the higher units of administration. The concept of local government based on small units of government at the local level enables people to feel a sense of responsibility and to inculcate the values of democracy. The rapid pace of urbanization in India is the most striking feature today. Urbanization is an integral part of the process of development. The importance of urban local government has been increasing as a result of rise in urban and suburban population. The democratic value as enshrined in our constitution means people's effective participation of people and they are an integral and indispensable part of the democratic process. It is in this perspective that the various types of the institutions had been formed. Urban local government in India, with special reference to the 74th Constitutional Amendment Act has been discussed in this unit.

4.2 Need of Local Government

Local government is a very important institution in a democratic set-up. This institution undertakes the solution of the local problems, according to local needs. It is not always possible for the central government or the state government to look after all the local problems. Local needs can be fulfilled by the local people or their representatives in best manner. Local government institutions are set up for various reasons. Some of the important reasons which necessitated the establishment of these institutions are mentioned below:

- (i) To look after certain local problems which cannot be effectively handled at the national or state level.
- (ii) To provide an extensive range of services to the people and perform functions of great variety and magnitude.
- (iii) To share the burden of national or state government so that they may be able to concentrate on matters of wider importance.
- (iv) The local government institutions impart necessary political training to a person to become a politician at the state or national level.
- (v) Local government institutions serve as a link of communication between the people and the state government. It presents the desires and aspirations of the local people in an articulate form to the state and central governments, and transmits the national and state decisions to the people in all corners, and mobilizes opinion in their support.

4.2.1 History of Local Government in India

India has a rich tradition of local governments. They have existed in our country from times immemorial. Though under the British colonial rule the self governing institutions suffered a setback but particularly the urban self government institution was a gift of the British rule over India. Actually, they wanted to satisfy the people of this country by giving them partial association in the administrative affairs. This could be done only through the institutions of self government. The first institution of local government was established in India in the year 1687-88 when they set up a Municipal Corporation in Madras under the directions of the Court of Directors. In 1726 Mayor's Courts were set up at Calcutta and Bombay, the other Presidency towns. The Regulating Act of 1773 provided for Justice of peace in each of the Presidency towns. The Regulating Act of 1773

In 1882, the most significant step was taken in this direction during the Viceroyalty of Lord Rippon, who believed that the local self government institutions were the best training grounds for the political education of the Indians. He passed the Local Self-Government Act in 1882 which is called the 'Magna Carta' of local democracy in India. In order to bring about the participation of the people in administration, he brought some new reforms.

In 1907 the British appointed a Decentralization Commission to look into the workings of the Local Self-Governing Institutions in India. The commission recommended about the causes of the failure of the self governing institutions in India. Under the Montague-Chelmsford Reform Act of 1919, Diarchy was introduced and the Department of Local Government was handed over to an elected representative of the people. The local government institutions made considerable progress during the next few years.

With the introduction of the Provincial Autonomy under the Government of India Act 1935, the development of local self government received a special impetus. With the advent of independence, the importance of the local government institutions increased to a large extent. In free India, Local government has become the constitutional responsibility of the central as well the state governments. Earlier, these local governments did not enjoy constitutional status but after passing the 74th Constitutional Amendment Act, it got the constitutional shape.

4.3 Institutions of Urban Government Working before 74th Amendment Act

Before passing the 74th Constitutional Amendment Act, the various institutions of urban government were functioning in the urban areas to provide municipal and civic facilities to the people of those particular areas. They are:

4.3.1 Municipal Corporation

Municipal Corporation, which was set up under a special statute passed by the state legislature, is the topmost institution and enjoys more respectable and greater measure of autonomy than other forms of urban government in India.

4.3.2 Municipalities

Municipalities or municipal boards are the second most important organization of the local self government working in the urban sector of India. In most of the states, it is this institution that looks after the civic amenities and the municipal facilities of the citizens. The Municipalities work under the various Municipal Acts passed by the states. This form of urban government is found essentially in big towns and cities where provisions of civil amenities to the city people are of a pressing nature.

4.3.3 Notified Area Committees

Notified area committees exist in many states. They are usually created in areas which do not fulfil the conditions laid down for the constitution of municipalities, but are otherwise quite important. The constitution of the Notified Area Committees, is always notified in the state gazette. These units work under the provisions of the Municipal Act. It possesses all the powers enjoyed by the Municipal Council. But it differs from the Municipal Council in one respect that members as well as the Chairman are nominated by the state government. They meet the civic and municipal needs of the areas that are between the villages and the towns eligible for the municipalities.

4.3.4 Improvement Trust

Improvement Trusts are created in big cities in addition to the Municipal bodies. They are mainly established with a view to bring about improvements in sanitation and town planning. It checks the unplanned growth of the city with a view to maintain its beauty.

4.3.5 Town Area Committees

This is very much similar to the Notified Area Committee. Town area committees are mainly found in small towns. It governed according to the separate acts passed by the state governments, although they can also work under the provisions of the Municipal Acts. The members of this agency may be elected or nominated.

4.3.6 Port Trusts

Port Trusts are created in big ports like Kolkata, Mumbai, Chennai, Vishakhapatnam (Vizag), Cochin etc. It is headed by an official chairman and other members. Its members are partly nominated by the government, and partly elected by commercial and business organizations like the chambers of commerce.

4.3.7 Cantonment Board

This institution of local self government is established in the towns where troops are stationed. This comes under the direct control of the Ministry of Defence and differs from other agencies of local government which functions under the control of the state.

4.4 Urban Local Government and 74th Amendment Act

The 74th Amendment Act was a landmark Amendment of the Constitution, which was passed by the Parliament in 1993. It deals with the establishment of Municipalities as a part of the constitutional system. This Amendment provides for an elaborate system of establishing municipalities as a part of the constitutional system. This also spells out various details connected with different types of municipalities, including their power, duration, election, finance and other related matters. It also adds a new schedule to the constitution, namely the 12th schedule, listing 18 subjects which are to be handled by the Municipalities. After passing the 74th constitutional Amendment, the Urban Local Government has got several rights to ensure that regular elections are held for these bodies and they must have to play a greater role in the development of the urban areas. The 74th Amendment by inducting Part IX-A has provided the basic framework for legislation to create local self government institution for the Urban India. The Act envisaged three types of municipal corporations with reservation of seats in each type of municipalities for scheduled castes, scheduled tribes and women. It also empowered the State Legislature to confer necessary powers and responsibilities upon the municipalities in respect of preparation of plan for economic development, levy of taxes and duties by the municipalities.

4.4.1 Types of Municipalities

Article 343(a) envisages three types of Municipalities.

They are:

- Nagar Panchayat for a transitional area is basically rural in character. This area operates generally with population between 10,000 to 20,000.
- Municipal Council for a smaller urban area, generally operates with a population between 20,000 and 3 (three) lakh.
- Municipal Corporation for a large urban area generally operates with a population exceeding 3(three) lakh.

Mention may be made here that the demographic and other conditions which are determining factors for constituting a particular type of Municipality can differ from one state to another. Therefore, it has been left to the state governments to decide which specific type of Municipality will be constituted for each urban area. The Governor can declare an area as a 'Transitional area' through public notification on the basis of:

- Population of the area.
- The density of the population therein.

- The revenue generated by the local administration.
- The percentage of employment in non-agricultural activities.
- The economically important or such other factors.

However, a Municipality may not be constituted in an industrial township, if the Governor is convinced that the size of the area and the municipal services are being provided by an industrial establishment are adequate and the area by public notification has been declared as an industrial establishment e.g. Jamshedpur (Tatanagar) in Jharkhand and Bhilai in M.P.

4.4.2 Composition of Municipalities

The act provides that all the seats in a municipality shall be filled by persons chosen by direct election on the basis of territorial constituencies in the municipal areas. For this purpose each Municipal area shall be divided into territorial constituencies to be known as wards. In addition to the above, the Legislature of a state may by law provide for representation in a Municipality of the following classes of persons viz.

- Persons having special knowledge or experience in Municipal administration.
- Members of Lok Sabha and Members of Legislative Assembly of the State in whose constituency the Municipality falls.
- Members of Rajya Sabha or State Legislative Councils who are registered as voters within the Municipal area.
- Chairpersons of the committees constituted under clause (5) of Art. 243-S

But the persons so nominated and referred to in Para (i) above will not have a right to vote in the meetings of the Municipality.

4.4.3 Election of Chairperson

In order to provide more flexibility at the local level, the manner and procedure of election of the chairpersons of municipalities has been left to be specified by the state legislature. This may be either by direct election or from among the elected members of the municipality concerned.

4.4.4 Ward Committees

There is provision for the constitution of wards committees, consisting of one or more wards within the territorial area of Municipality having a population of three lakh or more. The state legislature may by law make provision with respect to:

- The composition and territorial area of a Ward Committees.
- The manner in which the seats in a Ward Committee shall be filled.

Under the present system, each Municipality is divided into wards.

In the smaller and medium-sized Municipalities, the average population per ward varies from 1500 to 6000. In larger cities, however, average ward size may be fairly large ranging from a population of 30,000 to even 2 lakh. This has led to a situation where a common citizen does not have ready access to his elected representative.

Where a ward committee consists of one ward, the member representing that ward in the Municipality shall be regarded as the chairperson of the committee. But where a ward committee consists of two or more wards, one of the members (councillors) representing such wards in the municipality elected by the members of the wards committee shall be the chairperson of that committee.

4.4.5 Reservation of Seats

Under Article 243T, there is provision for the reservation of seats for the members of the scheduled

castes and scheduled tribes in every Municipality. This provision has been made to provide an adequate representation to SC, ST and of women in the municipal bodies. The number of seats to be filled by the direct election in the municipality and the percentage of the population of the Scheduled Caste and Scheduled Tribes in the Municipal area are determined in relation to the total population of that area. These seats may be allotted to different constituencies in a Municipality by rotation. Out of the total seats reserved for the scheduled castes and scheduled tribes, one-third of the seats shall be reserved for women belonging to these categories. The office of the chairpersons in the Municipalities shall be reserved for the scheduled castes, scheduled tribes and women. The manner of reservation is left to the state to be indicated by law. The reservation shall cease to have effect on the expiration of period specified in Article- 334 (i.e. at present up to the year 2026).

4.4.6 Duration of Municipalities

Every Municipality shall continue for 5 years from the date of its first meeting. But it may be dissolved earlier according to law. A Municipality must be given a reasonable opportunity of being heard before it is dissolved.

Election to constitute a Municipality shall be completed before the expiry of its duration. If it is dissolved the elections must be completed within 6 months from the date of its dissolution. A Municipality constituted after its dissolution shall continue only for the remaining period for which it would have originally continued. If the remainder period is less than 6 months it shall not be necessary to hold elections.

4.4.7 Qualifications

A person shall be qualified to be chosen as a member if he fulfils the qualifications for election to the state legislature except the age requirement. The minimum age required for membership of a municipality is 21 years. He must not be disqualified by or under any law made by the state legislature. But the persons with the following disqualifications are not eligible for membership of Municipality.

- i) A person disqualified by or under any law for the time being in force for the purpose of elections to the legislature of the state concerned.
- ii) A person so disqualified by or under any law made by the legislature of the state. If the question arises whether the member has become subject to a disqualification the question shall be referred for decision to an authority as may be provided by the state legislature.

4.5 State Election Commission

Each state will have to constitute a state election commission. The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in this state election commission referred to in Article 243K. The State Legislature may, by law, make provision with respect to all matters relating to or in connection with, elections to the Municipalities.

Check Your Progress-I

1. In which year the Local Self Government Act was passed by Lord Rippon?
2. How many types of Municipalities have been recommended under the 74th Amendment Act?
3. What provisions have been made under the 74th Amendment Act to provide reservation to SC, ST and women in Municipal bodies?
4. What is the duration of a Municipality?

4.6 Powers and Functions of the Municipalities

The state legislature shall make a law to endow the Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self government. They may also be invested with powers to prepare plans for economic development and social justice and in regard to schemes that may be entrusted to them. The state legislature may also, by law, provide for powers and authority to be given to wards committees and other committees to enable them to carry out the responsibilities entrusted to them.

The traditional civic functions of Municipalities are well known. However, the 74th constitutional amendment envisages that Municipalities would go beyond the mere provision of civic amenities. They are expected now to play a crucial role in the preparation of plans for local development and in the implementation of development projects and programmes including those specially designed for urban poverty alleviation.

The 12th schedule enumerates the core functions of the Municipalities. This gives an idea of functions that may be entrusted to the Municipalities, and the state legislatures would be free to choose from this list or add to this list while stipulating the functions to be performed by Municipalities under Article 243W. They include:

- urban planning including town planning.
- regulation of land use and construction of buildings.
- planning for economic and social developments.
- roads and bridges.
- water supply for domestic, industrial and commercial purposes.
- public health, sanitation, conservancy and solid waste management.
- fire services.
- urban forestry, protection of the environment and promotion of ecological aspects.
- safeguarding the interests of weaker sections of society, including the handicapped and the mentally retarded.
- slum improvement and upgradation.
- urban poverty alleviation.
- provision of urban amenities and facilities such as parks, gardens, playgrounds.
- promotion of cultural, educational and aesthetic aspects.
- burials and burial grounds, cremations, cremation ghats/grounds and electric crematoria.
- cattle pounds, prevention of cruelty to animals.
- vital statistics including registration of births and deaths.
- public amenities including street lighting, parking lots, bus stops and public conveniences.
- regulation of slaughter houses and tanneries.

4.6.1 Taxes and Finances of Municipalities/Sources of Income

To provide sufficient funds to the Municipalities, Article 243(X) of the Act provides that the Legislature of a state may by law --

- 1) authorize the Municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedures and subject to such limits as may be specified in such law;
- 2) assign to a Municipality such taxes, duties, tolls and fees levied and collected by the state government for such purposes subject to such conditions and limits as specified in such law;
- 3) provide for making such grants-in-aid to the Municipalities from the consolidated fund of the state; and
- 4) provide for constitution of such funds for crediting all money revived by the Municipalities and also withdrawal of such money from there.

4.6.2 Finance Commission

In order to review the financial position of the Municipalities, the Act suggests appointing a Finance Commission under Article 243-I. The Commission can make recommendations to the Governor regarding

1. the principles which should govern the distribution between the states and Municipalities of the net proceeds of taxes, duties, tolls and fees which may be assigned to, or appropriated by the Municipalities.
2. The determination of taxes, duties, etc. which may be assigned to the Municipalities; and
3. The grants-in-aid to the Municipalities from the consolidated fund of the state.

The commission can also recommend measures to improve the financial position of the Municipalities. It shall also examine any other matter which may be referred to it by the Governor in the interest of an adequate finance of the Municipalities.

The recommendation of the Finance Commission together with action taken is to be reported on the table of the state legislature.

4.6.3 District Planning Committee

Article 243-ZD of the Act provides for the constitution of a District Planning Committee and Metropolitan Planning.

The composition of the District Planning Committee is determined by the Legislature of a state, which can by law make provision for the composition of the District Planning committee and the manner in which the seats in such committee shall be filled. But 4/5th of the total number of members shall be elected from among the members of the Panchayat at the district level and the Municipalities in the district. The seats would be allocated in the ratio of urban and rural population in the district.

Other details relating to the composition of the said committees, the manner of filling up the seats therein, functions relating to district planning to be assigned to such committee have been left to the state legislature to decide keeping in view the local conditions.

Functions of District Planning Committee

The main function of the District Planning Committee shall be to consolidate the plans prepared by the Panchayats and Municipalities in the district and to prepare a draft development plan for the district as a whole. While preparing the draft of the development plan, each District Planning Committee shall pay attention to:

- I. matters of common interest between the Panchayats and the Municipalities including spatial planning;
- II. sharing of water and other physical and natural resources;
- III. integrated development of infrastructure and environment conservation;
- IV. extent and type of available resources, whether financial or otherwise.

While formulating the development plan, the district council has also to consult such institutions and organizations as the Governor may by order specify. The plan formulated by the District Planning Committee is forwarded by its chairperson to the Government of the State.

4.6.4 Metropolitan Planning Committee

For each Metropolitan area, a Metropolitan Planning Committee shall be constituted to prepare the draft development plan for the whole area. In order to ensure orderly development of the urbanizing fringe areas, a proper development plan of the surrounding towns and villages needs to be drawn up in association with the plan

of the main city. Further, in such areas, there is, generally, a considerable amount of investment made by Central and State agencies through various development schemes. These need to be co-ordinated with the needs of the metropolitan areas. With regard to the Metropolitan Planning Committee, the State would make provisions for the:

- i. composition of the Committees.
- ii. manner of filling seats.
- iii. representation in such committees of the central and State Government of such organization as may be deemed necessary.
- iv. functions assigned to such committees.
- v. election of the chairperson.

It is also provided that 2/3rd of the members shall be elected from amongst the members of the Municipalities and Chairperson of the Panchayats. The seats would be allocated in proportion to the ratio of the population of the Municipalities and the Panchayats in that area.

It may be noted that the provisions of the Act are not applicable to the scheduled areas referred to in clause (1) and the tribal areas referred to in clause (2) of Act, 244. The act shall also not affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under any law for the time being in force for the hill areas of the Darjeeling district in west Bengal. The Act further stipulates that notwithstanding anything in this constitution, the Parliament may by law extend the provision of Part IX to the scheduled areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law.

4.6.5 Application to Union Territories

The provisions of the Act of 243 ZB shall apply to the Union Territories. These shall, in their application to a Union Territory, have effect as if the references to the Governor of a state were references to the Administrator of the Union Territory appointed under Article 239 and references to the Legislature or the Legislative Assembly of a State were references in relation to a Union Territory having a Legislative Assembly, to that Legislative Assembly:

Provided that the President may, by public notification direct that the provisions of this part shall apply to any Union Territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

4.6.6 The Scheduled and Tribal Areas

Our constitution contains special provision for administration and control of certain areas which have been named as scheduled Areas and also for Scheduled Tribes even though such areas form part of a State or Union Territory. The reason was that these areas were comparatively backward and inhabited by a tribe. It was also a step towards preserving their culture and protecting them from exploitation.

The 5th Schedule of the constitution is applicable to Scheduled areas and Scheduled Tribes in all states except Assam, Meghalaya, Tripura and Mizoram. The Governor has special responsibility in regard to such areas. He is required to report to the President annually or whenever so required by the President regarding the administration of the Scheduled Areas. The Union may give direction to the States in regard to the administration of such areas.

The 6th Schedule applies to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram. This Schedule has undergone many changes. Under this, each tribal area is administered as an autonomous district. These districts remain under the executive authority of the state in which it is situated, but District Councils and Regional Councils are created to exercise certain legislative and judicial functions.

4.7 Let Us Sum Up

It can be said that after passing the 74th Amendment Act, the Urban Local Government has found its constitutional shape and now this is at the responsibility of the state Government to hold regular elections to elect the members of these institutions. Particularly, in the nineties, India has revamped its structure of Local Government. Now, the local government institutions impart necessary political training to a person to become a politician at the state and central levels. Finally, we can say that the ideal of a true welfare state can be achieved only through local self government. Lord Bryce has rightly remarked, "Local government is the basis of training in democracy."

4.8 Key Words

- Local Government** : Local government is a system of administration for small political units — towns, and rural districts.
- Decentralization** : It denotes a process or situation in which powers and responsibilities are transferred from a central authority to other, usually more local organs.
- Amendment** : An Amendment is a change made to a bill, law, constitutional provision or regulation.
- Municipal Administration:** The application of policy of specific cases within an urban government system.
- Municipality** : An incorporated unit of urban local government, taking the form of city, village or town.

4.9 Check Your Learning

1. Discuss the need of the Local Self Government in India.
2. Describe the main features of the 74th Amendment Act in respect of municipal administration in India.
3. Discuss the structure, power and functions of the Municipalities with special reference to the 74th Amendment Act.
4. Describe the main sources of finance/income of urban local government in India.
5. Short Notes:
 - a. Ward Committees.
 - b. Reservation of Seats.
 - c. The role of State Election Commission.
 - d. Finance Commission.
 - e. District Planning Committee.

4.10 Suggested Readings

- S.R. Maheshwari : *Local Government in India* (Agra Laxmi Narain Agarwal)
- S.R. Nigam : *Local Government* (Delhi, S. Chand)
- M.A. Mutabil & M.A. Alikhan: *Theory of Local Government* (Delhi, Sterling Pub. Pvt. Ltd.)

- Usharance Choudhury : *Municipal Government in India*, with special reference to Assam (seven star publication Pvt. Ltd. Guwahati)
- S.N. Mishra : *Politics and Leadership in Municipal Government*, published by M.C. Mittal Inter-India Publication 105 Anand Nagar, Delhi.
- R.N. Sharma & Devendra Kumar : *Municipal Government in India. An Annotated Bibliography*. Published by Indian Institutes of Publication Administration, Indraprastha Estate Ring Road, New Delhi-10002.

4.11 Hints/Answers to Questions in Check Your Progress

Check Your Progress-I

1. In the year 1882, the Local Self Government Act was passed by Lord Rippon which is known as 'Magna Carta' of local democracy in India.
2. Under 74th Constitution Amendment Act, three types of Municipalities are envisaged under Article 343 Q. They are: (a) Nagar Panchayat; (b) Municipal council; and (c) Municipal Corporation.
3. To provide an adequate representation to the SC, ST and the women in municipal bodies, seats have been kept reserved for the SC and ST. Apart from it 33% seats have also been kept reserved for the women.
4. The duration of Municipality is prescribed as 5 (five) years from the date of its first meeting.

Unit-V
STATE CONTROL AND FINANCE OF LOCAL GOVERNMENT

Structure

- 5.0 Objectives
- 5.1 Introduction
- 5.2 Need of State Control and Supervision
- 5.3 Different Methods of State Control over the Local Government.
 - 5.3.1 Financial Control
 - 5.3.2 Administrative Control
 - 5.3.3 Legislative Control
 - 5.3.4 Judicial Control.
- 5.4 Finances of Local Government.
 - 5.4.1 Taxation
 - 5.4.2 Grants-in-Aid.
 - 5.4.3 Other Sources
- 5.5 Causes Of Low Income Of The Local Government.
 - 5.5.1 Measures for Augmenting the Income of Local Government.
- 5.6 Let Us Sum Up
- 5.7 Key Words
- 5.8 Check Your Learning
- 5.9 Suggested Readings
- 5.10 Hints/Answers to Questions in Check Your Progress

5.0 Objectives

After studying this unit, you should be able to:

- discuss the meaning and importance of state's control over the local government;
- explain the various types of finance of local government; and
- identify the system of control and components of financial administration of local government.

5.1 Introduction

In India, Local Self Government institutions are now a permanent part of the structure of governance of the country. The 73rd and 74th Constitution Amendment define it as an institution of self government and make it mandatory for all states to set up and hold regular elections to the various institutions of the local self government both at the local and urban levels. It creates awareness among the people and impels them to find solutions to their local problems and to contribute in development. The institution of Local Self Government has been praised as the emergence of a third stratum of government in our federal system. Indeed, we can not have successful democracy at central and state levels if we do not have at the same time a democratic government at the grass roots level. As we know that the local government is a creation of the state government through the statute, the state legislature has the right to determine the degree of autonomy and also describe the mechanism of control which the state government has decided to exercise over the local government.

The role of local government in the state administration is of considerable importance. Local government has its base in locality which means a limited area. In a local government, the people of the locality can actively participate in the conduct of local affairs. Now, this is the need of the time that local government must emerge and grow as a centre of creativity in our country. In India, the scope of local government institutions is very wide. With the advent of independence, the importance of the local government institutions increased to a large extent. Particularly after passing the 73rd and 74th Amendment Act, a new era of the development of local government institutions in India set in and at present the local government institutions are working with full bloom throughout the country.

5.2 Need of State Control and Supervision

Local governments in India are under a good deal of state control because it is created by the state government. Its autonomy is restricted. The state legislature has the right to determine the degree of autonomy and prescribes the mechanism of control which the state government has decided to exercise over it. But after independence, the situation has fundamentally changed because now it is felt that local government must emerge and grow as a centre of creativity in the country.

Since the institutions of local government in India are created by the state government, they are to a large extent dependent on the state government for both the framing of schemes of urban and local development and their actual implementation. Now-a-days the state is playing an important role in the lives of the people and undertaking a variety of tasks in the social, economic, cultural and educational development of the people. Efforts in this direction must be equitably shared with the local government. Local government, as is known, established by the free choice of the people, has a moral right to continue to exist until it is replaced in the normal course by the people.

This is the common phenomenon that power must be fenced by a network of control, so that it could not be misused by anyone. Power in every democratic society requires control because the grant of powers inevitably carries with them a fear of their abuse or misuse. But any type of control should be judicious because tight control exercised by the government will go contrary to the principles of democratic decentralization. Although a need for government control and supervision is unassailable, excessive control has retarded the healthy growth of local bodies. The state governments constitute the Local Self Government, delimit their jurisdiction, assign them specific powers and functions, and have the ultimate powers of dissolving them. Virtually, local governments are non-sovereign bodies and are controlled by the state government and the judicial authorities. Normally, this control is exercised by the central and the state governments. This control is necessary in certain respects and not very much desirable in other respects because scholars and political thinkers have expressed different opinions on this issue. Finally, it can be said that the grant of powers inevitably carries with them a fear of their abuse or misuse. Therefore, the need for effective control over local government is obvious.

5.3 Different Methods of State Control over the Local Government

Today, the local government is the responsibility of the states under the constitution. Since, it is a creation of the state government, its autonomy is restricted and it is subject to the control of the state government. The local government is subject to financial, administrative, legislative and judicial control. The state legislature has the right to control local government by enacting the necessary legislation, amending statutes and by discussing and debating their functioning. Local government also comes under the judicial purview because judiciary has also the right to interpret local laws and may declare ultra vires those local acts which are deemed to be in excess of the powers conferred on the local body.

Some of the thinkers believe that the institutions of local government have not been able to grow because of excessive governmental control. It is partially true because sometimes we find that malpractices in the local governments develop and thrive on account of the lack of control. Financial irregularities have also been detected. In spite of all these things, it is also true that sometimes excessive control hinders the growth of local government institutions. Therefore, a balanced control is needed because it will be conducive and helpful to the growth of the institutions of the local self government.

There are certain principles about the control of the institutions of local government. Normally, two principles are prevalent.

(i) **Specific Grant System:** According to this system, institutions of local government are given certain powers by the state or central government in written form. Specific powers are granted by the state and central government and the local government cannot go beyond these powers.

(ii) **Specific Limitation System:** According to this system, the institutions of local government are deprived of doing certain things. They can do everything except the things from which they have been deprived.

In our country, the control that is exercised on the institutions of local government by the state government may be discussed under the following headings:

5.3.1 Financial Control

The institution of local government is dependent on the state government regarding its financial management or financial help. The institutions of Local Self Government cannot propose new taxes without the sanction of the State government. Sometimes the sanction has to be taken before any action is taken. Institutions of local self governments have very limited borrowing powers. If they receive any loan or borrow money, they have to obtain prior permission from the state government. State government can also refuse to give such permission. State government provides some grants-in-aid to the institutions of local government which is treated as one of the largest source of income of local government and functions under the administrative control of the department of finance. The E.I.F.A's (Examiner of Local Funds Account) jurisdiction extends to all non-government organizations which are recipients of grants-in-aid from the government. This also gives advice on financial matters to the government as well as to local bodies. If any irregularity is detected, the government has the right to ask the explanation and take some action against these institutions.

5.3.2 Administrative Control

The state governments exercise administrative control over the institutions of local self government in the following manner:

(i) **Power to Call for Information:** The state governments have the right to call for information regarding the various resolutions and decisions of the institutions of the local government.

(ii) **Right of Inspection:** The state governments also have the right to inspect the working of the local self government. These inspections are carried out by the Divisional Commissioner and the District Magistrate. Broadly speaking, the District Magistrate or District Collector has been given the following powers in respect of a municipality:

- To inspect any immovable property owned by a municipality.
- To inspect any work in progress under it.
- To call for any extract from the proceedings of the council or its committee or any book or document in the possession of or under the control of a municipal body.
- To suspend the execution of any order or resolution of the local body, which according to him is unlawful or is likely to cause injury or annoyance to the public or lead to a breach of the peace.
- To provide for the execution of any work or doing of an act which the municipality is empowered to execute or do and the immediate execution or doing of which is in its opinion necessary in the public interest.

- The annual report of the municipality is sent to the government through the District Collectors.
- The Collector's prior approval is necessary for transferring an immovable property of the municipality.
- He convenes a special meeting of the council for the purpose of election of the chairman. He also calls a meeting of the council for the consideration of a no-confidence motion against the Chairman or the Vice-Chairman of the municipal body.

(iii) **Power of Sanction:** The state governments have the authority to sanction the bye-laws, resolutions and other actions of the institutions of the local self government. According to the Municipal Acts and other laws, the institutions of local self government have to seek sanction of the state government in regard to certain actions. These Acts and Laws have strong checks on the working of the local self government.

(iv) **Control over the Employees:** Some employees of local government institutions are directly under the control of the state government. They are the Chief Executive Officers of the local government institutions. The State governments also have the right to check on the working of local government institutions and their personnel and take some actions against the personnel who are not discharging their duties properly. Under the fear of the exercise of this power by the state government, they try to do their functions properly.

5.3.3 Legislative Control

In democracies, the policies of all units of administration are laid down in the legislative enactments. The tasks of government are, thus, not of its own making; these are broadly speaking, defined by the legislature. Regarding the working of the institutions of local government, the state governments have the power to present legislations and get them passed by the State Legislature for making changes or improvements in them.

The procedure for holding elections, preparation of the electoral rolls, method of voting, levying of taxes and their realization, etc. are laid down by the Acts of Legislature that are, in fact, presented and passed at the instance of the state government. The state government has the authority to pass legislation about the following:

- (a) Improving the statutes of municipalities or making changes in the structure or bringing about an end to the institutions of the Local Self Government.
- (b) State Governments have the power and the authority to frame rules and regulations about the working of the institutions of Local Self Government. In fact these rules and regulations are framed by the local self government department of the state, but they are placed on the table of the House of the legislature for their approval. These rules and regulations may pertain to the following:
 - (i) Acquiring the property
 - (ii) Service conditions of the employees and their provident fund.
 - (iii) Taxes, grants and other financial matters.
 - (iv) Rules and regulations about the institutions of the local government.
 - (v) Rules and regulations laying down the election procedure and the conduct of the meeting of the institution of local self government.
 - (vi) Officers and other authorities to be appointed for advice to the local government.
 - (vii) Other matters that have a vital bearing upon the institutions of local self government, etc.

5.3.4 Judicial Control

Like other higher levels of the government, local government is also subject to the usual control of the judiciary. Judiciary has the right to interpret local laws and may declare ultra vires those local acts which are

deemed to be in excess of the powers conferred to the local bodies. Courts and other organs of the judiciary have the power to annul the rules and regulations framed by the institutions of the local self government, if they are not in conformity with the law of the land. This is also the powers of the judiciary to decide the disputes between two or more institutions of local self government. Other disputes are also decided by the institutions of the judiciary.

Finally, it can be said that the institutions of local government are very much under the control of the state government. This control is of a varied nature. Sometimes this control is helpful and sometimes not. The control of the state government over the local government degenerates into spasmodic, intermittent and irregular bouts, and is often negative. In the report of the Rural Urban Relationship Committee, 1966, it has been said, "By and large, the techniques of supervision and control in India... especially in the urban areas... have remained rather static, unimaginative and negative". In fact, a judicious and equitable control is required which will be conducive to the progress and the development of the institutions of local government.

5.4 Finances of Local Government

In India, the scope of local government institutions is very wide. In developing countries, local government institutions have to implement various programmes and for that they require finance. Finance is the basic need of all organizations to fulfil their needs and objective. The financial conditions of our local government institutions are not up to the mark because these institutions do not have the inherent power of taxation. Various committees have been appointed to consider the different financial aspects. Among these committees, Taxation Enquiry Commission, and Kale Committee, Bombay, the Local Finance Enquiry Committee, Committee on Augmentation of Financial Resources of Urban Local Bodies, Rural Urban Relationship Committee, Municipal Grants and Aid Committee and others are noteworthy. In spite of the best efforts made to increase the income of the institutions of local government, satisfactory result is yet to come. There are various resources of revenue of the institutions of local government. These have been discussed below:

5.4.1 Taxation

In India, the local governments do not have the inherent power of taxation. The taxes of local governments are of two types (a) Direct taxes, and (b) Indirect taxes.

(a) **Direct Taxes:** Particularly, Urban local government can levy direct taxes on the following items:

- Building and lands.
- Taxes on persons practicing any profession or art, carrying on some trade or calling, within the jurisdiction of the local government.
- Tax payable by the owner of vehicles other than motor vehicles.
- Tax on animals which are used for riding or carrying load.
- Taxes payable by the employer or certain employees or servants.
- Taxes payable by an occupier of a building for scavenging, etc.
- Tax payable by persons presenting applications for putting up buildings, etc.
- Other taxes, such as recreation tax, etc. to be realized by the municipalities with the prior approval of the state government.
- Passenger tax or such other taxes.
- Tax imposed in return for services rendered, such as water rate, lighting rate, drainage rate, fees for use of markets, and other public conveniences.

(b) **Indirect Taxes:** Local government can also levy certain indirect taxes. The taxes are normally realized in an indirect manner. They generally include the following:

(i) **Octroi or terminal tax:** Octroi is a tax on commodities being brought into a town. This particular term has not been used in the constitution. Constitution mentions it as 'taxes on entry of goods into

a local area for consumption, use or sale therein'. This is a major source of local revenue accounting for about one-fourth of total tax revenue of all local bodies in the country, and is the mainstay in several states.

The 'Local Finance Enquiry Committee' recommended transfer of terminal tax from the Union list to the state list to enable the elimination of octroi and its replacement by the terminal tax. The Committee on Augmentation of Financial Resources of Urban Local Bodies shared a similar view and stated that Octroi is a form of local taxation but it can not be abolished outright unless alternative sources of taxation which should compensate for the consequential loss of revenue are found. However, the 'Rural-Urban Relationship Committee', on the other hand was of the opinion that the Octroi should instantly be abolished. At present many states have already abolished octroi but in some of the state it is still being levied by the local government.

- (ii) Taxes on roads, ferries, etc.
- (iii) Taxes on Certain Commodities.
- (iv) Local government institutions have to frame rules and regulations for levying taxes but before levying certain taxes the local government institutions have to take the prior permission of the state government. And if it is necessary to levy taxes, then it should be levied in a judicious and equitable manner.

5.4.2 Grants-in-Aid

Grants-in-Aid are another important source of the income of local government provided by the state government. It is ad-hoc and discretionary in nature, depending largely on the availability of funds with the states. The grants-in-Aid are of two types:

- (a) Recurring or general purposes grant,
- (b) Non-recurring or specific purposes grant.

Recurring or general purposes grant is given to the local government institutions for maintenance and upkeep of certain services while non-recurring grant is given for certain specific purposes. Government grants-in-aid form the major portion of the income of the urban local bodies in our country. Non-recurring grant may be for construction of a particular road, water supply scheme, public works, drains, paving footpaths, latrines and urinals, etc.

Since local government is an integral part of the governmental system in our country and further, as it has inevitably played a significant role in the task of national development, it must be ensured adequate resources and must become financially self-reliant; particularly, to ensure rational flow of financial resources from state to the local government. A demand has been made for the setting up of a finance commission on the pattern of the Finance Commission at the central level, charged with the responsibility of regulating the grants system and the local governments' share in the pool of divisible taxes. The Rural Urban Relationship committee has also supported it.

Check Your Progress-I

1. Why State Control and Supervision is needed for local government?
2. Discuss the different methods of State Control over the local government.
3. What are the various types of the sources of income of the local government?
4. What measures are prescribed to augment the income of local government?

5.4.3 Other Sources

The local government institutions have certain other sources of income. Though these sources are very limited but sometimes they provide the local government a good deal of resources to perform its normal duties properly. These resources are enumerated below:

(i) **Borrowing:** Local government institutions apart from the grants also receive loans from state government and from general public. Borrowing by the local government is subject to both statutory and administrative restrictions. Under the Local Authorities Loans Act, 1914, which was subsequently amended by both the central as well as state governments, the local government is permitted to borrow money either from the state government or some other sources for the construction of municipal works, relief and establishment and maintenance of relief works in times of natural calamities or scarcity, prevention of the outbreak of any dangerous epidemic disease, acquisition of land, re-payment of outstanding loans, etc.

(ii) **Fines:** Particularly, the urban local governments have also the right to levy fines on the people for infringement of certain bye-laws for the construction of buildings or carrying out certain trades, etc.

(iii) **Fee from licenses:** Urban local governments have the right to regulate certain trades and other activities in its own jurisdiction. For this purpose, they issue licenses. Local government can also charge fee for issuing licenses.

5.5 Causes of Low Income of the Local Government

Owing to the lack of inherent power of taxation and other causes, the local government institution in India suffer from poor or low income, which are as follows :

(i) India is a developing country and most of the people residing in the rural areas do not have enough resources to pay taxes imposed by the local government institutions. These institutions are very much aware about the financial conditions of the people of the country. Therefore, they are hesitant in levying taxes.

(ii) We have dearth of resources on the one hand, but on the other hand the population is growing up every day. Owing to the rapid growth in population, whatever resources exist falls short. On account of this situation, the local government institutions are not able to provide all the services that they should be provided to the people. Local self institutions are not able to get the return for what they actually spend. It is, therefore, natural for them to remain poor.

(iii) In India, the distribution of resources between the state governments and the local bodies is not equitable and just as same between the central and state governments. The percentage of the revenue or the income that the local government should receive is not sufficient to them. In fact, no scientific system of distribution of the revenue has been evolved as yet. Though, the local government institutions are required to discharge more functions in the interest of the development of the society and country, but they are dependent on state government for financial assistance. It is therefore, necessary for the local self institutions not only to augment their resources but also to secure their due.

(iv) Although local government institutions are facing financial problems, they are reluctant to impose taxes. After independence, taxes have gone up which was justified but the revenue collected as a result of taxation has not been properly utilized which has led to a psychology of opposition regarding imposition of taxes. On the one hand, the services have gone up; on the other hand, the representatives of people are reluctant to impose fresh taxes. Owing to some political reasons, the taxes are not being levied. Dr. M.P Sharma has correctly analyzed this thing in the following words:

“The cause of this are many e.g., the incompetence and the dishonesty of the assisting staff and in the case of tax on houses and lands, the dominant influence in the local body of the

class affected by the increase as in the case of land cuss under District Board, the instability of tax itself as in the case of tax on circumstances.” Not only the people but political parties also raise the slogan of saving the people from taxation. In recent years, various things have been exempted from octroi and other duties. This had an adverse effect on the financial position of the local government.

The tax collecting system is also not much effective because the responsible persons for collection of taxes have shown slackness in collecting taxes. Even some influential persons or class are not paying their tax properly. These all have an adverse effect on the financial condition of the local self government.

(v) It has also been found that some urban government institutions, have taken to certain services that can yield some dividends and profit. They have undertaken certain paying enterprises, such as transport, electricity, water supply etc. these trades have not been able to yield the desired results and required dividends. This all happened on account of several factors, e.g. corruption in the service, slackness of administrative service ignorance and lack of cooperation from the citizens, etc. But all these have an adverse effect on the financial condition of the local self institutions.

5.5.1 Measures for Augmenting the Income of Local Government

Unless the local government increases their resources, they shall not be able to discharge their duties properly. They shall have to increase their revenue, resources of income and do such things that can bring them sufficient money. Following are the ways and means which can be adopted for augmenting the sources of income of local government institutions:

- (i) Improvement in the system of realization of taxes.
- (ii) To undertake profitable trades.
- (iii) Interest free loan from the government.
- (iv) Rise in government grants-in-aid.
- (v) Checking wastage.
- (vi) Training to the people
- (vii) Payment of a share of tax collected by the local self institutions.

Therefore, it can be suggested that the above-mentioned measures should be adopted by the institutions of the local government to augment their finances so that they can work more effectively for the betterment of the people and society as well.

5.6 Let Us Sum Up

In view of the growing importance of the local government institutions after the 73rd and the 74th Amendment Act, these institutions are expected to play more effective role in the locality to provide better opportunity to the local people to render their best services for the betterment of the society. It has rightly been said that a true democracy can be sustained in a country only through a system of effective local self governing institutions. For proper and smooth functioning of these institutions, there is a need to have some sort of control but this control should be of a balanced and judicious type and conducive to the development of the institutions of local self government. Moreover, to fulfil its objectives, a sound financial management is also needed.

5.7 Key Words

- Autonomy : Limited powers to manage internal affairs; limited self government.
 Statute Law : Refers to that form of law which is expressed by an act of the legislature.
 State Legislature: Every state in India has a Legislature. Some states have one House while others

have two. Where there is one chamber, it is known as the Legislative Assembly (Vidhan Sabha) and where there are two Houses, the Upper House is called Legislative Council (Vidhan Parishad) and the Lower House is called the Legislative Assembly.

Tariff : It means a schedule of rates or charges.
 Grants-in-Aid : An appropriation by the central Government to the states (or by the states to local Units) to assist them in performing their functions and to establish and equalize standards of government activities.

5.8 Check Your Learning

1. Discuss the various means of state control and supervision of Local Government in India.
2. Examine the sources of finance of Local government in India.
3. What are the causes of low income of local self government in India? Suggest measures to overcome their financial difficulties.

Short Notes

- a. Grants-in-Aid to Local Self Government.
- b. Sources of finance of the local self government.
- c. Causes of low income of local self government.
- d. Administrative control over LSG

5.9 Suggested Readings

1. S.R. Maheshwari : *Local Government in India* (Laxmi Narain Agarwal, Agra.)
2. S.R. Nigam : *Local Government* (S. Chand & co., Delhi.)

5.10 Hints/Answers to Questions in Check Your Progress

Check Your Progress-I

1. Local government in India is created by the state government. Therefore, its autonomy is restricted by the law and the state legislature has the right to determine the degree of autonomy and prescribe the various mechanisms for control over it. It has rightly been said that power must be fenced by a network of control.
2. Since a local government is a creation of the state government, its autonomy is restricted and it is subject to the control of the state government. The different methods of control exercised by the state government are:

(i) Financial control;	(ii) Administrative control;
(iii) Legislative control; and	(iv) Judicial control.
3. The various sources of income of local government are:

(i) Tax and rates;	(ii) Grants-in-aid; and
(iii) Other sources of income.	
4. Following ways and means can be adopted for augmenting the sources of income of local government:
 - (i) Improvement in the system of realization of taxes.
 - (ii) To undertake profitable trades.
 - (iii) Interest-free loan from the government.
 - (iv) Enhancement in government grants-in-aid.
 - (v) Checking wastage.
 - (vi) Training of the people.
 - (vii) Payment of a share of tax collected by the local self institutions.

Unit - VI

MAJOR TRADITIONAL VILLAGE COUNCIL SYSTEMS OF ARUNACHAL PRADESH: THE DEMOCRATIC, THEOCRATIC AND THE CHIEFTAINCY SYSTEMS

Structure

- 6.0 Objectives
- 6.1 Introduction
- 6.2 Nature and Role of the Village Council in Arunachal Pradesh
- 6.3 Theoretical Classification of the Tribal Village Council
 - 6.3.1 Raghuvir Sinha's Classification
 - 6.3.2 P.D. Gogoi's Classification
 - 6.3.3 Raja's Classification
- 6.4 General Classifications
 - 6.4.1 Democratic Framework
 - 6.4.2 Theocratic Framework
 - 6.4.3 Chieftaincy Framework
- 6.5 Let Us Sum Up
- 6.6 Key Words
- 6.7 Check Your Learning
- 6.8 Suggested Readings
- 6.9 Hints/Answers to Questions in Check Your Progress

6.0 Objectives

After reading this unit you will be able to;

- know the typology of village councils operating among tribals of Arunachal Pradesh;
- understand the role and functions of village councils in different tribal groups of Arunachal Pradesh;
- comprehend and explain the types of leadership and nature of decision-making in village councils; and
- understand the structural arrangement and types of authority prevalent in different communities in Arunachal Pradesh.

6.1 Introduction

The village and village councils were the basic political units of the people of Arunachal Pradesh till the introduction of Panchayati Raj system in 1969. Even today, these village councils exist side by side the statutory Panchayats and continue to discharge their functional and command authority in the village. Each tribe of Arunachal Pradesh has its own council system reflecting its communal nature and requirements. The political organisation of the tribal community is based on traditional way in which society recognizes the exercises of authority. The authority may be vested in a single individual acting as the headman of the village or it may be entrusted to few chosen representatives of the community whose confidence they may command. These centuries old popular forms of village councils were evolved as an administrative mechanism for fulfilling the local needs. "These village councils," as Sir Melfalfe writes as late as 1830, "are the little republics having nearly everything they want within themselves and almost independent of foreign relations. They seem to last where nothing else lasts. This union of the village communities, each one forming a separate little State in itself... is in a high degree conducive to their happiness, and to the enjoyment of a great portion of freedom and independence."

6.2 Nature and Role of the Village Council in Arunachal Pradesh

The village council is known by different local names in different tribes. It is called Ke bang among the Adis; Mangmajombana among the Monpas; Buliang among the Apatanis; Tra-lungdas among the Tangsas; Wancho-Wangcha among Wanchos; Khapa or Khapong among the Singphos; Ngothum among Noctes; Mockchum among the Khamptis; Nyile or Gingdung among the Nyishis; Raiz or Melley among the Akas;

Khampchu or Tsondi among the Khambas and Membas; Jung or Jungtong among the Sherdukpens and Pharai among the Kaman Mishmis. These councils administer justice in case of disputes and conflicts and also directs developmental and welfare activities within their respective villages. In the realm of social domains, these time-tested and time-honoured institutions work as a catalyst in maintaining the intrusions of social anomalies and aberrations. As institutions of social evolution, established in history and traditions, supported by social and religious sanctions, they are an expression of genuine democracy representing the cooperation and communal temperament of the people. The significance of these village councils lies in the fact that in Arunachal's society, life and responsibility are so often corporate rather than individual. The tribes of Arunachal knew no state and government other than their village and village council. Their state was their village which had its own natural boundary. Their government was their village council which was all conducive to their happiness and welfare.

A typical village council generally consists of the village chiefs or elders, the local priest, mature, respected and influential persons of the village. All the villagers (adult members) of the community participate in the process of deliberations. The jurisdiction of village council is confined to the village only. Basically, these councils perform three types of functions – judicial, administrative and developmental. They are responsible for law and order and all welfare activities of the village under their respective jurisdictions. The councils are democratic in the sense that all the vital issues of the village are freely and publicly discussed. The councils are democratic in the sense that council in the same manner. Every kind of offence is within the jurisdiction of the council. In the council everybody is at liberty to express his opinion even though the final say is the prerogative of council member and its leaders. The council is the final authority of the village and nothing could be done without its approval.

These councils are informal in nature and free from legal and official technicalities. They do not have scheduled sessions or any kind of committees and secretariat staff, but they have a fixed place for meetings and meet as and when required. Deliberations in village councils take place in a democratic manner. The councils allow both the defendant and complainant to speak freely and plead for themselves. Judgements are delivered on the basis of a careful consideration of divergent statements of the parties and customary law. In this way disputes are taken up urgently and justice is administered speedily without the least inconvenience to any party. Justice is free of cost, made available to everyone. It is neither delayed nor denied for want of money. Thus, the tribal system of justice is cheap, practical and conducive to the harmony of society.

However, the structural nature of participation and method of reaching consensus or the process of decision making is different from tribe to tribe and function of village councils of some tribe are more elaborated and structured than others. The variation in tribal council was due to the social outlook and psychology of the tribes. Hence, chieftaincy system is found among the Noctes, Tangsas, Singphos and Khamptis and democratic type of village councils were found among Adis, Monpas, Akas and Aptanis.

Despite their typological differences, there are several commonalities in all the tribal self-governing institutions of Arunachal Pradesh. All of them are having certain amount of democratic ethos in their *Modus Operandi*. All of them derive their authority from the tradition and the fact that they are the expressions of the will and power of the whole people. They are supported not only by social but also supernatural sanctions. Even the chieftaincies of Singpho, Khampti, Nocte, etc. display some democratic and republican elements.

- (i) All the tribal councils operate on the principle of unquestioned loyalty to the community. Facts are interpreted in the light of the tribal history and decisions are drawn upon tribal jurisprudence, customs, conventions and uses.
- (ii) In all the systems, space for women folk is very negligible. They are not allowed to participate in the process of decision-making except in case of giving evidence or expressing grievances. Thus, the councils are male dominated institutions.
- (iii) All the systems are based upon spontaneous loyalty. The man of age, wisdom, oratory, intelligence, knowledge of tribal history, tradition and conventions dominate the councils' proceedings and

have a vital role in resolving social or personal conflicts. In present context, education has added new dimensions for the leadership in and out of the councils.

- (iv) All of them administer justice as per tribal jurisprudence and regulate all aspects of community and individual life according to the set code of conduct and to punish those who transgress the codes. All disputes between the clans, families, groups and individuals over encroachment of landed properties, ownership of *Mithun*, debt, non-clearance of dues, misappropriation causing injury, divorce, elopement, cheating, murder, etc. are settled in the council. Punishment and fines are awarded according to nature of crimes.
- (v) Normally, the indigenous political system of a sub-tribe does not differ fundamentally with its major tribe. For example, the village councils of different sub-tribes of the major Adi group work on similar lines.
- (vi) These councils are free from legal and official technicalities. Entire proceedings of village councils are done in an informal manner so that one can speak without hesitation or reservation.
- (vii) In almost all the systems, leadership of the councils (except in the Chieftaincy system) spontaneously emerges. In all the systems elders are respected and their opinions are always taken into account at the time of making decisions.

Check Your Progress-I

1. What are the common characteristics of the traditional village councils of Arunachal Pradesh?
2. Discuss briefly the administrative functions of traditional village council.
3. Discuss the developmental functions of traditional village council.

6.3 Theoretical Classification of the Tribal Village Council

The village councils of Arunachal Pradesh can be classified into different types on the basis of nature of working, organisation and exercises of authority. Some attempts have been made by the scholars to provide some broad framework of classification to the different types of tribal village councils in Arunachal Pradesh.

6.3.1 Raghuvir Sinha's Classification

According to Raghuvir Sinha, the political organisation of the tribal community depends on the exercises of authority. This authority: (i) may be vested in a single individual acting as the headman of the village; (ii) or it may be entrusted to a few chosen representatives of the village forming a council of elders as among the Adi group and acting on behalf of the whole village community whose confidence they may command, or (iii) as a third alternative, the village community may keep the authority to itself. While the first seems to be an autocratic set up, the latter two are more popular among those societies where the democratic ideals have a social value.

6.3.2 P.D. Gogoi's Classification

P.D. Gogoi in his thesis, *NEFA Local Polity* classified Arunachal tribal council into four forms – chieftaincy system, Gerontocracy, democratic system and arbiter system. The chieftaincy system is prevalent among Khamptis, Singphos, Noctes, Wanchos and to some extent in Tangsas also. The Gerontocracy is a system where there is a rule of elders. The Gerontocratic ethos is present in almost all the systems. In all the tribes of Arunachal, elders are always respected. Age-old people having long experience are always considered as the expert of jurisprudence. The tribes which are neither individualistic nor socially stratified, have conveniently developed the Democratic systems, like the *Adi Kebang* or *Mangmajombana* of the Monpas. *Kebang* of Adis is the most developed and the most powerful of all tribal councils in Arunachal Pradesh. Members propose the law; the council legislates and executes that law. Fourthly, the Arbiter system refers to a process wherein arbitration is done by the people, who

are specialized or skilled in settling dispute through negotiation and mediation. The arbiter system bears much more importance for the tribes like the Nyishis and the Mishmis who do not have regular councils. The arbiter performs the combined role of a mediator, negotiator and a broker. Arbiters settle the dispute of villagers and also disputes of two or more villages. This system represents neither the authority of village nor it is a regular body like a village council of other tribes. This system has its own defects like in the following:

- (i) Influential persons generally remain in an advantageous position;
- (ii) Weak persons are always at the mercy of stronger;
- (iii) Its decisions are not obligatory in nature;
- (iv) It is the only authority or media upon whom one has to bank upon for attaining any kind of just or unjust settlement. In fact, arbiter system is only a conflict resolving organisation which minimizes mutual hatred and suspicion and promotes harmony and good will. This system can't be strictly called a form of local polity, because it does not represent the authority of the village and not the head of the corporate body of a village.

6.3.3 Raja's Classification

K.A.A. Raja speaks of five distinct types of socio-political organisation of the tribes of Arunachal Pradesh. He describes them as follows:

1. The Republican Adi type, with well-organised villages administered by a council of elders and youth organisations as their executive agents. In it the village solidarity is stronger than clan or tribal affinities which operate within the village and in inter-village affairs only. All activities of the community even from the family level are corporate in character, involving joint decision and action.
2. The Autocratic Nocte and Wancho type with hierarchical social and political structure. One paramount chief has a number of subordinate villages, with lesser chiefs under him. The society is divided into four hereditary classes with the nobility to which the chiefs belong at the top and the commoners at the bottom, and two intermediary classes comprising those born of inter-marriage between chiefs and commoners' classes. All authority rests with the chief of the village who is assisted by a council and, which is an advisory body.
3. The individualistic Mishmi type where there is no organised integrated village administration, and household, and clans formed the only bonds of cohesion.
4. The theocratic Monpa type in which the society is divided into a sacred and a lay order. The former is systematically organised and the village autonomous in internal affairs are knit together under one theocratic government with a supreme monastic authority.
5. The Apatani type with large village segmented into clan sectors, each administered by its own clan council. The village though compact, was without the integrated cohesion of the Adi type.

Check Your Progress-II

1. Define the following:
a) Gerontocracy, (b) Autocracy (c) Republic
2. What are various frameworks of Raja's classifications?
3. Name the village councils of Adis, Apatanis, Monpas, Nocktes, Wangsus and Tangsas.

6.4 General Classifications

These classifications of village council of Arunachal Pradesh, however, failed to describe the nature of structural arrangement and exercises of authority in different tribal political systems. A close peep into the system provides broader idea and observations. Therefore, the village councils of Arunachal Pradesh can broadly be

6.4.1 Democratic Framework

On the basis of participation of people in the process of decision-making, organisation and exercises of authority, the village councils like Kebang of the Adis, Mangmajombana of Monpa, Buliang of Apatani, Raiz or Melley of Akas, Jung or Junthong of Sherdupens, etc. can be categorized into democratic framework. In all these councils, the organisation of the council is parliamentary in nature and republican in character. In these councils, there is democratic process of selection which ensures able, experienced and impartial men in village councils and these selected members serve their small community with dedication and sincerity as demagogue's tricks would not last longer in a close tribal society. The wealth or property alone does not qualify a person to stand the test of social approval and even a poor man can reach up to the honoured position in the tribal society. The absence of hereditary element in Democracy and Gerontocracy has made them more viable and amendable to required changes in the present context. The Akas, like Adis, have the system of inter-village councils to discuss areas of inter-village conflict and cooperation to promote harmony and to co-ordinate the activities of neighbouring villages. The 'Nuggu' (great man) plays an important role in the disposal of inter-village disputes.

Sachin Roy observes that the political structure of the Adis is essentially democratic. Autocracy is not known to them and in absence of a distinct class of nobility, oligarchy has remained equally unknown.

Kebang in true sense represents government of the people, by the people and for the people. It is a pyramid-like structure starting from the village council to inter-village council and to all village councils.

- (a) At the village level, different types of village councils are found. Bane Kebang is a meeting of all villagers, to discuss mainly administrative and welfare measures concerning the village only. For holding these kinds of meetings, all adult members are informed and dates are always fixed. Besides, there is one more kebang at the village level called Atek Kebang which concerns with the cases of disputes which may abruptly arise between the individuals or groups.
- (b) Bango Kebang is a council at the inter-village level. This Kebang deals with disputes or topic of mutual interest in broader perspective. Its jurisdiction extends to Bango (group of villages) which agree to work together. For convening the session of Bango Kebang, the date and place are fixed some months ahead. All the active members of Dolung Kebang (village council) automatically become members of Bango-Kebang.
- (c) At the top is the Bogum Bokang Kebang (council of the whole Adi tribe). This is the highest and supreme agency of all Kebangs, wherein representatives of different Bangos, public leaders and elite participate. Here, in this Adi parliament, office bearers are elected. This Kebang takes up great issues related to war, peace, religion, culture and development. Laws of Adi Society are formulated, developmental plans are chalked out and policies are framed. The Bogum Bokang Kebang then even passes resolution and forwards to the government which is taken up seriously. Though an informal body, it is generally regarded as the Adi parliament.

Another example of a well-developed form of village council with strong democratic tradition is Mangmajombana of the Monpas which have a strong sense of protocol in its structural arrangement. Mang or Mangma means people; and Jom or Jombana means assembly. Therefore, Mangmajombana literally means the council of the people in village. This council besides having the Gam (Tsorgen), Thumis (next to Gam in rank) and Gamins (Messengers) as members also has some elderly members having knowledge and experience in tribal justice. A Tsorgen is selected after making a thorough consultation among the people. The person who is considered most fit for the post is finally selected through deliberation. But in case there are two or more contestant persons, they are required to show the support of a majority. So in order to show the majority, a particular day is fixed by the villagers and on that fixed day the contestant candidates show their majority. Accordingly, the person who has the majority is selected as Tsorgen of the village. Gomins are selected from those clans who inhabited first.

A Tsorgen not only administers the village but also gives advice and guidance in all matters concerning its welfare as a whole or of any individual household. In performing these functions he is helped by a Gomin (messenger). His advice is sought often and his orders and instructions are always carried out. The Tsorgen is responsible for the supervision of the religious ceremonies to be performed for the common good of the village. Since the village council has no regular fund, the celebration of festivals and the repair works of the Monastery are managed through contributions from the every household. An account of the council fund has to be kept with the help of Gomin. The opinion of the council is often the final verdict which is promulgated by the Tsorgen. A Monpa village may sometimes have several settlements each constituting a hamlet and any bigger hamlet located at a distance from the parent village may form an independent council.

The political system of Apatanis has a different reality. There is *Buliang* at village level whose members (the *Buliangs*) are more or less hereditary. The *Buliangs* also exist at inter-village level and at tribe level. Besides, there is also *Gondu* who is an intermediary between the conflicting parties. He can settle the dispute without calling the *Buliang*. The Sherdukphen mythology tells that the descendent of a Tibetan chief established the community. The Sherdukphen community has two social divisions, namely *Thong* and *Chao*. The clans in the Thong group are the descendants of the chief who migrated and established the community. In a Sherdukphen village the body politics is called *Jung* which has a member from the Thong group of clans as the chief. The chief is not hereditary in the family or in a particular clan but is hereditary in the upper division of the community. The chief *Thong*. There are also members with specific assignments. The village body politics of the Sherdukphen contains some elements of gerontocracy like that of the Apatanis.

The arbiter system as it exists among the Idu Mishmis is presented here. The village political organisation of the Idus is called '*Abbelah*'. The term *Abbelah* is composed of two words; i.e. '*Abbe*' meaning 'in between' and '*lah*' meaning 'to speak or talk'. Thus, a person who talks in between the two disputant parties as mediator constitute the village political organisation called '*Abbelah*'. The member of *Abbelah* i.e. the mediators are called '*Abbelaya-Alombro*'. This village political organisation is composed of few elder villagers (i.e. three to four) who are reputed for their traditional wisdom, good oratory and soundness in their judgement. But most of the time people prefer to deploy those mediators who are related to both the disputant parties and who can convince them for the negotiation impartially. However, it is also not necessary that the mediator should be related to the disputant parties. He may be from a clan other than the disputant clans but should have good persuasive capacity, wisdom and experience in settling disputes.

In fact, the Idus have neither Democratic political organisation like *Kebang* of the *Adi* and the *Buliang* of the *Apatani* nor chieftainship system of the *Khampti* and *Nocte*. As it has been earlier stated that mediators constitute the village political organisation called *Abbelah* where arbitration is done through negotiation to solve any sort of disputes. Therefore, the political system of the Idu Mishmi may be termed as *Arbiter System*. The system refers to a process where arbitration is done by the people who are skilled and specialized in settling disputes through negotiation and mediation. Whenever there is any dispute, the victim party calls upon the expert and experienced negotiators to solve the disputes. Then the complaint is lodged to the members of *Abbelah* in detail. After listening to the complaints of the victims, the members proceed to the accused person's house and explain the complaint lodged by the victim. If possible, they also summon witnesses to give evidence. Their statements along with that of the accused are patiently heard to know the truth and fact of the incidence. In the course of time, age-old references are also made from the cases of similar nature by the mediators. In most of the cases the customs dictate the decision of the *Abbelah*. However, the members of *Abbelah* verify the truthfulness of the accusation or allegation of the complaint and the denial of the accused also. Thus, through his wide knowledge and past experiences, the *Abbelah* comes to a conclusion of the case after listening to both the disputant parties. His verdict is taken as final and whatever may be the decision of the *Abbelah*, both the disputant parties have to abide by it. Thus the main task of the mediator, i.e. the member of the *Abbelah*, is to arbitrate the disputes assigned to him. He decides upon the extent of offences and determines the amount of fine through negotiation. In

some cases the accused deny the allegation levelled against him. In such occasions, the accused is called upon to prove his innocence. Here the main role is played by the priest. The accused has to disprove the allegations with the help of different types of oaths and ordeals such as *Ata*, *Aseye*, *Ikuto* etc. The priest with his magico-ritual practices calls upon the accused to go through these different types of oaths and ordeals to prove his innocence.

The punishment of the culprit depends upon the nature of case and the compensation or fine is in the form of *Mithun*, pig, cash, etc. After solving cases, the *Abbelahs* are entitled to have a portion of the compensation or fine from both the disputant parties for performing a ritual called '*Apesu*'. The share from compensation which is given to the *Abbelahs* is called '*Abbelagru*' and is compulsory one. Just after settling the dispute both the disputant parties have to give one egg to each mediator. It is the belief of the Idus that some evil spirits might be looking after the mediator to do some harm. Thus, to get rid of this, the mediator on way back, breaks the egg and prays to the spirits to pardon him if his decision has gone wrong. With the amount which he gets as his payment for the work as mediator, he performs the ritual *Apesu* at his home with the help of the priest. In this ritual, again an egg is kept inside a small bamboo-made basket which is tied with a bamboo stick at one end. The priest starts the ritual holding the stick in which the basket containing the egg is tied. Eventually, the basket with the egg is thrown outside the house. This ritual is done to avert any misfortune to both the mediator and the disputant parties.

6.4.2 Theocratic Framework

Almost all the Buddhist tribes such as *Khampti*, *Monpa*, *Sherdukphen*, and *Meyor* whose socio-political life centres round the Buddhism are grouped under this category by many scholars. But these councils are not purely theocratic in nature. Though the organisation of the councils and the villages are autonomous in internal affairs, it is knitted together with the religious values. But the monastic authority or the head of the religion is not the supreme authority. The supreme authority rests with the people and village. Therefore, these councils can be considered as the democratic political systems with some theocratic elements. The village councils represent the village as a whole. All the elder persons of the village who have knowledge and experience are automatically regular members of village council. Membership is not hereditary and is open to any person of knowledge and experience irrespective of wealth and property. Meeting of the council usually takes place in any open place and villagers freely participate in it. A decision is taken by consensus or by majority voice. All important matters affecting the village community or family or individual disputes become subject of discussion at the village council. The ultimate authority of village council is the people of the village as a whole who form the general assembly.

6.4.3 Chieftaincy Framework

The chieftaincy system is prevalent among *Khamptis*, *Singphos*, *Noctes*, *Wanchos* and to some extent among *Tangsas* also. The chieftaincy system in *Arunachal Pradesh* is also an age-old institution. The chief acts as the spokesman of the village and provides the villagers leadership. He commands his people and no one can dare to defy his orders. The chief is responsible to the administration and maintenance of law and order in the area under his jurisdiction. He is supposed to be well-versed in tribal jurisprudence, and to ventilate the grievances of the people under his jurisdiction is the chief function of the chief. The village chiefs are known by different names in different tribes, such as *Lowang* in *Noctes*, *Wangham* in *Wanchos*. The position of *Wancho* and *Nocte* chiefs is one of authority and dignity. In big villages there are chiefs more than one with ultimate responsibility on the senior most chief. Small villages have only one chief. In some places, the village council decides cases but the final decision is given or announced by the chief. Contrary to this, in some cases, the chief also refers cases to the village council for adjudication.

The chieftainship is hereditary in the family among the *Noctes* and *Wanchos* while it is in the clan among the *Khamptis*. The *Chautang*, *Lungking* and *Namchum* are the royal clans among the *Khamptis* in India. The chieftainship has two aspects - territorial and communal. In case of the *Noctes* and *Singphos*, there are territorial chiefs. For example, among the *Noctes*, there are two paramount chiefs namely the chiefs of *Borduria* and

Namsang. There is no chief for the entire Nocte community. However, every Nocte village has a chief. But among the Tangsas, there is no instance of a territorial chief or a community chief. Every Tangsa village, however, has a chief. A chief in a Tangsa village is not subordinate to any other chief of any Tangsa village. However, the chief of a new village may have some social relation with the chief of the parental village. This relation is basically due to clan bondage. Like Noctes village chiefs, the Singphos also have territorial chiefs. The Singpho chief who is called *Agi* or *Mireng* is both a clan chief and also territorial chief. For example, the Ningroo chief and Bisa Gam are territorial chiefs in the Singpho community. Unlike Noctes and Singphos the Khamptis have a chief at the tribal level known as *Chaukha-Kongmong*. In addition to the tribal chief, each Khampti village has a chief known as *Chauman*. The chiefs have their own councils through which they discharge their various duties in matters of settling disputes, organizing wars, and organizing economic pursuits. The council of the Khamptis is known as *Mukchum* while that of among the Noctes is known as *Ngongwang*.

Tangsa's chieftaincy is a limited chieftaincy as the chief enjoys nominal power due to democratized nature of its council. The council consists of a leader called variously as Lungwang, Ngowa or Lowang and a few members, known as Sangta, Ngowa or Lowang, Khamba and Dedwa - all chosen by the villagers. The leader is selected from a particular clan after taking into consideration his wealth, intelligence, social status. The Lowang (leader) is powerful and his decisions are final. The council of elders resolves all disputes and maintains peace and order in the society.

The existence of the *Wanchos* village council dates back since time immemorial. Every *Wancho* village - whether the paramount or its offshoot - has its village chief. Various legends are there among the *Wanchos* about the origin of chieftainship. However, the basic necessity behind the genesis of the institution is the centralized authority for the maintenance of law and order in the community and to protect the village from outside attack. It is because of this that the chief are vested with the supreme authority of the village.

The socio-cultural religious and political life of the *Wanchos* is governed by the system of village council of elders, whose code of conduct is the tradition and customary laws. Each *Wancho* village has a well-organized body for the administration of law and order. It is the council of the elders under the Wangham, the chief with executive officials. The number of the official and members varies from village to village. The council is called 'Ngopa-Wang' presided over by the chief and assisted by the *Wangsu-Wangsa*. The village council of the *Wanchos* consists of the Wangham, the chief, who is the president and plays an important role in their traditional village council and also is treated as the supreme authority of the village community. Wangsa-Wangsu, who are Khonsai (similar to Hondique of the Noctes), Ngopa, Wangsiam and the elders representing the clans.

The chief before proclaiming any decision consults *Wangsu-Wangsa*. *Ngopa-Wangsiam* can adjudicate any matter, which is referred before the village council. *Ngopa* are from commoners, however *Wangsiam* represents the chief clan of the village.

The posts of *Ngopa-Wangsiam* are hereditary. The *Ngopa* acts as an announcer and informs the villagers the dates and manner of the festivals as well as about the meeting of the village council. This he does simply by shouting the information from his own house. Another member of the *Wancho* village council is *Khuasai* who acts as a tax collector. After taking instructions from *Ngopa* he used to collect taxes from every household of the village. The paying tax is mandatory which is used to be taken in kinds. Wangsiam acts as a messenger of the chief and informs the villagers about the chief's visit in the respective areas and other related matters. Jampa is a ritual expert. He is used to construct the disposal platform for the dead body and also performs all rites connected with the disposal. The Jampa is also performing other rituals.

The chief of the village is the head of the council by virtue of his status in the village. In addition to the chief and other members of the village council, *Gaon Burah* is also one of the members of the village council.

The *Gaon Burah* is also selected in the village on the basis of his performances in social and other matters. Now this institution of *Gaon Burah* is also an integral part of the village council and he is used to seat together with the members of the council to discuss any social, political, ritual or developmental matters. To be selected as a member of the village council, age, sex, experience in social affairs, social status and command over others are the major criteria which are considered while selecting one as a member to the village council. Experience in dealing with the social, political and religious spheres is also another criterion for membership in the village council. As stated earlier, only the posts of chief (*Wangham*) or *Ngopa* are hereditary one.

Generally, there is no limitation to number of members in the council. The territorial jurisdiction of the village council of the *Wancho* is confined to the village itself. But there are also some *Wancho* chiefs under whose jurisdiction many villages fall. For example, under the chief of *Niaunu*, besides *Niaunu* there are other four villages; they are *Longphong*, *Mintong*, *Niausa* and *Zedua*. All these villages come under the jurisdiction of a paramount chief Mr. Tokhow Wangham who is the son of the first provincial member from *Wancho* community late Mowwang Wangham. These subordinate villages are used to pay annual taxes or tribute to the chief of *Niaunu*, besides their own village chiefs even today. Every year the people of the respective villages are used to offer free compulsory labour for the chief. If the chief wants, this free labour can be extended more than once.

Normally, the meeting of the village council is convened at the house of the chief but the serious matter is always discussed in the *Pahtai* (Chief's Morung). Women are not allowed to participate in the village council meetings. They are strictly prohibited not to enter into *Pahtai* (Chief's Morung). If any woman is found guilty of violating these norms, then she has to pay either a pig or fowl as fine. *Pahtai* is a very important living institution among the *Wanchos*. After every community hunts, the head of the prey is offered to the chief and the skull of the same is kept in the *Pahtai*. During the time of head hunting, the skull of the head is used to be kept in it.

The village council performs manifold functions for the village. They are Civil, Criminal and Developmental. Civil cases are related with the hunting and fishing right, land encroachment, inheritance and marriage. Criminal cases are murder, theft, burglary, elopement and adultery. Besides these, the council also performs the developmental works of the village like cutting of village path, making of culverts and bridges, etc. with the help of the youth union in the village. All villagers have to participate in the community works without fail. Mention may be made here that if any matter is referred to the council and is decided by the village council, then it must be obeyed and implemented. If anyone is not willing to obey the decision of the council, in that case the person will be banished from the village or the matter will be referred to the administration.

Bachelors' dormitory (*Pah or Morung*) is also a living system in all *Wancho* villages. At present it can be said that the village council is functioning in the same way but nobody can deny that some changes have been brought in the functioning of the council. Earlier, the commoners were not allowed to marry Wangcha the chief's daughter. But now-a-days it is not strictly being observed and other social-cultural norms are also decaying. Particularly after introduction of Government instruction and Panchayati Raj, the people got the chance to approach the court of law for settlement of any dispute.

The Khampti and Nocte chiefs, though powerful, can never be autocrat. As they are hereditary in nature and there is check from royal class members, the chief can't be a dictator even if he chooses to be so. For example, the Khampti chief though occupies the highest position in the social hierarchy and is regarded as the fountain of justice, he is assisted by a council whose members are members elected by the people of the villages. Again, Khamptis belong to Tai group, they have well developed scripts and the chiefs are bounded by the written rules of election procedures, principle of representation and terms of office, etc. In addition to this, they have a well-defined code of rewards for virtue and punishment for sin. Further, the chief and his council administer justice on the principle of their Buddhism.

Kebang Abu: Kebang Abus are the traditional leaders of Kebang of Adis having large experience in the process of deliberation, and proven ability in interpreting the traditional convention.

Chieftaincy System: Political system in which the chief of the village is the head of the council which looks after the administration from personal affairs to the affairs of the village as a whole.

Gerontocracy: It is a system where there is a rule of elders.

Arbitrator System: It refers to a process wherein arbitration is done by people who are specialized or skilled in settling disputes through negotiation and mediation.

Theocratic system: Systems in which the administration is knitted together with the religious values under one government with a supreme religious authority.

Traditional conventions: Conventions which were developed indigenously through ages which became the guiding principles in the process. These conventions are blended with traditional customs and practices.

6.7

Check Your Learning

1. Discuss the typology of village councils of various tribes of Arunachal Pradesh.
2. Discuss the characteristics of village councils of Arunachal Pradesh with special reference to Kebang of the Adis.
3. Discuss the democratic system of village councils of Arunachal Pradesh with reference to the Mangmajombama of Monpas.
4. Discuss the administrative and developmental functions of the village councils of Arunachal Pradesh.

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6.8

Check Your Progress-III

1. Define
2. Name the systems of Chieftaincy in which the chief have a limited power.
3. Name the village councils which are having democratic features.
4. Name some village councils of Arunachal Pradesh in which the theocratic elements are present.

The chief of the Nocte village is called Lowang, who presides over the council, i.e. Ngothun and functions as its chairman. It is hereditary and follows the rule of primogeniture for its succession. Next to him, the other most important official is called Ngongba who acts as chief adviser of the chief. He also directs all rituals, ceremonies and community festivals. The Ramba, who is the public relation officer, keeps liaison with general body of public. Tanba or Khamba or Tanti, is a special messenger of the chief. Besides this, Noktangs or Kampas are persons representing each clan in the village. The general body comprises elderly veterans who are well-versed with the un-written traditional rules, usage and customs of the community. They guide the deliberations of the council and advise the chief in taking decisions. This council functions like a regular Panchayat, maintains law and order, settles disputes within the village and also organises welfare and developmental activities.

The Wancho chief is more powerful and dominant as compared to that of the Khamptis, Tangsas and Noctes because he seeks many obligations from his subjects. Their society is characterised by the existence of class distinctions. The chief of village council is called Wangham, who, being the head of the council, presides over the meeting of council of elders. The chief is assisted by several other functionaries with different specified functions. The number and designation of these officials vary from village to village.

The D. Ering Committee explains three kinds of chieftaincy in Tripura. These three distinctive groups are

- (i) where the chieftain is powerful and absolute;
- (ii) where the chieftain still exercises powers but no longer absolute; and
- (iii) areas where there are no chieftains at all and powers in the villages are vested in village body of elders.

Thus, in all the systems where the chieftaincy system is prevalent, the hereditary element is quite prominent and memberships in the councils are divided into royal (ruling) class, noble class and subject (commoner) class. In all the systems, the chief is the head of the council who acts as the spokesman of the village and leads them.

Let Us Sum Up

Despite their typological difference and different theoretical frameworks, there are several commonalities in all the tribal self-governing institutions of Arunachal Pradesh. All of them are quasi-judicial-political-cultural independent bodies engaged with the task of conflict resolution, decision making regarding observance of religious rites and rituals, looking after the developmental issues of the village and overall well-being of the village population. In the realm of social domains, these time tested and time-honoured institutions work as a catalyst in maintaining the intrusions of social anomalies and aberrations.

6.6 Key Words

Village Councils: Indigenously developed self-governing institutions which were evolved as an administrative and developmental mechanism.

Traditional Leader: They are the village elders who gain recognition of leadership in the council through age, knowledge of customary laws, years of experience and proven ability in traditional customs and conventions.

6.9

Hints/Answers to Questions in Check Your Progress-1

1. See 6.2
2. The administrative functions are to look after the day-to-day activities from individual level to village administration as a whole.

3. Developmental functions are construction of cannel for irrigation, construction of community hall (dere), bridges over streams, etc.

Check Your Progress-II

1. (a) See 6.6 (b) See 6.3.1 (c) See 6.3.3
 2. (i) Republican Adi type
 (ii) Autocratic Nockte and Wangcho type
 (iii) The individualistic Mishmi type
 (iv) Theocratic Monpa type (v) The Apatani Type

3. *Kebang, Buliang, Mangmajombana, Ngothum, Wangcho-Wangcha, and Tra-tungdas.*

Check Your Progress-III

1. See 6.6. 2. Tangsa
 3. *Kebang, Buliang, Mangmajombana, Melley, Jung or Jungthong, etc.*
 4. *Mangmajombana of Monpa, Mokchum of Khampti, Khapa or Khapong of Sherdukpen, Khampchu or Tsondi of Khamba and Membas, etc.*

UNIT- VII

VILLAGE COUNCILS AND THE ADJUDICATION OF JUSTICE: THE ASSAM FRONTIER (ADMINISTRATION OF JUSTICE) REGULATION, 1945

Structure

- 7.0 Objectives
 7.1 Introduction
 7.2 Provisions of Regulation
 7.2.1 Extension of the Regulation
 7.2.2 Administration of the Tracts
 7.3 Village Authorities
 7.3.1 Police duty of Village Authorities
 7.3.2 Reports by Village Authorities
 7.3.3 Aid to Village Authorities
 7.3.4 Punishment of Members of a Village Authority
 7.4 Criminal Proceedings
 7.4.1 Powers of Political Officer and Assistant Political Officers
 7.4.2 Jurisdiction of Village Authorities
 7.5 Civil Proceedings
 7.5.1 Powers of Political Officer and Assistant Political Officers
 7.5.2 Power Village Authorities
 7.6 Evidence
 7.7 Latest Amendment to the Regulation
 7.8 Let Us Sum Up
 7.9 Key Words
 7.10 Check Your Learning
 7.11 Suggested Readings
 7.12 Hints/Answers to Questions in Check Your Progress

7.0 Objectives

After reading this unit, you should be able to:

- analyse the various provisions of Assam Frontier (Administration of Justice) Regulation, 1945;
- discuss the powers of village authorities under the Assam Frontier (Administration of Justice) Regulation, 1945; and
- understand the latest amendment to the Regulation.

7.1 Introduction

The traditional societies of Arunachal Pradesh did not have police to maintain law and order in the society and courts to adjudicate the cases. It was the responsibility of the tribal councils to maintain peace and order in respective tribal territories. Every tribal group has its own type of village council with different nomenclature but with almost similar functions. Tribal Councils not only maintained peace in the society but also regulated the socio-political and cultural, and even economic activities of the people.

Tribal Councils have a long history of working independently, without any external interference. Records say that Ahom Kings had some degree of control over some tribes of present Arunachal Pradesh, but their concern was only to restrict them within the hills. Ahom kings simply wanted to protect the people of plains from the raids of tribals. Similarly, Britishers were not interested to intervene in the internal affairs of the tribal communities. The administration, therefore, did not interfere with the activities of the Councils. However, in 1916, the Indian Penal Code, 1860 was introduced in the territory to facilitate trials by regular Courts of Law, if it became absolutely necessary.

In 1945, all the Tribal Councils were brought under the general framework of the Assam Frontier (Administration of Justice) Regulation, 1945 (Regulation I of 1945). The Regulation was introduced to ensure that a vast majority of disputes, both civil and criminals were adjudicated in accordance with the prevailing codes of the tribal communities. The Regulation recognized the authority of the ancient village councils, village headmen and the system of Chieftaincy, which applied in varying patterns among the various communities. Thus at the basic level of the village, the social, cultural and legal affairs continued to be handled with complete freedom by traditional village authorities

The British India Government introduced the Regulation I of 1945 in consideration of the importance of tribal Councils and to make the Councils fit for democratic functioning.

7.2 Provisions of the Regulation 7.2.1 Extension of the Regulation

The Regulation extends to the whole of the Balipara, Lakhimpur, Sadiya and Tirap Frontier Tracts. During British days, administrative districts were called as Frontier Tracts.

7.2.2 Administration of the Tracts

Sub section 1 of the Section 3 of the Regulation provides that the administration of the Tracts was vested in the Governor. The Political Officer, the Assistant Political Officer and the village authorities were entrusted with the administrative responsibility of each tract.

The Political Officer and Assistant political Officer shall be appointed by the Governor, as provided in sub-section 2 of Section 3.

7.3 Village Authorities

The village authority was at the lowest level of the administrative hierarchy. According to *Varrier Elwin*, "Regulation provides the tribal council very wide powers as it is recognized that they will function and inflict punishment or order compensation as per their customary laws."

The Political Officer, as per Sub Section 1 of Section 5, was empowered to appoint such person or persons as he considers desirable to be the member of a village authority for such villages as he may specify. He may also modify or cancel any such order of appointment and may dismiss or cancel any such order of appointment and may dismiss any person so appointed.

In the area where no village authority has been constituted, the powers and functions of the village authority shall be exercised and performed by the Political Officer, or by any Assistant Political Officer authorized by him on his behalf. The Political Officer exercises this power under Sub Section 2 of Section 5.

7.3.1 Police Duty of Village Authorities

In social, economic and civil matters, the administration did not disturb the traditional power of the tribal councils. But in police and criminal matters, they were to function within the framework of the Regulation - I of 1945.

Sub-section 1 of Section 8 empowers the village authority to discharge the ordinary police duties in respect of crime and to maintain peace and order within their jurisdiction. Sub-section 2 of the same section however states that the village authority shall not be deemed to be police officers for purpose of Section 25 and section 26 of the Indian Evidence Act, 1872 for the Section 162 of the Code of Criminal Procedure, 1898.

7.3.2 Reports by Village Authority

Section 9 of the Regulation specified the duty of the village authority as:

- (i) to report to the Political Officer, Assistant Political Officer as soon as possible all crimes, violent and serious incidence occurring during their jurisdiction;
- (ii) to report all occurrences within or beyond their jurisdiction, which are likely to effect the public peace; and
- (iii) to arrest and deliver offenders to the court having jurisdiction to try them.

7.3.3 Aid to Village Authority

All the inhabitants of the area were to help the village authority when required to do so for maintenance of law and order and failing to give such assistance was punishable. Fine could be imposed for non-cooperation with the village authority. The extent of the fine should not exceed Rs. 50/- when imposed by the village authority and should not exceed Rs. 200/- when imposed by the Political Officer or Assistant Political Officer. If anybody was not satisfied with the order of the village authority regarding imposition of fine upon him, he might prefer an appeal to the Assistant Political Officer, and against the order of the Assistant Political Officer, he might prefer an appeal to the Political Officer. If it appears that the community is to blame and that particular offender cannot be discovered, a fine not exceeding Rs. 1,000/- may be imposed upon the community by the Political Officer.

7.3.4 Punishment of Members of a Village Authority

Any member of a village authority shall be liable to be punished with fine which may extend to Rs. 500/- or with imprisonment which may extend to six months for any misconduct in the exercise of his functions.

7.4. Criminal Proceedings

The Chapter - III, section 15 of the Regulation says that criminal justice shall be administered by the Political Officer, the Assistant Political Officers and the village authorities.

7.4.1. Powers of Political Officer and Assistant Political Officers

Political Officer, Additional Political Officer and Assistant Political Officers were the adjudicators of major criminal cases. Section 17 of the Regulation lays down that the Political Officer shall be competent to pass any sentence warranted by law. The Assistant Political Officer shall, as per Section 18, exercise any power not exceeding those of a magistrate of the first class.

7.4.2 Jurisdiction of Village Authorities

As given in the section 19, the offences mentioned below were included under the criminal jurisdiction of the council:

- Theft, including theft in a building.
- Mischief, not being mischief by fire or any explosive substances.
- Simple hurt.
- Criminal trespass or house trespass.
- Assaulting or using criminal force.

With regard to the powers of the Village Authority, the Section 20 specifies that a village authority might impose a fine not exceeding Rs. 50/- for any offence which they were competent to try, and might also award payment in restitution for compensation to the injury sustained.

The village authorities shall decide all cases in the presence of at least three independent witnesses of the complainant and the accused.

The Regulation provided that in appropriate cases an appeal could be made from decisions of the village authority to the Assistant Political Officer and from decisions of the Assistant Political Officer to the Political Officer.

The Regulations also provided that an appeal could be made to the High Court against sentences of three years' imprisonment and more, and sentences of death or transportation. In other cases, there would be no right of appeal, but the High Court might entertain an appeal by special leave.

Check Your Progress-I

1. In which year the Indian Penal Code was introduced in Arunachal?
2. Initially the Regulation 1 of 1945 extended to four Frontier Tracts. Name them.
3. What is the new name for the Assistant political Officer?

7.5 Civil Proceedings

Civil justice shall be administered by the Political Officer, the Assistant Political Officers and the Village Authorities according to Section 36 of the Regulation.

7.5.1 Powers of Political Officer and Assistant Political Officers

The Political Officer would try suits of any value while the Assistant Political Officers may try suits not exceeding Rs 1,000 in value.

7.5.2 Powers of Village Authorities

The powers of the village authority extend to all suits without limit by value in which both the parties were indigenous to the Tract and lived within their jurisdiction. The suits must not have been submitted to arbitration.

In exercise of this power, many of the complicated disputes were solved by the Village Council according to the tribal custom. In the event of failure to solve any disputes, the village authority was empowered to seek the help of the Assistant Political Officer or the Political Officer. Again, any party who was not satisfied with the decision of the village authority might prefer an appeal to the Assistant Political Officer. If he was still aggrieved with the decision of the Assistant Political Officer, he could make an appeal to the Political Officer. The Regulation also provided for appealing to the High Court against an original decision of the Political Officer. The Regulation suit was not less than Rs. 500/- or if the suit involved a question of tribal rights or customs, or of the right to or possession of, immovable property.

The Regulation also provides that no pleader would be allowed to appear in any case before the village authority.

7.6 Evidence

In criminal cases, oaths shall be administered to all witnesses when the accused is charged with murder, but not in other cases unless either party so requires, or the court so determines, as per sub-section 1 of the Section 57.

Sub-section 2 of the same section provides that in civil suits, oaths shall not be administered to parties or witnesses unless either party so requires, or the court so determines.

7.7 Latest Amendment to the Regulation

The Assam Frontier (Administration of Justice) Regulation (Amendment) Act, 2005 was passed in the Legislative Assembly of Arunachal Pradesh, which received the assent of the Governor on 28th February 2005. It was passed with an aim to amend the Assam Frontier (Administration of Justice) Regulation, 1945 in its application to the state of Arunachal Pradesh.

The following changes were made in some sections of the Regulation:

- (i) In sub-section (2) of the Section 12 the Assam Frontier (Administration of Justice) Regulation, 1945 for the letters and figures "Rs. 50" and "Rs. 200", the letters and figures "Rs. 500" and "Rs. 2000" shall be substituted respectively.
- (ii) In sub-section (4) of the Section 12 the Assam Frontier (Administration of Justice) Regulation, 1945, for the letters and figures "Rs. 1000", the letters and figures "Rs. 5000" shall be substituted.
- (iii) In Section 13 the Assam Frontier (Administration of Justice) Regulation, 1945, for the letters and figures "Rs. 500", the letters and figures "Rs. 1000" shall be substituted.
- (iv) In Section 20 of the Assam Frontier (Administration of Justice) Regulation, 1945, for the letters and figures "Rs. 50", the letters and figures "Rs. 3000" shall be substituted.
- (v) In Section 22 the Assam Frontier (Administration of Justice) Regulation, 1945, for the letters and figures "Rs. 50", the letters and figures "Rs. 200" shall be substituted.
- (vi) In Section 24 of the Assam Frontier (Administration of Justice) Regulation, 1945, for the words "seven days", the words "thirty days" shall be substituted.
- (vii) In sub-section (1) of the Section 30 the Assam Frontier (Administration of Justice) Regulation, 1945, the words "and no such sentence shall be carried into effect unless so confirmed" shall be omitted.
- (viii) In Section 37 the Assam Frontier (Administration of Justice) Regulation, 1945, for the letters and figures "Rs. 1000", the letters and figures "Rs. 5000" shall be substituted.
- (ix) In Section 41 of the Assam Frontier (Administration of Justice) Regulation, 1945, for the letters and figures "Rs. 50", the letters and figures "Rs. 500" shall be substituted.
- (ix) In Section 42 of the Assam Frontier (Administration of Justice) Regulation, 1945, for the letters and figures "Rs. 50", the letters and figures "Rs. 5000" shall be substituted.

7.8 Let Us Sum Up

The primary aim of the Regulation 1 of 1945 was to bring certain uniformities in tribal councils of various tribes with regards to dispensation of justice. Through this Regulation the British Government indirectly controlled the workings of Village Councils. The Government of India retained this Regulation in order to protect the unique customs and traditions of the tribal communities. The Regulation provided the Village Authorities with wide power to be exercised in accordance with their customary laws. The cases within village jurisdiction and of simple in nature were allowed to be settled by the Village Authorities. However, an aggrieved party, if not satisfied with the decisions of Village Authorities could approach either Assistant Political Officer or Political officer for justice. In this way, absolute power of the Village Councils was curtailed.

The Regulation does not provide specific definition of Village Authority. As generally understood, Village Authorities could be a member of Village Council or a *Gaon Bura* appointed by the Political Officer, now Deputy Commissioner. There are reports of political interference in the appointment of Gaon Buras at present. It is said that a man with leadership qualities may not be appointed as Gaon Bura if he is not connected to politically powerful leaders. As a result the degree of respect the Gaon Buras are used to command is no more seen now. Codification of customary laws of all tribes is an absolute necessity for successful working of Regulation 1 of 1945.

7.9 Key Words

Amendment	:	A small change or improvement that is made to a law or a document.
Civil	:	Involving personal legal matters and not criminal law.
Criminal	:	Connected to the laws that deal with crime.
Custom	:	An accepted way of behaving or of doing things in a society or a community.
Framework	:	The structure of a particular system.
Mischief	:	Harm or injury that is done to somebody.
Penal Code	:	A system of laws connected with crime and punishment.
Political Officer	:	Deputy Commissioner of present days.
Section	:	A separate part of a document, book, etc.
Trespass	:	To enter land or a building that you do not have permission to enter.

7.10 Check Your Learning

1. Who are the Village Authorities in your village? Discuss.
2. Discuss the police duty of Village Authorities.
3. Analyse the powers of Political Officer in relation to Village Authorities under the Assam Frontier (Administration of Justice) Regulation, 1945.
4. What are the changes brought about by the Assam Frontier (Administration of Justice) Regulation (Amendment) Act, 2005?

7.11 Suggested Readings

- Bosc, M.L., : *Historical and Constitutional Documents of North East India*, New Delhi, 1979.
- Dubey, Sanjay, : *Dynamics of Tribal Local Polity and Panchayati Raj in Arunachal Pradesh*, Premiere Publishing House, New Delhi, 1996.
- Assam Frontier : *(Administration of Justice) Regulation (Amendment) Act, 2005 (Act No. 1 of 2005)*, Law and Judicial, Department, Government of Arunachal Pradesh, Itanagar.

7.12 Hints/Answers to Questions in Check Your Progress

Check Your Progress-I

1. 1916.
2. Balipara, Lakmimpur, Sadiya and Tirap Frontier Tracts.
3. Additional Deputy Commissioner.

Unit- VIII

INTRODUCTION OF PANCHAYATS: THE DYING ERING COMMITTEE REPORT, NEFA PANCHAYATI RAJ REGULATION, 1967.

Structure

- 8.0 Objectives
- 8.1 Introduction
- 8.2 Constitution of Dying Ering Committee
- 8.3 Report of the Committee
 - 8.3.1 Gram Panchayat (Village Level)
 - 8.3.2 Anchal Samiti (Intermediate Level)
 - 8.3.3 Zilla Parishad (District Level)
 - 8.3.4 Agency Council (Territorial Level)
- 8.4 Miscellaneous Recommendations
 - 8.4.1 Abolition of Political Interpreter (Kotoki)
 - 8.4.2 Recruitment of NEFA People to the Central Reserve Police Force
 - 8.4.3 Election of Member of Parliament of NEFA
 - 8.4.4 Change in Nomenclature of Political Officers and Frontier Divisions
 - 8.4.5 Transfer of Administration of NEFA from Ministry of External Affairs to Ministry of Home Affairs
 - 8.4.6 Inter-changeability between IAS and the IFAS cadre
 - 8.4.7 Three Language Formula for NEFA
 - 8.4.8 Extension of Benefits of Electricity to Tribal Villages
 - 8.4.9 Improvement of Road communication
- 8.5 North East Frontier Agency Panchayati Raj Regulation, 1967
 - 8.5.1 Gram Panchayat
 - 8.5.2 Anchal Samiti
 - 8.5.3 Zilla Parishad
 - 8.5.4 Agency Council
- 8.6 Let Us Sum Up
- 8.7 Key Words
- 8.8 Check Your Learning
- 8.9 Suggested Readings
- 8.10 Hints/Answers to Questions in Check Your Progress

8.0 Objectives

After reading this unit, you should be able to:

- understand the aims of Dying Ering Committee and North East Frontier Agency Panchayati Raj Regulation, 1967;
- discuss the recommendations of Ering Committee; and
- analyze the provisions of the North East Panchayati Raj Regulation, 1967.

8.1 Introduction

As you have understood in the earlier units, there were no representative institutions in the state before the introduction of Panchayati Raj. The traditional Village Councils were the only known self-governing institutions known to the people of this territory. Every tribal group had its own type of Village Council with different nomenclatures, but with almost similar functions. However, these councils were not uniform as they were at different levels of development. Therefore, a four-member committee known as Dying Ering Committee was appointed by the Governor of Assam to consider expansion and development of local government in the North East Frontier Agency.

It is also reasoned that the Panchayat Raj Institution is an outcome of administrative policies adopted by the NEFA Administration after Indo-China war of 1962. During those days, the NEFA Administration designed its administrative policy to achieve twin objectives - firstly, to bring the areas to the national mainstream; secondly, to organize the people to take lively interest in developmental activities. It was thought necessary to introduce modern governmental institutions so that the people of the territory could come closer to the mainstream of political life in the country.

Late Dying Ering can be considered as the father of Panchayati Raj in Arunachal Pradesh. It is on the basis of the recommendation of a committee headed by Dying Ering that the Panchayati System was introduced in the state. The Government of India accepted the recommendation of Ering Committee with minor modifications and framed the North East Panchayati Raj Regulation, 1967. On 2nd October 1968, this Regulation was promulgated. The NEFA Panchayati Raj Regulation, 1967 was in force in the state till it was replaced by the Arunachal Pradesh Panchayati Raj Act, 1997.

8.2 Constitution of Dying Ering Committee

On 11th April, 1964 the Governor of Assam appointed Dying Ering Committee with the following members:

- (i) Sri Dying Ering, Chairman.
- (ii) Sri B.D. Pandey, Member.
- (iii) Sri Brigadier D.M. Sen, Member.
- (iv) Sri L.Thanga, Member.

The committee was requested to suggest suitable recommendations regarding:

- (a) the type of democratic bodies suitable at the village level and above;
- (b) the extent and nature of jurisdiction of these bodies; and
- (c) the phases in which the recommendations of the committee might be put into force with regard to different stages of development of the different tribes.

8.3 Report of the Committee

The Committee started its work in May 1964. The final report was submitted on 4th January 1965 after an extensive tour of the NEFA. The Committee also met people of different backgrounds and interviewed them and officials at various levels to understand their views.

The Ering Committee, while recommending a three-tier Panchayati System and an Agency Council at territorial level, had suggested for strong democratic decentralization. However, the Committee was not in favour of discarding the traditional political systems being followed by various tribal groups. It recommended that the indigenous system of governance (tribal councils) needed to exist and work side by side with an external system. Following are the democratic bodies suggested.

8.3.1 Gram Panchayat (Village Level)

The traditional village councils were to function as Gram Panchayats. For example, *Kebang* of an Adi village was to be recognized as Gram Panchayat in that village. The Committee urged the government to formally recognize all traditional village councils. An area with at least 100 people, corresponding to about 20 families, should constitute a village. It was suggested that the scattered houses in small villages should be reorganized to meet this condition. In newly redefined villages, where there are no village councils, the constitution of new village councils was suggested.

The representatives of the village councils should be elected /selected in accordance with the prevailing customary laws. The head of the council may be called as *Sarpanch*, the designation followed in other parts of the country. It can also be called in local names e.g. *Kebang Abus*.

The committee recommended three categories of functions for Village Councils:

- (a) Judicial;
- (b) Developmental; and
- (c) General.

Judicial function of the Village Council includes settlement and adjudication of cases involving members of the tribe. Developmental responsibility of the council should be in the fields of agriculture, animal husbandry, primary education and public health activities. It was also felt that village roads could also be handed over to them. In general function, the Village Council and its headman should be encouraged to be the spokesmen between the Government and the people.

Although the Committee recommended retention of authority and functions of the village councils, there were certain changes recommended by the Committee. The committee wanted that the village councils should be slightly more democratic. Therefore the Councils should be represented by all the tribal classes residing within its territory. The committee also desired that the minority tribes of the area should be adequately represented. Another significant recommendation of the committee was that all the tribal councils should appoint paid secretaries to maintain the records of the council meetings for future references.

The Committee further noted that in new townships, which have developed as a result of the spread of Administration and growth of activities, a body in the lines of small committee should be formed. It should have representatives from all the groups of people residing in the areas. The functions of the Committee should concern with the general development of the areas, provision of municipal services, etc.

8.3.2 Anchal Samiti (Intermediate Level)

The next democratic body the Committee suggested was Anchal Samiti, which was to be constituted at every block or circle. Each body should consist of approximately 20 members. The block level council was to be represented by the headmen of village councils. Any member of the village council can be nominated by the headman or village council itself as representative in Anchal Samiti. It was also recommended that the Secretary of the village council should attend the meeting to guide the members.

The Anchal Samiti's function should be development-oriented. It should take up the formulation and execution of schemes of local interests such as agriculture, animal husbandry, public health, education, etc. Its judicial function should be restricted to the adjudication of inter-village disputes as referred. There should be at least four meetings of Anchal Samiti.

8.3.3 Zilla Parishad (District Level)

At the District level, the committee recommended a body called the Zilla Parishad. This body was to be advisory in nature. But it should be consulted in administrative and developmental activities taken up for the district at the preliminary stages. The members of the body may be allowed to discuss any matter pertaining to the district concerned and seek necessary information from the administration. It was proposed that certain funds should be placed at the disposal of the Chairman of the Zilla Parishad. The fund should be spent as per the discretion of Zilla Parishad on developmental schemes.

The composition of Zilla Parishad should be such that there should be at least one to three elected members from each Anchal Samiti and six nominated members from backward and unrepresented areas or tribes. The Deputy Commissioner (then called as Political Officer) of the district was to be the Chairman of Zilla Parishad.

District council should meet at least three times in a year. The council should also be empowered to set up sub-committees to deal with certain special problems.

8.3.4 Agency Council (Territorial Level)

At the State level, there should be Agency Advisory Council with four elected members from each of the five District Councils. There were five administrative districts - Kameng, Siang, Lohit, Tirap and Subansiri during those days in Arunachal Pradesh. The Member of Parliament from the state would be its ex-officio member. The Committee suggested that the Governor being the direct in-charge of the administration should preside over the meetings of the Council.

The Agency Council was proposed, in a way, to act like present day Cabinet Council. The proposals were that the council needed to be empowered to discuss in detail the Five Year Plans for NEFA, the annual budget, tax proposals and allocations of funds. The members could discuss or put question on any proposed regulation and statutory rules.

8.4 Miscellaneous Recommendations

Slightly deviating from the original terms of reference set by the Government of India, the Committee put forward certain miscellaneous recommendations:

8.4.1 Abolition of Political Interpreters (Kotoki)

The Committee opined that the system of Political Interpreters should be replaced by the appointment of paid secretaries to the village councils. However, in places like Koloriang, Taksing, Nacho and Anini where Administration has not yet been built up, the system may continue for another five years. The system is still continuing and plays a significant role in the tribal society.

8.4.2 Recruitment of NEFA People to the Central Reserve Police Force

The Committee felt that the people of the NEFA should be recruited to one or two companies of the Central Reserve Police Force for selected guard duties at District and Sub-Divisional Treasuries, inner-line among the various tribal groups and for general advancement of the area.

8.4.3 Election of Member of Parliament of NEFA

The previous practice was that the Member of Parliament of NEFA used to be nominated by the President of India. The Committee desired that the M.P. should be elected by evolving certain electoral mechanism, rather than being wholly nominated. An electoral college consisting of five non-official (elected) members of the five district councils should be formed for the purpose.

8.4.4 Change in nomenclature of Political Officers and Frontier Divisions

The Committee proposed new names for Frontier Divisions, which are as follows:

Kameng Frontier Division	-	Kameng District.
Siang Frontier Division	-	Siang District.
Lohit Frontier Division	-	Lohit District.
Tirap Frontier Division	-	Tirap District.
Subansiri Frontier Division	-	Subansiri District.

The Committee also proposed the re-designation of Political Officer as Deputy Commissioner, Additional Political Officer as Additional Deputy Commissioner, and Assistant Political Officer as Assistant Commissioner.

8.4.5 Transfer of Administration of the NEFA from Ministry of External Affairs to Ministry of Home Affairs

Since the administration of all Union Territories is with the Ministry of Home Affairs, the Committee felt that all problems relating to the administration of NEFA should be transferred from the Ministry of External Affairs to the Ministry of Home Affairs. The Government of India responded positively and the administration of NEFA was transferred from Ministry of External Affairs to Ministry of Home Affairs in 1965.

8.4.6 Inter-changeability between the IAS and the IFAS cadre

The Committee recommended for recruitment of young and enthusiastic officers of the IAS having special aptitudes and experience of dealing with tribal problems to be drafted to the IFAS (Indian Frontier Administrative Service) cadre for service in NEFA. Likewise, officers of the IFAS cadre would be absorbed in the IAS cadre in some of the states.

8.4.7 Three Language Formula for NEFA

The Committee suggested a firm language formula for the NEFA. It viewed that the medium of instructions in all schools in the Frontier should be in a recognized language of the country. Following a three-language formula, another Indian language and English could be introduced as optional languages.

8.4.8 Extension of Benefits of Electricity to Tribal Villages

The Committee desired that the facilities of electricity generating units, established in small towns and administrative headquarters, should be extended to the nearby tribal villages of the locality.

8.4.9 Improvement of Road Communication

Improvement of road communication and introduction of transport services would bring about an integration of people from different areas and would help in the general development. Hence, passenger buses should be run and worked through transport co-operatives by giving suitable subsidies.

Check Your Progress-I

1. Who were the members of the Dying Ering Committee?
2. Under which Article of the Constitution the President of India promulgated the NEFA Panchayati Raj regulation, 1967?
3. In which year the administration of the NEFA was transferred from Ministry of External Affairs to the Ministry of Home Affairs?

8.5 North East Frontier Agency Panchayati Raj Regulation, 1967

The President of India, as per article 240 of the Constitution, promulgated the NEFA Panchayati Raj Regulation, 1967 (also called as Regulation 3 of 1967) with effect from 2nd October 1968. It incorporated the scheme suggested by the Ering Committee with minor modifications. However, the Regulation was not to be implemented in Seppa Sub-Division, the eastern part of the Kameng District and Miao-Vijayanagar areas of Tirap District.

The aim of the Regulation was to establish the Panchayat System of local self-government. It was also aimed to invest various bodies with such powers and authorities as may be necessary to enable them to function as units of self-government. The promulgation of 1967 Regulation resulted in constitution of three-tier Panchayat Raj Bodies and an Agency Council. The constituted bodies were as follows:

- (i) Gram Panchayat at village level.
- (ii) Anchal Samiti at Intermediate level.
- (iii) Zilla Parishad District level.
- (iv) Agency Council at State level.

8.5.1 Gram Panchayat

The village authorities (councils), constituted under the Assam Frontier (Administration of Justice) Regulation, 1945 were accorded the status of Gram Panchayats. The Gram Panchayat was constituted only to serve as the Electoral College to elect members of Anchal Samiti.

8.5.2 Anchal Samiti

The Regulation provides that the area of Anchal Samiti will be co-terminus with that of the Block. The Governor was also empowered to amalgamate two or more blocks in a single block for composition of an Anchal Samiti.

(a) Composition of Anchal Samiti

An Anchal Samiti consists of the following members:

- (i) One representative elected by the members of each Gram Panchayat, which falls within its jurisdiction in a block;
- (ii) One representative from the co-operative societies falling under the jurisdiction of particular Anchal Samiti, as ex-officio;
- (iii) Five members to be nominated by the Deputy Commissioner from the members of the unrepresented tribal communities; and
- (iv) The Sub-divisional Officer of the Sub-division in which the block is situated, as ex-officio member.

There are also provisions for President, Vice-president and Executive Officer of Anchal Samiti. The Sub-divisional Officer was to act as the President of Anchal Samiti. The Vice-president was to be elected by the members from among themselves. The Executive Officer, preferably Block Development Officer, is the secretary of the Anchal Samiti. The officer carries out the resolutions and directives of the Samiti.

(b) Powers and Functions of Anchal Samiti

The Regulation provided that all developmental programmes shall be executed through Anchal Samiti. The body was empowered to:

- promote the health, safety, education, comfort, convenience or social or cultural well-being of the residents of the area.
- maintain and repair all roads, streets, bridges, culverts, etc.
- widen, open, enlarge or otherwise improve any such road, street, bridge or culverts, plant and preserve on the sides of such roads.
- have controls of all roads, streets, waterways, bridges and culverts which are situated within its jurisdiction.
- manage any institution within its jurisdiction on behalf of the Government or any local authority.
- establish and maintain dispensaries, hospitals, asylums, etc.

(c) Sources of Fund of Anchal Samiti

The NEFA Panchayati Raj Act, 1967 provides for an Anchal Samiti Fund. The following were the resources of the fund:

- (i) the proceeds of any tax, fees, licence fees, cess and surcharge levied under this Regulation;

- (ii) the collection charges of the taxes imposed by the government;
 - (iii) any grants and contributions made by any local authority or other persons;
 - (iv) all sums received by way of loan or gift;
 - (v) the income from or the sale proceeds of any property of the Anchal Samiti;
 - (vi) the sale proceeds of all dusts, dirt, dung or refuse collected by the employees of the Anchal Samiti;
 - (vii) all sums received in aid of, or for expenditure on, any institution or service, maintained, managed or financed by the Anchal Samiti; and
 - (viii) any other sums paid to the Anchal Samiti.
- (d) **Qualifications of Membership of Anchal Samiti**

To be a member of Anchal Samiti, one should be the citizen of India and at least 25 years of age. He should not fall within any office of profit. Moreover, criminals, bankrupts, persons of unsound mind, etc. were debarred from the context.

8.5.3 Zilla Parishad

At the district level, the provision was made for the constitution of Zilla Parishad. The Act of 1967 authorized the Governor of Assam to constitute a Zilla Parishad for each district.

(a) Composition of Zilla Parishad

The Zilla Parishad constituted of the following members:

- (i) the Vice-President of all the Anchal Samitis in the district, ex-officio;
- (ii) one representative of every Anchal Samiti in the district from amongst themselves in the prescribed manner;
- (iii) not more than six persons to be nominated by the Governor from out of the tribes which have not secured reorientation in the Zilla Parishad;
- (iv) the Deputy Commissioner in the capacity of the Chairman as an ex-officio member.

There was also a provision for Vice-President to be elected by the Zilla Parishad from among themselves.

(b) Powers and Functions of Zilla Parishad

The Zilla Parishad was an advisory as well as coordinating body. Its function was to advise the Governor and the Deputy Commissioner in matters relating to the activities of Gram Panchayats and Anchal Samities located within the district. More specific functions of Zilla Parishad were to make recommendations to the Governor in respect of:

- (i) the budget estimate of the Anchal Samiti;
- (ii) the coordination and consolidation plan proposed by the Anchal Samities and drawing up of the district plan;
- (iii) the coordination of the work of the Gram Panchayats and Anchal Samities;
- (iv) land settlement and raising of revenues for the Anchal Samities;
- (v) to review the working of the Anchal Samiti from time to time; and
- (vi) to advise on such other matters as may be referred to it by the Governor.

8.5.4 Agency Council

The Agency Council, at the territorial level, was an Advisory Body of the Governor.

(a) Composition of Agency Council

The Agency Council consisted of:

- (i) the Governor;
- (ii) the members of the Parliament representing the NEFA;
- (iii) the Vice-Presidents of all the Zilla Parishads;
- (iv) three representatives from each of the Zilla Parishads to be elected by its members from amongst themselves in the prescribed manner; and
- (v) the Advisor to the Governor, ex-officio.

(b) Powers and Functions of Agency Council

The Governor may consult the Agency Council in regards to:

- (i) matters of administration involving general questions of policy relating to the North-East Frontier Agency in the State field;
- (ii) the estimated receipts and expenditure pertaining to the North-East Frontier Agency to be credited to, and to be made from the Consolidated Fund of India;
- (iii) the Five Year Plan and the annual plan proposals for the development of the North-East Frontier Agency;
- (iv) proposals for undertaking legislation with respect to any of the matters enumerated in the State list in the Seventh Schedule to the Constitution;
- (v) any other matters which the Governor may refer to it for advice.

8.6 Let Us Sum Up

A three-tier Panchayati Raj system and Agency Council at territorial level were introduced in 1968 as per the NEFA Panchayati Raj Regulation, 1967 on the basis of recommendations made by the Dying Ering Committee. The Ering Committee was set up by the Government of India to suggest a suitable system of governance for the tribal people of the then North East Frontier Agency. The territory was then constitutionally a part of Assam even though it was not represented in the Legislative Assembly of Assam. So the Agency Council, a body to look after the administration at territorial level, was suggested. Apart from democratic bodies, the Committee also tendered significant recommendations of which many were accepted by the Government of India. Therefore, the present Panchayati Raj system has its root in the recommendations of the Dying Ering Committee. The democratic traditions of the people have helped the institution to function smoothly.

8.7 Key Words

Act	:	A law that has been passed by a Parliament/State Legislative Assembly.
Amalgamate	:	To put two or more things together so that they form one.
Council	:	A group of people who are elected to govern an area.
Ex-officio	:	Included or allowed because of one's job position or rank.
Electoral College	:	A group of people who have been specially appointed, nominated or elected in order that they should hold an election for a political post.
Regulation	:	An official rule made by a government or some other authority.

8.8 Check Your Learning

1. Discuss the important recommendations of the Dying Ering Committee.
2. What are the main provisions of North East Frontier Agency Panchayati Raj Regulation, 1967?
3. Describe the functions of the Agency Council.
4. Mention the various sources of revenue of Gram Panchayats, Panchayat Samiti and the Zilla Parishad under the NEFA Panchayati Raj Regulation, 1967.

8.9 Suggested Readings

- Talukdar, A.C.,: *Political Transition in Grassroots in Tribal India*, Omsons Publishers, Guwahati, 1987.
- Dubey, Sanjay,: *Dynamics of Tribal Local Polity and Panchayati Raj in Arunachal Pradesh*, Premiere Publishing House, New Delhi, 1996.
- Dying Ering Committee Report, 1965.: North East Frontier Agency Panchayati Raj Regulation, 1967.*

8.10 Hints/Answers to Questions in Check Your Progress

Check Your Progress-I

1. The members were as follows:
 - (i) Dr. Dying Ering, Chairman.
 - (ii) Sri B.D. Pandey, Member.
 - (iii) Sri Brigadier D.M. Sen, Member.
 - (iv) Sri L. Thanga, Member.
2. Article 240.
3. 1965.

Unit- IX

ARUNACHAL PRADESH PANCHAYATI RAJ ACT, 1997: CONSTITUTION AND FUNCTIONS OF GRAM PANCHAYAT, ANCHAL SAMITI AND ZILLA PARISHAD, THE STATE ELECTION COMMISSION, THE STATE FINANCE COMMISSION

Structure

- 9.0 Objectives
- 9.1 Introduction
- 9.2 History
- 9.3 Constitution and functions of Gram Panchayat, Anchal Samiti and Zilla Parishad
 - 9.3.1 Gram Panchayat
 - 9.3.2 Anchal Samiti
 - 9.3.3 Zilla Parishad
- 9.4 State Election Commission
- 9.5 State Finance Commission
- 9.6 Let Us Sum Up
- 9.7 Key Words
- 9.8 Check Your Learning
- 9.9 Suggested Readings
- 9.10 Hints/Answers to Questions in Check Your Progress

9.0 Objectives

After reading this unit, you should be able to:

- understand the historical background of Arunachal Pradesh Panchayati Raj Act, 1997;
- discuss the constitution and functions of Gram Panchayat, Anchal Samiti and Zilla Parishad;
- understand the role of the State Election Commission and the State Finance Commission; and
- analyse various provisions of the Arunachal Pradesh Panchayati Raj Act, 1997.

9.1 Introduction

The institution of Panchayati Raj in Arunachal Pradesh remained defunct from 1995 to 2003 because of a constitutional deadlock. The last election was held in 2003 after 1992 elections. The Arunachal Pradesh Panchayati Raj Ordinance, 1994 could not become an act as it did not provide the provision for reservation of seats for Scheduled Castes. The Parliament passed the constitution's 83rd amendment Act in 2000 after much persuasion by the State Government. This Act cleared the way for passing of the Arunachal Pradesh Panchayati Raj Act, 1997. The Act of 1997 was passed with the following objectives:

- (i) to replace the NEFA Panchayati Raj Regulation, 1967 by a comprehensive law; and
- (ii) to conform to the provisions of the Constitution (73rd Amendment) Act, 1992 for greater participation of the people and more effective implementation of rural development programmes.

9.2 History

The Arunachal Pradesh Panchayati Raj Ordinance, 1994 provides for a uniform three-tier Panchayati Raj system at village, intermediate and district levels throughout the state. The Ordinance also provides for reservation of one-third of members as well as chairpersons to all levels in favour of women, reservation of seats for Scheduled Tribes in every Panchayat, a fixed tenure of five years for every Panchayat body, reservation of seats for Scheduled Tribes in every Panchayat, a fixed tenure of five years for every Panchayat body, and constitution of State Panchayat Election Commission and State Finance Commission to review the financial position of the Panchayats.

The 1994 Ordinance passed by the State Legislative Assembly was reserved by the Governor for the assent of the President of India. The same Ordinance was returned to the State Government in September 1996 with the following suggestions:

- (i) Constitution of Gram Sabha as per Article 243 (c) of the Constitution;
- (ii) Reservation of seats for Scheduled Caste as per Article 243 (d) of the Constitution; and
- (iii) Direct elections to Panchayat as per the Article 243 (c) of the Constitution.

Meanwhile, the Arunachal Pradesh Governor twice extended the life of the Panchayats elected in 1992 under the NEFA Panchayati Raj Regulation 1967. It was extended in 1995 and 1996 for a year each. On 14th September 1997, the Panchayat was finally dissolved.

The new Arunachal Pradesh Panchayati Raj Bill 1997 was passed by the State Legislative Assembly in March 1997 and was sent to Government of India for the President's assent. It incorporated the suggestion made by the President but no provision was made again for reservation of seats for the Scheduled Caste. The State Government maintained that Arunachal Pradesh is fully a tribal state and no indigenous scheduled caste population inhabits in the state.

The Central Government reserved the Bill on the issue of reservation of seats to Scheduled Caste. However, the Government of India introduced the Constitutional Amendment (86th Amendment Bill, 1999) in the Parliament. It sought exemption of the state from the requirement of reservation for the Scheduled Caste. The relevant clause of the Amendment Bill reads: "Nothing in Article 243 (d), relating to reservation of seats for SCs, shall apply to the State of Arunachal Pradesh." The Bill was passed by the Parliament in 2000 and it became the 83rd Constitution Amendment Act. The Arunachal Pradesh Panchayati Raj Act 1997 was formally notified on 30th April 2001.

9.3 Constitution and Functions of Gram Panchayat, Anchal Samiti and Zilla Parishad

Arunachal Pradesh Panchayati Raj Act, 1997 provided for constitution of a three-tier Panchayati Raj of all India pattern - Panchayats at the village, intermediate and district levels. A provision was also made for Gram Sabha in each Gram Panchayat area. The Act defines Gram Sabha as a body consisting of persons registered in the Electoral Rolls relating to a village comprised within the area of Gram Sabha. A Gram Sabha exercises the following functions:

- (a) to give assistance in the implementation of developmental schemes pertaining to the village; and
- (b) to help identify beneficiaries for the implementation of development schemes pertaining to the village.

9.3.1 Gram Panchayat (a) Constitution

A village having not less than three hundred population is to have a Gram Panchayat. Each Gram Panchayat shall consist of directly elected members at the rate of one member in every one hundred population. If the population of a village is less than one hundred but more than fifty then one member can be elected to represent that particular village. Further, in case the population is more than one hundred fifty but less than three hundred in a village or a group of villages, the number may be increased to two members.

The term of the Gram Panchayat shall be for five years from the date of notification by the Deputy Commissioner. Not less than one-third of the total number of seats to be filled by direct election in every Gram Panchayat shall be reserved for women.

(b) Functions of Gram Panchayat

A Gram Panchayat shall perform the following functions:

- (i) **Administrative:** It includes functions like preparation of annual plans for the development of the Panchayat area, preparation of annual budget, maintenance of essential statistics of villages, organization of conferences, seminars and training programmes, maintenance of records relating to houses, sites and other private and public properties, etc;
- (ii) **Welfare:** It includes functions like providing relief in natural calamities, implementation of family welfare programmes, prevention and remedial measures against epidemics; participation in the implementation of the social welfare programmes, including welfare of the handicapped, mentally retarded and destitute, participation in the implementation of women and child welfare programmes, monitoring of the old-age and widows pension schemes, monitoring the public distribution system, promotion of public awareness and participation in primary and secondary education, ensuring full enrolment and attendance in primary school, promotion of adult literacy, maintenance of village libraries, promotion of social and cultural activities, etc;
- (iii) **Civic:** It includes functions like construction, repairs and maintenance of drinking water, wells, tanks and ponds, construction and maintenance of village roads, drains and culverts, maintenance of public parks, playgrounds, maintenance of boats, ferries and water ways, construction and regulation of burning and burial grounds, providing for and maintenance of lighting of public streets and other places, etc.; and
- (iv) **Developmental:** It includes functions like promotion and development of agriculture and horticulture, improvement and breed of cattle, poultry and other livestock, development of fisheries in the villages, planting and preservation of trees on the sides of roads and other public lands under its control, promotion of farm forestry, development of social forestry, promotion of rural and cottage industries, etc.

9.3.2 Anchal Samiti

(a) Constitution of Anchal Samitis

An Anchal Samiti is constituted by the Government for an Anchal Block. Any contiguous area in a district considered fit by the Government is declared as an Anchal Samiti.

(b) Composition of Anchal Samiti

Every Anchal Samiti consists of:

- (i) One representative from Gram Panchayat elected from amongst members;
- (ii) One representative of Chairmen of co-operative societies elected from amongst themselves as ex-officio member with no voting power;
- (iii) One Circle Officer or Extra Assistant Commissioner of the Sub-division as ex-officio with no voting power;
- (iv) The Members of the Parliament and members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Anchal Samiti, ex-officio;
- (v) The Chairpersons of all the Gram Panchayats falling within the jurisdiction of the Anchal Samiti;
- (vi) The Deputy Commissioner may appoint such officers as ex-officio members of an Anchal Samiti as may be deemed necessary.

Not less than one-third of the total numbers of seats to be filled by direct election in every Anchal Samiti shall be reserved for women.

(c) Member Secretary/Chairperson of Anchal Samiti

- (i) The Circle Officer or Extra Assistant Commissioner who is the Ex-officio Member of an Anchal Samiti shall be the Member Secretary of the Anchal Samiti concerned;
- (ii) At the first meeting of an Anchal Samiti, the members shall elect from amongst themselves a chairperson in the manner prescribed.

Not less than one-third of the total number of offices of chairperson of Anchal Samitis shall be reserved for women in such manner as may be prescribed.

(d) Powers, Functions and Duties of Chairperson

The Chairperson shall

- (i) be responsible for maintenance of the records of the Anchal Samiti;
- (ii) have general responsibility for the financial and executive administration of the Anchal Samiti;
- (iii) exercise administrative supervision and control over the work of the staff of the Anchal Samiti and the Officers and employees whose services may be placed at the disposal of the Anchal Samiti by the State Government;

(c) Powers and Functions of Anchal Samiti

- (i) (a) Undertake schemes of adopted measures, including the giving financial assistance relating to the development of agriculture, livestock, cottage industries, co-operative movement, rural credit, water supply, irrigation, public health and sanitation including establishment of dispensaries and hospitals, communications, primary or adult education including welfare of students, social welfare and other objects of general public utility.
- (b) Undertake execution of any schemes, performance of any act, or management of any institution or organization entrusted to it by the State Government or any other authority;
- (c) Manage or maintain any work of public utility or any institution vested in it or under its control and management; and
- (ii) Make grant-in-aid to any school, public institution or public welfare organization within the Block;
- (iii) Contribute, with the approval of the State Government, such a sum or sums of money as it may consider necessary towards the cost of water supply or anti-epidemic measures undertaken by a Municipality or notified area authority within the Block;
- (iv) Adopt measures for the relief of distress;
- (v) Co-ordinate and integrate the development plans and schemes prepared by Gram Panchayat in the Block, if and when necessary; and
- (vi) Examine and sanction the budget estimates of Gram Panchayats in the Block;

9.3.3 Zilla Parishad

At the apex of the Panchayati Raj System is the Zilla Parishad, located at the district levels.

(a) Constitution and Composition of Zilla Parishad

A Zilla Parishad shall be constituted in each district and shall consist of:

- (i) one member directly elected from each Anchal Samiti territorial constituency in the manner prescribed;
- (ii) the Chairperson of all Anchal Samities in the district, ex-officio;
- (iii) the members of the Parliament and the Members of the Legislative Assembly of the State representing a part or whole of the district whose constituencies lie within the district, ex-officio;
- (iv) not less than one-third of the total number of seats to be filled by direct election in every Zilla Parishad shall be reserved for women and such seats may be allotted by rotation by the Deputy Commissioner to different constituencies in a Zilla Parishad.

(b) Powers and Functions of Zilla Parishad

Zilla Parishad shall have the powers of overall supervision, coordination and integration of the developmental schemes at Anchal Samiti and district levels. It prepares the plan for the development of the district.

The main functions of the Zilla Parishad are:

- (i) **Development:** Promotion of measures to increase agricultural production, planning and implementation of land development and social conservation programmes entrusted by the government, construction, renovation and maintenance of minor irrigation works, water management and watershed development, promotion of fisheries and implementation of fishermen's welfare programmes, promotion of rural and cottage industries, promotion of small scale industries, promotion of rural housing programmes, and promotion of social and farm forestry.
- (ii) **Civic:** Promotion of drinking water and rural sanitation programmes; construction and maintenance of district roads and culverts, causeways and bridges.
- (iii) **Welfare:** Planning, supervision and monitoring the implementation of poverty alleviation programmes, promotion and educational activities in the districts including the establishment and maintenance of primary and secondary schools, establishment and maintenance of rural artisan and vocational training centres, planning and implementation of programmes of adult and non-formal education programmes, regulation of important fairs and festivals in district, management of hospitals and dispensaries excluding those under the management of government or any other local authorities, implementation of family welfare programme, promotion of programmes relating to development of women and children, promotion of social welfare, promotion of education and, economic, social, cultural and other interest of the weaker section.

Check Your Progress-I

1. Which Article of the Constitution provides for reservation of seats for the Scheduled Castes?
2. Which Constitution Amendment Act exempts Arunachal Pradesh from the requirement of reservation for the Scheduled Castes?
3. Why was the Arunachal Pradesh Panchayati Raj Ordinance, 1994 returned back to the State Government by the President of India?

9.4 State Election Commission

The Arunachal Pradesh Panchayati Raj Act, 1997 provides that there shall be a State Election Commission for superintendence, direction and control of the preparation of Electoral roles and for the conduct of all elections to the Panchayat Bodies of the State.

The State Election Commission shall consist of a State Election Commissioner to be appointed by the Governor.

9.5 State Finance Commission

The Act also provides for the constitution of Finance Commission to review the financial position of the Zilla Parishads, the Anchal Samities and the Gram Panchayats and to make recommendations to the Governor as to:

(a) The principles which should govern –

- (i) The distribution between the State and Zilla Parishads, the Anchal Samities and the Gram Panchayats of the net proceeds of the taxes, duties, tolls and fees liable by the State, which may be divided between them under this Act and allocation between the Zilla Parishads, Anchal Samities and Gram Panchayats of their respective shares of such proceeds;
 - (ii) the determination of the taxes, duties, tolls, rates and fees, which may be assigned to or appropriated by the Zilla Parishads, the Anchal Samities and the Gram Panchayats;
 - (iii) the grants-in-aid to the Zilla Parishads, the Anchal Samities and the Gram Panchayats from the consolidated fund of the State;
- (b) The measures needed to improve the financial positions of the Zilla Parishads, the Anchal Samities and the Gram Panchayats; or
 - (c) Any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Zilla Parishads, the Anchal Samities and Gram Panchayats.

The Finance Commission shall consist of one or more members of whom one shall be the chairman.

The chairman or members of the Finance Commission shall possess such qualification and shall be appointed in such manner as may be prescribed.

9.6 Let Us Sum up

The Arunachal Pradesh Panchayati Raj Act, 1997 replaced the NEFA Panchayati Raj regulation, 1967. The Act incorporated the provisions under the Constitution 73rd Amendment Act, 1992 except for the fact that no provision was provided for reservation of seats for Scheduled Castes. The 83rd Constitution Amendment Act, 2000 exempted the state of Arunachal Pradesh from the requirement of reservation for the Scheduled Castes. The Act of 1997 provides a uniform three-tier Panchayati Raj system of all India pattern throughout the State. It also provides for reservation of seats for women and constitution of the State Election Commission and the State Finance Commission.

9.7 Key Words

Commission	:	An official group of people who have been given responsibility to control something, or find out something, usually for the government.
Causeways	:	A raised road or path across water or wet ground.
Deadlock	:	A complete failure to reach agreement or settle a dispute.
Duties	:	A tax that you pay on things that you buy especially those that you bring into a country.
Ordinance	:	An order or a rule made by a government or somebody in a position of authority.
Tolls	:	Money that you pay to use a particular road or bridge.

9.8 Check Your Learning

1. Briefly discuss the historical background of the Arunachal Pradesh Panchayati Raj Act, 1997.
2. Describe the powers and functions of Anchal Samiti under the Arunachal Pradesh Panchayati Raj Act, 1997.
3. What do you mean by Gram Sabha? Differentiate between Gram Sabha and Gram Panchayat.
4. Critically analyse the role of the State Election Commission and the State Finance Commission in Arunachal Pradesh.
5. Find out the differences in the Arunachal Pradesh Panchayati Raj Ordinance, 1994 and the Arunachal Pradesh Panchayati Raj Act, 1997.

9.9 Suggested Readings

Arunachal Pradesh Panchayati Raj Ordinance, 1994.
Arunachal Pradesh Panchayati Raj Act, 1997.
The Arunachal Pradesh Panchayat Raj Manual, 2002. Government of Arunachal Pradesh.
Department of Panchayat, Itanagar.

9.10 Hints/Answers to Questions in Check your Progress

Check Your Progress-I

1. Article 243(d) of the Constitution.
2. 83rd Constitution Amendment Act, 2000.
3. As it did not contain provisions for :
 - (i) constitution of Gram Sabha as per Article 243 (c) of the Constitution;
 - (ii) reservation of seats for Scheduled Caste as per Article 243 (d) of the Constitution; and
 - (iii) direct elections to Panchayat as per the Article 243 (e) of the Constitution.

Unit-X

WORKING OF PANCHAYATI RAJ: SOCIO-ECONOMIC CHANGES, EMERGENCE OF GRASS-ROOTS LEADERSHIP AND RURAL DEVELOPMENT

Structure

- 10.0 Objectives
- 10.1 Introduction
- 10.2 Socio-Political Changes
- 10.3 Impact on Traditional Village Councils
- 10.4 Impact on Society
- 10.5 Major Impact
- 10.6 Emergence of Grass-roots Leadership
- 10.7 Traditional Leadership
- 10.8 Changes in Traditional Leadership
- 10.9 Characteristic of New Leadership
- 10.10 Tribe Wise Pattern of Leadership
- 10.11 Panchayati Raj and Rural Development
- 10.12 Organisational set up of Rural Development Department
- 10.13 Activities of Rural Development and Panchayati Raj Department
- 10.14 Salient Features of SGSY
- 10.15 DRDA
 - 10.15.1 Composition DRDA and its Function
 - 10.15.2 Role of DRDA
- 10.16 Let Us Sum Up
- 10.17 Key Words
- 10.18 Check Your Learning
- 10.19 Suggested Readings
- 10.20 Hints/Answers to Questions in Check Your Progress

10.0 Objectives

After studying this unit, the learners should be able to know:

- what Panchayati Raj is;
- socio-political changes in the societies of Arunachal Pradesh;
- the impact of Panchayati Raj on traditional village politics;
- the role of Panchayati Raj Institutions rural development; and
- the role of D.R.D.A in rural development.

10.1 Introduction

Panchayats have been the backbone of the villages since the beginning of the recorded history in one form or the other. The tribal communities of Arunachal Pradesh had developed their own traditional systems of self government prior to the introduction of the Panchayati Raj Act in 1967 and practised it effectively. Some of the traditional village institutions are called Kchang among the Adis, **Nongwangam** among the Noctes, **Jung** among the Sherdukpens, **Mele** among the Akas, **Buliang** among the Apatanis, **Mukchum** among the Khamptis and so on.

The Constitution of India promulgated the Panchayati Raj Institution in 1950 as per the provision of Local Self-Government in Directive Principles. Later, the government of India appointed the Balwant Rai Mehta Committee to review the performance of C.D. programme. The Committee recommended in 1957 in favour of setting up of a three-tier Panchayati Raj system for effective implementation of C.D. programme. This paved the way for introduction of Panchayati Raj in the states.

In Arunachal Pradesh, the Panchayati Raj system was introduced with effect from 2nd October, 1969 as per recommendations of the King Committee. The three-tier Panchayati Raj bodies were constituted as Gram Panchayat, Anchal Samiti and Zilla Parishad. The elections to constitute Panchayati Raj Bodies were held seven times till 1992. The last Panchayat election was held in the state in September, 1992 and its full term was over on 14th September, 1997 as per provisions of the N.P.A Panchayati Raj Regulation Act, 1967. The Governor of Arunachal Pradesh dissolved the three-tier Panchayati Raj Bodies of Arunachal Pradesh w.e.f. 14th September, 1997 as the elections for constitution of new Panchayati Raj bodies could not be conducted in the absence of new Panchayati Raj Act as per the 73rd Constitution Amendment Act, 1992. But after the lapse of many years in 2003, keeping pace with the 73rd Constitutional Amendment Act 1992, Arunachal Pradesh conducted elections to the Panchayati Raj institutions on 2nd April 2003 under the Arunachal Pradesh Panchayati Raj Act 1997.

Panchayati Raj, as an institution, ensures democratic decentralization. Its basic objective is to give greater opportunities to the rural masses for attaining diversified progress and development. The institution of Panchayati Raj provides an opportunity to the local people to get involved in the administration of the local affairs. It brings the government close to the people. It acts as a vehicle to carry back to the people the power that really belongs to them. As the Panchayati Raj is a prime agency for rural development, it is important to understand the working of the panchayats in order to evaluate its role in bringing about socio-political changes in the village.

10.2 Socio-Political changes

The concept of social change is vast and complex. Its understanding will require the analysis of a number of fields such as economy, society, administration, politics and culture. Precisely, social change is a process by which alternations occur in the structure and functions of the society. Social change means the change in social organisation and system as a whole. Basically, social change proposes social transformation, which must keep pace with the rate of development and modernisation.

The societies of Arunachal Pradesh have immensely been benefited from the introduction of the Panchayati Raj institution. The benefit is both in qualitative and quantitative terms. Introduction of the Panchayati Raj System made the winds of socio-political changes blowing. Old and rigid social structure started responding to modernity of the Panchayati Raj system.

The Panchayati Raj in Arunachal Pradesh has witnessed the revolution of expectations of the common people. Traditional political institutions and culture have passed through a process of change.

The primitive and traditional societies of Arunachal Pradesh were static for centuries. The whole social set up needed galvanization and for that the Panchayati Raj became instrument in such social engineering. It has brought corresponding changes in political culture. Panchayati Raj has acted as an agency of social transformation to change the value system of society and to activate national objectives.

10.3 Impact on Traditional Village Council

Prior to the introduction of Panchayati Raj in Arunachal Pradesh, the traditional village councils operated on the basis of solidarity of the villages, influencing loyalty of the individuals to the community, unanimity of decisions and respect for age, experience and knowledge of the village elders. But it has been noticed that great changes have come in the systems of traditional village council after the arrival of new concepts of election and leadership.

The following are the major impacts of Panchayati Raj on traditional political institutions.

- (a) There is a degeneration of local political institutions with regard to their authority and jurisdiction. As a result, traditional set-up is gradually crumbling and clan loyalties are breaking up. Political solidarity of the village is breaking down.

- (b) The tribal ethos of corporate and communal life has become loose. Corporate life is being gradually replaced by individualistic vision and social control is loosening.
- (c) A feeling has developed among tribes to develop their separate political identity and to emerge as a powerful gainer group. As a result communal overtones, internal dissension, groupism and infighting among them are on increase.
- (d) Party politics has polluted the mind of vested interests of each tribe. The pollution of disunity has eroded the legitimacy of traditional authorities. People have started neglecting the community work.
- (e) There is an emergence of new elite classes like Gram Panchayat members, Anchal Samiti and Zilla Parishad members who have virtually led an invasion upon traditional village councils. There is a tendency to politicise every decision delivered by the council. Despite the fact that the role of the members of the Panchayat bodies is quite different from the role of the village elders, yet there is a tendency among them to meddle in village politics.

Thus, it has been noted that the introduction of Panchayati Raj in Arunachal Pradesh has great impact on traditional village council. It has created the sense of scepticism and defiance among the villages, which created vertical division in the society otherwise so homogeneous and cohesive villages. The Panchayat leaders tend to view every decision of the council on political lines. Besides, the selection of village leader, such a Gam, is not done on the basis of traditional norm but on the line of party politics.

10.4 Impact on Society

After the introduction of Panchayati Raj institution there is an overall trend in the social change towards freeing the individual from traditional orthodoxy and restructuring human relations in place of heredity and traditional authority. In consequence of such social changes, the backward tribal groups have started imitating their higher tribesmen style of living. The relation among person to person, community to community is undergoing changes. The introduction of adult franchise and the practice of capturing the voters by the prospective panchayat members have changed the attitudes of the villagers and consequently every individual in the village has started to behave like an important person and any person with a little influence has started thinking himself as a leader in the village. This has created a tendency in the villagers not to listen to old and experienced leaders of the village. On the other hand, the women society, whose participation was generally absent in their respective tribal institutions, is now armed with voting right on the equal footing of their male counterparts under panchayat institutions. Their position is elevated in politics; consequently, now they enjoy a better position in social and economic spheres.

Thus, with the introduction of Panchayati Raj, entire social structure underwent a change in the process of absorbing the new ideas. Equality before law, rise of individualism, emphasis on social justice and social welfare programmes are all combined to strengthen social changes towards a less hierarchical, more democratic and less unequal tribal society of Arunachal Pradesh.

Basically, the Panchayati Raj was not intended to weaken the indigenous authorities and tribal society. Rather, in some way it has aimed to bring certain modernization and development in this rural institution. This can be clearly acknowledged with the Assam Frontier (Administration of Justice) Regulation under section 22 and 44 which states that the village authorities will continue to function in accordance with the traditional practice. This recognition paved the way for continuity in management of local affairs and yet prepared the people for adopting a more national form of local self-government.

10.5 Major Impact

Despite of its negative impact on the tribal society of Arunachal Pradesh, Panchayati Raj has brought a number of positive impacts in the tribal society of the state. Some major socio-political changes can be summarised as under:

- (i) Panchayati Raj has modernized the political culture of the area and involved tribal people in the development process.
- (ii) It has served as a link between people and the government.
- (iii) Panchayati Raj has led to bifurcation of elite structure and has harnessed new, educated, modern, competitive and young leadership, whose social base is broad-based to that of the traditional one.
- (iv) Panchayati Raj has introduced the concepts of adult suffrage, equality before law, social justice and social welfare. All combined together speed up and strengthen the process of social change.
- (v) It has created a ground to integrate diverse tribal groups into a unified pattern of social life by creating multi-tribal and intra-village institutions.
- (vi) Panchayati Raj serves as training ground for parliamentary practices and has trained legislatures in modern legislative business and procedures. In fact Panchayati Raj has linked village council with the legislative assembly.
- (vii) Women society, whose participation in their respective tribal political institutions and political sphere was generally absent, is now armed with voting and political rights on the equal footing of their male counterparts.
- (viii) Panchayati Raj turns out to be the carrier vehicle of democracy and development. It is the prime agency of rural development. It has a definite contribution to the improvement of programmes, local planning and formulation.

Thus, from the above discussion on the socio-political changes emerged in the tribal society of Arunachal Pradesh, it has been noted that despite its negative impact on the traditional ethos of tribal society, a number of positive changes have come up. These institutions have served as a prime agency for political education and development of rural areas. It provides an opportunity to the people to participate in the decision making process and plan implementation. It creates the atmosphere of responsibility and accountability to the people.

Check Your Progress-I

1. What is Panchayati Raj institution?
2. What do you mean by social change?
3. Discuss the impact of Panchayati Raj on traditional village council.
4. Discuss the impact of Panchayati Raj on tribal society of Arunachal Pradesh.
5. What are the major changes brought by the Panchayati Raj in Arunachal Pradesh?

10.6 Emergence of Grass-roots Leadership

Prior to the introduction of Panchayati Raj in Arunachal Pradesh, the village administration remained under the control of village council. The village council served as a legal instrument to settle cases judiciously. They conducted community works and performed welfare functions. The well-being of the villagers largely depended on the good administration of the village council. This village council played a dominant role for a long period. The leadership of the village council was drawn from the persons who were well-versed in traditional knowledge and could interpret the relevant history of the tribes.

Till late 1960's the administration in this tribal society was generally simple and non-competitive. There was a 'pick and choose' method of selection of leaders by the administration. The village authorities were mostly nominated by the government. There was neither selection nor election on competitive basis.

10.7 Traditional Leadership

The traditional leadership in all the tribal societies is flowing from clan or tribes or family, property inheritance and similar other factors; such leaders were quite influential in the past. For example, Gaon-Burah, no

matter what his qualities of head and heart were, was regarded as an important person of his society and his commanding position was due to his family's social and economic status. This traditional leadership dominated the political systems for quite a long period. Even today it has a vital role to play in the state's politics, especially at grass-roots level. This kind of leadership can be described as an institutional leadership. It is also called by a few as an 'imposed leadership' because it is non-elective. The traditional leadership was chosen on the basis of knowledge of customs, heritage and tradition of the respective tribe, heredity, property and so on. It had a very strong hold over Arunachal politics. The entire gamut of rural polity was under their control.

10.8 Changes in Traditional Leadership

The introduction of Panchayati Raj in Arunachal Pradesh in 1969 has brought marked changes in political situation of the NEFA, to which these traditional leaders were not accustomed. As a result the people lost much of their traditional authority and past glory. The educated youths constituted the new leadership. Initially the leadership contest was won by the traditional leaders through Panchayat elections. As in the beginning stage, mere formality of election was completed by them; most of the candidates were elected unanimously.

The rate of territorial political development was faster than the leading process of these traditional leaders. There were a few who could cope with the pace of development and they stood to gain. They naturally retreated on the way. New leadership emerged with a new kind of political situation. The stage of politics extended beyond the village and the tribe to the district and the state, while traditional leaders were confined to the society and the politics of the village only.

Due to the above development, the traditional leadership gradually has been deteriorating. Thus, in order to pace with this trend of development the new and young educated leaders emerged in Arunachal Pradesh. Modern leadership, basically, emerged with the introduction of Panchayati Raj institution in the state.

10.9 Characteristics of New Leadership

The newly emerged leadership in the village has distinct characteristics which are different from that of traditional one. The following are the main characteristics of new leaders.

- (i) The occupational bases of new leaders are broad which include besides agriculture, some other business, trade or contract.
- (ii) New leadership is democratically elected unlike the traditional leadership.
- (iii) The new leadership is more competitive and enlightened. This leadership can be considered as developmental and economic benefits of the tribes.
- (iv) The modern leadership is refined through election mechanism, broad based and multifaceted. It is more active, more competitive, better informed and more dynamic.

Thus, from above discussion, we can find that the leadership of the tribal society of Arunachal Pradesh was unanimous in nature for long time, because the leader of the village was chosen on the basis of his knowledge on customs and tradition, his possession of property and his influential quality. But with the introduction of Panchayati Raj, the new leadership came to emerge. With this new institution, a new type of development has been taking place. The traditional leader is not found capable to pace with this new development. Thus, in order to achieve the objective of new developmental programmes, new and competent leaders have been emerged. These new leaders began to hold influential position in the society which ultimately leads to the deterioration of the position of the traditional leaders.

Check your progress-II

- (i) How the traditional leader was chosen?
- (ii) Discuss the characteristics of traditional leaders?
- (iii) How the new leadership came to emerge?
- (iv) What are the impacts of new leadership on the traditional leadership?
- (v) Discuss the basic characteristics of new leadership in Arunachal Pradesh?

10.10 Tribe-wise Pattern of Leadership

The leadership structure of each tribe is under constant change though the rate of change and direction of change may differ, depending upon the cultural base of the community and its transforming character. Moreover, leaders are different from district to district and community to community. Broadly tribes of Arunachal Pradesh can be categorised into two heads - one, the tribes like Adis where leadership is somewhat stable and cannot be abrupt changes. Whatever may be the social standing of the person, whether educated or wealthy, he cannot suddenly achieve a breakthrough leadership. In the Adi society, leadership is totally competitive based on the qualities of a person. Even a poor man can also assume leadership. There are tribes where leadership fluctuates. Fluctuations in leadership were more frequent among Apatanis and Nyishis where any leader may pose a challenge to the existing leadership at any time. In Ili Miri and Tagin society, party politics, leadership virtue, tribe factor and economic status, etc. work together in shaping and sharing of leadership. In the Apatani society, students and enlightened villagers view every aspect of the candidate before choosing their leader. By and large, in Roing area, party politics works and elective leadership prevails. In this case, leadership quality can cross all barriers of family and money status, etc.

The Akas and Mijis of Kameng area are in many ways similar to each other. As the society is divided into classes, the higher class dominates the low class. Family or clan factor eventually becomes important. This traditional structure does not allow men of education to operate in an effective manner. Sherdukphens are a small community but politically conscious. Therefore, personality or leadership quality along with education gets preferential treatment. Unlike many other tribes of neighbouring areas, wealth alone has no role to play.

In Monpa society, rich people hold the cleavage of power. Although family status and education enhance the effectiveness, influential persons from ruling or priestly family get easy acceptance of society. Monpa tribe as a whole is highly organised but politically less conscious. Mere education is not sufficient in the context of leadership.

Among the Mijus, Singphos and Deories of Lohit district, the young and educated men virtually hold positions and get an easy recognition.

Among the Khamptis, the society is traditionally divided into two main classes:

- (a) royal clans; and
- (b) commoner clans.

Any person hailing from upper class with education and from wealthy family becomes dominant. Thus, leadership quality is backed by wealth, education, etc. Where two persons are equal in all other respects, then one who commands influential position becomes a leader.

In case of lower classes, the candidate's educational qualification, leadership quality and the capacity to win confidence of other adjoining tribes determine his leadership position.

Leadership of Tirap area is oligarchical and hereditary in nature. A man from traditional ruling family occupies leadership without much difficulty. It is said very commonly, that in Tirap people is either extremely rich

or extremely poor. A man of poor family cannot stand politically against a person of a ruling and wealthy family. One's family status is very important.

In sum, the variables in the leadership pattern in Arunachal Pradesh are due to educational qualification, economic advancement, personal qualities, clan dominance, royal status and elite status.

At present leadership in Panchayati Raj is caught between traditionalism and modernization on the one hand and between the sentiment of self-government and the political necessity of the good government on the other. Indeed, if it is the process of transformation from traditional patterns to the modern requirements. At this stage, to indicate the trends, it will be too early to theorise it or to make any meaningful predictions about patterns of Panchayat leadership in Arunachal Pradesh.

10.11 Panchayati Raj and Rural Development

The history of Rural Development Programmes in Arunachal Pradesh dates back to the year 1952 when the planners in the government of India gave a serious thought to undertake a time bound and innovative planning for rural development so as to bring about changes in the social and economic scenario of rural Arunachal. With this objective in view, the government of India launched the National Extension Service (NES) on 2nd October, 1952 by selecting 55 projects in the country, of which one was for Pasighat in Siang frontier division of the then North-East Frontier Agency (NEFA). The concept of rural development programme was redesigned in the third five year plan from the NES project to the Community Development Programme and NES projects were converted to C.D. Blocks. The growth of C.D. Blocks over the successive five year plans is like this - 7 C.D. Blocks in the First Five Year Plan, 14 in Second Five Year Plan, 22 in Third Five Year Plan, 5 in Fifth Five Year Plan, 8 in Eighth Five Year Plan. Now in Arunachal Pradesh, there are 56 C.D. Blocks. The C.D. Blocks have brought the development administration nearer to the people at grass-roots level to serve the people for their socio-economic uplift.

Thus, for the development of rural areas, the rural development programmes are initiated by the Community Block by involving the people directly in the process. Rural development is a comprehensive approach to develop social infrastructure like health, education, sanitation, irrigation, power and assistance to the needy people.

10.12 Organisational set up of Rural Development Department

Originally, the Community Development Department was a minor department under the then NEFA Secretariat under the overall control of the Development Commissioner. The department was attached to the Directorate of Agriculture and the Director of Agriculture and Community Development was the designated Head of Office for administrative and development activities. Subsequently, on introduction of Integrated Rural Development Programme (IRDP) during 1978-79, the organisational structure was reviewed and Rural Development Department was under the direct control of the Development Commissioner in 1980 so as to achieve integrated efforts of all the line departments in rural development. The department was declared as the Major Department in 1982 and the Director was made as Head of Office under the overall control of the Development Commissioner in 1982. In 1998, the Panchayat Department was attached to the Rural Development Department and renamed as Department of Rural Development and Panchayati Raj with Director (RD & PR) as Head of Office and Secretary as Head of Department.

The District Rural Development Agencies (DRDAs) were set up as per all India pattern in 11 districts of Arunachal Pradesh w.e. 2nd October, 1983 as an autonomous body registered under the Societies Registration Act, 1860 (as extended to Arunachal Pradesh in 1976). Two more DRDAs were set up for new districts of

Papum Pare and Upper Siang in 1994 and 1996 respectively.

There was a staffing pattern for C.D. Blocks for community development activities. But with the introduction of various centrally sponsored schemes under poverty alleviation sector, the blocks were strengthened with a team of extension staff which includes extension officer, VIWs and Gram Sevikas under the Command of the Block Development Officers (BDO).

10.13 Activities of Rural Development and Panchayati Raj Department

Presently, the Rural Development and Panchayati Raj Department is primarily responsible for planning, implementation and monitoring of various centrally sponsored schemes designed by the Government of India for alleviation of rural poverty. The strategy has been to identify the people below the poverty line (BPL) in rural areas and then help them with financial assistance in the form of subsidy and loan so that they can start self-employment ventures. The efforts have been further reinforced through supplementary wage employment programmes, on the one hand, and schemes for social welfare and security, on the other along with physical facilities. Required basic infrastructures are being created out of the state plan funds so as to make implementation of social and economic development possible and sustainable. The people's participation in the programmes is sought through Panchayati Raj bodies.

Prior to the introduction of the IRDP and allied schemes, including wage employment programme, all the individual beneficiary schemes and creation of rural infrastructures were implemented by providing 50 per cent of estimated cost as subsidy and balance 50 per cent was borne by the individuals and community in the shape of their labour and local materials. The field functionaries of the government had received tremendous response from the people through the institution of Panchayati Raj and various traditional village organisations in village reconstruction activities.

The Rural Development Programme was revamped by the government of India from the sixth Five Year Plan by introducing the IRDP and allied schemes like TRYSEM, DWCRA, Improved Tool-Kits to Rural Artisans, Ganga Kalyan Yojana and Million Wells Schemes for providing income generating assets of the BPL families. Simultaneously, wage employment programmes like NREP, RLJGP, JRY, EAS, etc. were provided to the BPL families during lean season.

The achievements under some of the major programmes are as follows:

(i) **Integrated Rural Development Programme (IRDP):** Under this programme, productive assets and inputs were provided to BPL families so that they can start self-employment ventures for earning additional income to cross the poverty line. The physical achievement under the scheme over the years since 6th five year plan to 1998-99, in the state is estimated 2, 28,182 with an expenditure of Rs. 64.68 crores.

(ii) **Training of Rural youth for self-employment (TRYSEM):** The scheme aimed at providing technical and entrepreneurial skill to youths from BPL families to enable them to take up self-employment activities in the broad fields of animal husbandry activities, cottage industries, weaving, knitting, services sector, etc. During training they were provided with stipends. On completion of training, they were provided with subsidy and loan as per IRDP pattern to start self-employment ventures. The physical achievements under this programme since seventh Five Year Plan to 1998-99 have been 6455 in terms of trained youths and expenditure incurred 2.07 crores.

(iii) **Development of women and children in Rural Areas (DWCRA):** The DWCRA was a sub-scheme of the IRDP under which groups of women with 10-15 members were formed in villages for taking up economic activities suited to their aptitude and local needs so that the groups can derive income out of their

activities. The income is shared by the group members equally. Each group was provided with revolving fund amounting Rs. 25,000 to meet its working capital. The scheme was supported with child care activities for providing non-formal education, health care and nutrition to children of group members. Also funds were provided through the scheme of Information Education and Communication for creating awareness among the rural women. The achievement under this programme since 7th Five Year Plan to 1998-99 is recorded 2005 assisted groups with a total expenditure of 2.24 crores.

(iv) **Indira Awas Yojana (IAY):** The Indira Awas Yojana (IAY) was launched in the year 1985-86 as a component of the RLJGP/JRY by earmarking 6-10 per cent of fund out of it. The IAY was later declared as an independent scheme during 1996-97 with separate allocation of fund under it. The objective of the Indira Awas Yojana scheme is to provide assistance or construction of houses to the SC/ST and free bonded labourer families below the poverty line in the rural areas.

A minimum amount of Rs. 22,000.00 was provided to the identified families in hilly areas for construction of house including low-cost latrine, smokeless chulla and common facilities. Allotment of houses is to be done in the name of female jointly along with husband. There is no specific designed house. The beneficiary is free to select the design as per local conditions and materials to be used. The beneficiaries are to construct their houses without engaging an external agency or contractor.

From 1999-2000, 20 per cent of allocation of funds under the IAY has been earmarked for construction of unserviceable kutcha houses into pucca/semi-pucca in respect of BPL families. A maximum assistance of Rs. 10,000 per family is provided for this purpose.

The financial and physical achievements in the state since the 7th Five Year Plan to 1999-2000 is 6248 constructed house and 2030 houses were under construction houses with an expenditure of Rs. 1570.5 crores.

Role of PRIs for the implementation of this scheme

- (a) The Zilla Parishad or DRDAs on the basis of allocation made and targets found shall decide the number of houses to be constructed/upgraded panchayat-wise under the IAY during a particular year.
- (b) The Zilla Parishad or DRDAs shall intimate the same to the Gram Panchayat. Thereafter the Gram Sabha will select the beneficiaries from the list of eligible households according to the IAY Guidelines as per priorities fixed restricting this number to the target allotted scheme.
- (c) Panchayat Samiti approval is not required. The Panchayat Samiti should, however, be sent a list of selected beneficiaries for their information.

(v) **Swarnjayanti Gram Swarozgar Yojana (SGSY):** The focus of the development planning has been on the alleviation of poverty in rural areas since the first Five Year Plan. The poverty alleviation programmes are being sponsored by the government of India in one shape or other on the basis of experience gained in the field. But in spite of all efforts, the rural people are still in the grip of poverty either in absolute term or in relative term.

In Arunachal Pradesh, 81627 families were found below the poverty line out of 1,49,612 (1991 census) families representing 54.55 per cent at the beginning of the Eighth Plan. The ninth Plan household survey identified 80627 families as below the poverty line representing 54 per cent. Thus, the index of poverty remained more or less static during the last decade. This is because the poverty line during eighth Plan was 11,000 per annum as family income. During ninth Plan, the poverty line has been estimated to about Rs. 20,000. Thus, those who could be brought above the poverty line at the end of eighth Plan, their incomes have fallen below the poverty line during ninth Plan.

In view of this poverty situation, the government of India has restructured the self-employment during 1999-2000 and a new self-employment programme namely Swarn Jayanti Gram Swarozgar Yojana has been launched w.e.f April, 1999 as a single programme by merging erstwhile IRDP, TRYSEM, DWCRA, Improved Tool-Kits, MWS, GKY in it. The objective is to make new programmes more effective in providing sustainable income through Micro enterprise development, both land based and other wise. In doing so, effective linkages have to be established between various components such as capacity building of poor, credit, technology, marketing and programme infrastructure.

10.14 Salient Features of SGSY

- (i) The SGSY aims at establishing a large number of micro-enterprises in rural areas, building upon the potential for the rural poor.
- (ii) Assisted families, known as Swarozgaries, may be individual or Self-Help Group (SHG). Emphasis is however on group approach.
- (iii) Objective is to bring every assisted family above the poverty line in 3 years.
- (iv) Emphasis is on selection of 4-5 key activities for implementation in clusters as per project report on each key activity.
- (v) Existing infrastructure gaps in clusters are to be reviewed and investment made for filling up of gaps.
- (vi) The SGSY is a credit-cum-subsidy scheme. Credit is the critical component and subsidy is minor and enabling component.
- (vii) Subsidy under the SGSY is 50 per cent of the project cost subject to a maximum ceiling of Rs. 10,000 per individual family. Subsidy for SHG is Rs. 1.25 lakh as maximum there is no limit of bank loan. The credit should be in multiple doses and not one time credit injection.
- (viii) The SGSY seeks to emphasise skill upgrade through well-designed trained courses.
- (ix) Funds under the SGSY are shared by the centre and state on 75:25 basis.

By analysing the various developmental programmes initiated by the Panchayati Raj institution for the uplift of the rural poor of Arunachal Pradesh, it is worth mentioning that this institution tries its best to solve the problems of the rural people, and for this end various rural development programmes have been taken up as mentioned above. In order to implement all these programmes effectively at grass-roots level where the village forms the basic social and economics unit, the institution of Panchayati Raj has been introduced. It is necessary that the administrative structure dealing with developmental programmes at the rural areas need to have one supervisory agency preferably an elected body such as Panchayat under which the project could be executed.

But in the recent past, it has been evident that the lack of well defined national pattern of Panchayati Raj and its economic burden on state contributed its deterioration. Misuse of grants, misappropriation of public money, audit irregularities, corrupt practice in local bureaucracy and dominance of local politician between official and non-official, apathy of political executive, inexperienced elected representatives - all contributed to 'disuse' into which Panchayati Raj falls. In fact, in order to make these institutions more effective, support of politician, bureaucracy and well meaning people are required.

Check your progress-III

1. What do you mean by Rural Development?
2. Discuss briefly the history of rural development in Arunachal Pradesh.
3. Discuss the organizational set up of Rural Development Department.
4. Discuss briefly the various developmental programmes initiated by Panchayati Raj institution in Arunachal Pradesh.
5. What are the objectives of the IAY? What is the role of PRIs for the implementation of the IAY?
6. What do you mean by the SGSY? What are its objectives?

10.15 DRDA

The District Rural Development Agency (DRDA) has traditionally been the principal organ at the district level to oversee the implementation of the anti-poverty programmes of the Ministry of Rural Development, cre-

ated originally for implementation of the Integrated Rural Development programme (IRDP). The DRDAs were subsequently entrusted with a number of programmes, both of the central as well as state governments. Since its inception, the administrative costs of the DRDA were met by setting a part of the allocations for each programme. Of late, the number of programmes had increased and several programmes have been restructured with a view to make them more effective. The staff structure of DRDA is not uniform. Due to this, a new centrally sponsored scheme - DRDA Administration has been introduced from 1st April, 1999 based on the recommendations of an inter-ministerial committee known as Shankar Committee. The new scheme replaces the earlier practice of allocating percentage of programme funds to the administrative costs.

The objective of the scheme of the DRDA Administration is to strengthen the DRDAs and to make them more professional and effective. Under the scheme, the DRDA is visualised as a specialised agency capable of managing anti-poverty programmes of the Ministry on the one hand and effectively relate these to the overall efforts of poverty eradication in the district on the other.

10.15.1 Composition DRDA and its function

At present, in Arunachal Pradesh, in each district there is one DRDA. In each DRDA, generally there are 25 members. The DRDA strength may slightly vary because of the various numbers of MLA and the Vice-presidents of Anchal Samities of the district.

In the DRDA, all proposals for different schemes, submitted by different BDOs are thoroughly scrutinised in view of its viability, in consultation with technical heads of departments.

Different scheme proposals, after being selected by the Advisory Body are placed before the meeting of the District Governing Body, of which Deputy Commissioner is the Chairman and District Rural Development Officer is its Member Secretary. The Governing body comprises following members:

1. Both Lok Sabha and Rajya Sabha MPs of the area
2. All MLAs of the area
3. Vice-president of Zilla Parishad
4. Vice-President of Anchal Samities
5. All District Heads of Department
6. Block Development Officer
7. Bank Officials.

The District Governing Body meets at least twice a year to approve and finalise the schemes.

Once the scheme is approved by the District Governing Body, the Deputy Commissioner issues a sanction order and after that Blocks start implementing that scheme with the help and proper co-ordination of Block level administration machinery, functioning under the close supervision and guidance of the BDO.

10.15.2 Role of DRDA

The District Rural Development Agency plays an important role in the implementation of rural development programmes. The DRDAs, continuously watch over and ensure effective utilization of the funds intended for anti-poverty programmes. It develops distinctive capabilities for poverty eradication. It performs the tasks which are different from Panchayati Raj institutions and line departments. The DRDA deals only with the anti-poverty programmes of the ministry of Rural Development. If DRDAs are to be entrusted with programmes of other ministries of the state governments, it must be ensured that these have a definite anti-poverty focus.

In respect of such states where the DRDA does not have a separate identity, a separate cell shall be created in the Zilla Parishad which will maintain a separate identity and separate account. The funding patterns of the programme under DRDA will be in the ratio of 75:25 between the centre and the states.

Besides, the DRDA will ensure that the anti-poverty programmes should maintain quality, equality and efficiency in its implementation and enable the community and rural people to participate in the decision making process.

Thus, by discussing the role of the DRDA, it could be drawn that this agency plays a vital role in the implementation of plan programmes for the development of rural areas. The DRDA is basically concerned with the alleviation of poverty from the rural areas. In the selection of schemes, Panchayat representatives at District Governing Body have a role to play.

10.16 Let Us Sum Up

Based on the detailed study of the working of Panchayati Raj in Arunachal Pradesh, it is found that from its inception, these institutions have been greatly involved in the process of developmental activities in the rural areas of the state with limited success. The institution has also taken up various welfare programmes to uplift the poor section of the society. However, it is found that there is lack of people's participation in the various developmental programmes initiated by the Panchayati Raj institution which has become a major stumbling block for the successful working of these institutions.

Besides, it has also been found that with the introduction of these institutions, the traditional village council is gradually deteriorating which is otherwise so strong in the maintenance of law and order and solidarity of the society. Nevertheless, the working of Panchayati Raj institution cannot be undermined in this nascent state.

10.17 Key Words

Panchayati Raj	: Derived from word 'panchas' which means five elected body. It is an institution means for the administration of local area by local people.
Democratic Decentralization:	Transfer of power to the local organisation to ensure people's participation.
Galvanization	: To activate by making excited.
Value System	: Beliefs about what is right and wrong and what is important in life.
Unanimity	: Complete agreement among the people.
Degeneration	: The process of becoming worse.
Absconding	: Leaving traditional practices secretly.
Cleavage of power	: Division of Power between rich and poor in the society.
Apathy	: Feeling of not being interested.
Implementation	: To carry out programmes.

10.18 Check Your Learning

1. What is DRDA Administration? What is its objective?
2. Discuss the composition of the DRDA. How the district plan is implemented?
3. What are the roles of the DRDA for the development of rural areas?
4. Discuss briefly the pattern of leadership among the tribes of Arunachal Pradesh.

10.19 Suggested Readings

Sanjay Dubey, 1996, :	<i>Dynamics of Tribal Polity and Panchayati Raj in Arunachal Pradesh.</i> Premier publishing House, New Delhi.
Pandey, D.N., 1997, :	<i>Local Government in Arunachal Pradesh.</i> Himalayan, New Delhi.
Pandey, B.B. 1991, :	<i>Patterns of Change and Potential for Development in Arunachal Pradesh.</i> Himalayan Publisher
Talukdar, A.C., 1987, :	<i>Political Transition in Grass-roots in Tribal India.</i> Omson publication, New Delhi.

10.20 Hints/Answers to Questions in Check Your Progress

Check Your Progress-I

1. Panchayati Raj is an institution meant for the administration of local areas by local people. It is an institution that undertakes the solution of local problems, according to local needs and tempera-

2. The concept of social change is vast and complex. More precisely, social change is a process by which alterations occur in the structure and functions of the society. Besides, social change means the change in social organisation and system as a whole.
3. Prior to the introduction of Panchayati Raj in Arunachal Pradesh, the traditional village councils operated on the basis of solidarity of the villages, unanimity of decisions and respect for age, experience and knowledge of the village elders. But it has been noticed that great changes have come in the system of traditional village council with the introduction of Panchayati Raj Institutions.

The following are the major impacts of Panchayati Raj on traditional political institutions.

- (a) There is a degeneration of local political institutions in regard to their authority and jurisdiction. Political solidarity of the village is breaking down.
 - (b) The tribal ethos of corporate and communal life has been gradually replaced by individualistic vision and social control is loosening.
 - (c) A feeling of separate political identity has emerged. As a result communal overtones, internal discussion, groupism and infighting among them are on the increase.
 - (d) Party politics has formed the line of vested interests of each tribe. People have started neglecting the community work.
4. The major impacts of Panchayati Raj on tribal societies of Arunachal Pradesh are:
 - (a) It has freed the individual from traditional orthodoxy and restructured human relations in place of heredity and traditional authority.
 - (b) The backward tribal groups started imitating their higher tribesmen style of living.
 - (c) The relation between person to person and community to community is undergoing changes.
 - (d) Every individual in the village has started to behave like an important person and any person with a little influence has started thinking himself as a leader in the village.
 - (e) There is a tendency in the villagers not to listen to old and experienced leaders of the village.
 - (f) The women participation has been encouraged with voting right and contest in election on equal footing of their male counterparts under Panchayat institutions.

5. The major changes brought by the Panchayati Raj in Arunachal Pradesh are as below:
 - (a) It has modernized political culture of the state and involved tribal people to the development process.
 - (b) It has harnessed new, educated, modern, competitive and young leadership whose social base is broad in relation to that of the traditional one.
 - (c) The concept of adult franchise, equality before law, social justice and social welfare, combined together speed up and strengthen the process of social change.
 - (d) It has created a ground to integrate diverse tribal groups into a unified pattern of social life by creating multi-tribal and intra-village institutions.
 - (e) Women society is now armed with voting and political rights on the equal footing of their male counterparts.

Check Your Progress-II

1. The traditional leader was chosen on the basis of clan or tribes, property inheritance and his traditional knowledge.
2. The basic characteristic of traditional leaders is that they were quite influential in the society. They dominated the Arunachal Politics for quite long period. They were chosen on the basis of knowledge on customs, heritage and tradition of the respective tribe. The entire gamut of rural polity was under their control.
3. The new leadership came to emerge with the introduction of Panchayati Raj in the state as early as 1969. With this the educated youths constitute the new leadership by winning the seats in Panchayat election.
4. With the emergence of new leadership, the people lost much of their traditional authority and past glory. The traditional leadership was gradually in deteriorated position because the village politics has been completely dominated by these new elected leaders.
5. The newly emerged leadership in the village has distinct characteristics which is different from that of traditional one. The following are the main characteristics of new leaders:
 - (a) The occupational base of the new leaders is broad which includes business, trade or contract.
 - (b) The new leader is more competitive and enlightened.
 - (c) New leadership is democratically elected unlike the traditional leadership.
 - (d) The new leader is more active, better informed and more dynamic.

Check Your Progress-III

1. Rural development is a comprehensive approach to develop social infrastructure like health, education, sanitation, irrigation, power and assistance to the needy people.
2. the history of rural development programmes in Arunachal Pradesh dates back to the year 1952 with the launching of National Extension Service(NES) on 2nd Oct, 1952 at Pasighat in Siang frontier division of the then North-East Frontier Agency.
3. The organizational set up of Rural Development Department is with the Director (RD & PR) as Head of Office and Secretary as Head of Department.
4. The various developmental activities initiated by Panchayati Raj Institutions are (a) Integrated Rural Development Programme, (b) Training of Rural Youth for self-employment, (c) Development of women and children in rural areas, and (d) Indira Awas Yojana.
5. The main objective of Indra Awas Yojana Scheme is to provide assistance for construction of houses to SC/ST and free bonded labourer families below the poverty line in rural areas. The main role of PRIs for the implementation of Indira Awas Yojana is to select the beneficiaries from the list of eligible households according to the IAY guidelines as per priorities.
6. The SGSY stands for Swamjayanti Gram Swarozgar Yojana. The main objective of SGSY is to bring every assisted family above the poverty line within three years.

POLITICAL SCIENCE

Paper IV : Local Self Government in India (with special reference to Arunachal Pradesh)

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| Unit - I | Concept of Local Self Government : Its nature, scope and importance in democracy : difference between Local Self Government and State Government. |
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| Unit - VI | Major Traditional Village Council Systems of Arunachal Pradesh : The Democratic, Theoretic and the Chieftaincy Systems. |
| Unit - VII | Village Council and Adjudication of Justice - The Assam Frontier Regulation, 1945 |
| Unit - VIII | Introduction of Panchayats : The Dying Fring Committee Report, N.E.F.A. Panchayat Raj Regulation, 1967. |
| Unit - IX | Arunachal Pradesh Panchayats Raj Act 1997 : Constitution and Functions of Gram Panchayat, Anchal Samity and Zilla-Parishad, State Education Commission and State Finance Commission. |
| Unit - X | Working of Panchayats - Socio-Political Change, Emergence of Grassroot Leadership and Rural Development. |