***STUDY MATERIAL***

***ON***

***POLITICAL SCIENCE-I***

***B.A;LL.B. 1ST SEMESTER***

**BY**

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**PAPER – III**

**POLITICAL SCIENCE – I**

**(Political Theory) (Paper Code: BL – 1003)**

**UNITI I**

(a) Definition, Nature & scope of Political Science and its relevance to Law.

(b) Concept of State – The State and its elements, Distinction between State, Society and Government.

(c) Theories of origin, nature and functions of State.

**UNIT II**

(a) Major Political Ideologies – Liberalism, Socialism, Marxism, Utilitarianism, and Gandhism.

(b) Sovereignty – Concept of Political and Legal Sovereignty.

**UNIT III**

(a) The concept a of power, Authority and Legitimacy.

(b) Liberty, its meaning and kinds, Liberty and Equality, Liberty and Law, Safeguards of Liberty.

**UNIT IV**

(a) Organization of Government - Democracy and Dictatorship.

(b) Unitary and Federal System (c). Parliamentary and Presidential form of Government

**UNIT V**

(a) Organs of Government - Executive, Legislature and Judiciary.

(b)The Doctrine of Separation of powers

(c) Concept of Representation - Public opinion and public participations.

**Unit I**

**Political Science: Definition,** **Nature and Scope**

**Jean Bodin (1530 – 1596)**

A French political philosopher coined the term “Political Science”. Political science is a branch of social science. The study of Political science is of great significance and importance in the present day “Global village”.

**Garner**

Political Science is the study of the state Political science begins and ends with the state. It may be defined as the study of man in the process of governing himself.

**Catlin**

Politics means either activities of political life or the study of those activities, which are generally treated as activities of the various organs of government.

**R.N. Gilchrist**

Political science deals with general problems of the state and government.

**Aristotle (384 – 322 B.C)**

Aristotle was the first thinker to use the term ‘politics’. The term “Politics” is derived from the Greek word ‘Polis’ which means city – state. Polis or city – state was a small independent self – contained political society. Greeks did not make any distinction between politics and society. These Greek cities – states of ancient times provide an ideal point for the beginning of a systematic study of political science. Unlike, the ancient Greeks, we live in large territorial states today. Greek meaning of the state can be extended to the study of the modern state.   
**Paul Janet**

Political science is that part of social science which treats the foundations of the state and principles of government.

**Scope of political science**

Scope of political science is to study the past things that happened and use it correct the present and determine what the future will say about. From the various definitions, it is clear that the main point of discussion in the subject is state. The scope can be discussed under the following heads:

* Study of the form of the State as exits at present
* Study of the State in historical perspective
* Study of the ideal form of the State
* Behavioral concepts

**Study of the Modern form of State**

(Study of the form of the State as exits at present)

* Ends of State
* Study of government as a means
* Study of different forms of government
* Study of relationship between the people and the government

**Study of State in Historical Perspective**

* When and how the State came into existence
* State in different Ages
* Study of the change in thinking in different ages
* Study of the Behavior of Bureaucracy
* Study of Behavioral concept
* Study of the methods of election and voting behavior
* Study of political parties and pressure groups
* Study of the Social Economic and Geographical conditions
* Study of Developing Nation
* Study of International politics & International Organization

**Nature of Political Science**

There are different views on the nature of politics Aristotle, Bodin, Hobbes, Bluntschli, Montesquieu, few is, Sedgwick, Jellinek, etc, hold that politics is a science. But writers like J.S. Hill, Maitland, Collin, Barker, etc, maintain that is only on art.

**Politics is a Science**

Politics is considered as science on the following grounds.

* Politics can be studied in a systematic manner.
* It is said that experimentation is possible in politics.
* Political Science, like other Sciences, has absolute and universal laws.
* It is possible to make predictions in politics, but in a limbed are.
* These are certain principles and methods on which political thinkers unanimously agree.
* Politics is a subject which has scientific nature.
* at present, politics has attained modernity.

**Politics is not a Science**

* Politics has no absolute and universal laws like physical sciences or exact sciences
* It does not observe the theory of cause and effect which is the basis of all Sciences.
* The subject of politics has not developed in a steady, regular and continuous manner
* Scientific methods of observation and experimentation cannot be applied to politics.

**Political Science and Law**

Political science has a relationship in the study of law. A stable political system exists once the law is properly implemented in a civilized state. In the branches of government, its political functions and powers are defined by law. The definition of law is a rule of conduct legitimately implemented by those with political power and authority that are just and obligatory for the common welfare of the state.

These are the classification of law that explains the relationship of political science:

(1) Criminal law defines as the violation or sanction of crimes committed based on the interest of the state in order to secure peace and order of the society. These are the preservation of the rights and privileges that are violated by individual such as crimes as homicide, murder, physical injury, rape, arson, malversation of public funds, and rebellion. The application of this category is the enforcement of laws to secure peace and order in the community. The government has to reinforce the security of the society by law enforcement agencies such as the police agencies and armed forces. It is the responsibility of the judiciary (through the courts) to the interpretation of specific crimes committed by individuals.

(2) International Law addresses the regulation of diplomatic relations and the varied political and economic issues in the intercourse among nations. These are international regulation of state along territorial jurisdictions, diplomatic relations, employment regulations, economic embargo and tariff regulations and etc.

(3) Political law has two areas namely: the constitutional law; and administrative law. It studies the governmental organization and administration along the constitution processes and systems; and administrative regulation. In constitutional law, it relates the construction, enactment and interpretation as to the legality and application of laws of the state. While administrative law applies the execution of law and determine its violation of rights of the authorities.

(4) Private law relates the concern on private matters as provided by the statute of the state. There are two areas in this law: (1) civil law which relates to the concern of family and the protection of the private interest of individual; and (2) commercial law which deals with the legal concern on commerce and industry.

(5) Remedial law deals with rules and regulation in all courts. It is more on judicial matter that this law is implemented in the court pleading and procedures.

Generally, the executive branch executes the law; legislative branch enacts the law; and the judiciary interprets the law. This is the reason why law is so important in the existence of state.

We all know that the origin of law is through the enactment of the legislative branch. It is based on the development priority of the government to address the concerns on general welfare and the implementation of the social services program. This is also properly address in the revenue generation by proposing tax policy to could generate higher income. The revenue generated is utilized as budget or public expenditures in social and economic services particularly the poor people in the community.

However, the implementation of the laws approved by the legislative branch is carried out in the executive department. It depends on the priority development agenda of the national leader in relation to the economic and social service with the end goal of improving the quality of life of the people.

**B**

**Meaning and element of State**

The state is the most powerful of all social institutions. It has become one of the important factors in our social life today. When we take birth in our family, the government takes notice of our birth and registers it. State has framed regulations regarding health and sanitation in order to save us during childhood. It has made arrangement for our education. Some portion of our income is paid in form of taxes to the state through the government. It is the state which controls the prices of different commodities. It protects us from our enemies. It provides us medical facilities. It takes care of the old and invalid. If the state is in danger. we fight for it. Not only our birth but also our death get registered with the state or the government. In case we are unable to afford money for our burial it is the state which bury us. Thus, from the moment of our birth till our death we come in contact with the state directly or indirectly in everyday life.

**Meaning or Definition of State:**

The term state may means condition of health or economic condition. The term is sometimes loosely used by people to mean states of India, or "the United States of America". Sometimes it mean 'nation' or 'society' or 'government' or 'country'. These uses of the term are not correct at all from the scientific point, of view. It has in fact, a specific meaning which is completely different from its various uses noted above.

Different scholars have defined state diffidently according to their individual view point. Some of the important definitions of the state are mentioned below.

**Woodrow Wilson** defines "state as a group of people organized for law within a definite ternary." Burgess defines state as "a particular portion of mankind viewed as organized unity."

**Bluntschil** says that; "the state is a combination or association of men in the form of Government and governed, on a definite territory, united together into a moral organized masculine personality, more shortly person of definite territory."

**Prof. Laski** defines state as "a territorial society divided into Government and subjects claiming with its allotted physical area of supremacy over all other institutions.

**J.W. Garner** gives a very comprehensive definition of the state. He holds the view that the state as a concept of political science and public law, is a community of persons, more or less numerous, permanently occupying a definite portion of territory, independent, or nearly so, of external control and possessing an organized government to which the great body of inhabitants render habitual obedience." It-is considered to be the best definition of the state. It ran be summed up as "the state is a collection of human beings occupying a definite territory under an organized government and is subject to no outside control."

The above mentioned definitions of a state reveal four characteristics or elements.

They are-

(a) Population,

(b) Territory,

(c) Organization or Government and

(d) Sovereignty.

A state cannot be formed at all in the absence to any one of these characteristics.

### Elements

**(1) Population**

The most basic characteristic of the state is population. As a human organization the state cannot be formed without some people. A desert in which human beings do not live cannot be regarded as a state. However, there is no limit prescribed as to the size of population.

For an ideal state, it should be 5,000 and, Aristotle thinks that it should be 10,000 minimum and 100,000 maximum. In modern times, the maximum and minimum size of population has not been prescribed. It means that there is no hard and fast rule about the size of the population of the state. In fact, population varies from few thousands as in case of Monacol, Guatemala and Leech Tenstein to the millions as in China and India. Although the modern tendency is in favor of large population of state, it is unwise to have, a very large population when its resources are scarce.

**(2) Territory**

The second characteristic of the state is territory or a fixed geographical area on the earth. In the absence of a fixed territory, a state cannot be constituted. As for example, the nomadic tribes like Gipsies and others cannot form a state of their own owing to the absence of a fixed territory, to reside in.

Similarly, the Jews did not from a state till, they definitely settled down in Israel in 1948. Like population, there is no limit set for the territory of a state. It may vary from a few square miles as in the case of Monacol and few million square miles as in the Soviet Union and the United States. In the modern world today, small states as well as big states exist. From the administrative, point of view small states are always better than big states but from the point of view of defense, they are not good all.

**(3) Government**

The state must possess an organized Government. It is the machinery through which the state must exercise its supreme power. It constitutes the brain of the state. A state cannot be thought of without some sort of Government. The state performs its various functions through the Government. J.W. Gamer says, Government is the agency or machinery through which common policies are determined and by which common affairs are regulated and common interests are promoted."

**(4) Sovereignty**

The fourth and the most important element, or characteristic of the state is sovereignty. Sovereignty means supreme power or ultimate authority against which there can be no appeal. Externally, the state claims final and absolute authority. It is independent of any foreign control. Internally, the state is supreme over all of its citizens and associations within its jurisdiction. All the individual within the state must submit to its will obediently.

**Main differences between State and Society are as follows:**

For analysing and understanding the distinction between State and Society, let us understand the meaning of Society. Society is popularly defined as the sum total of social relations among people.

***MacIver says*** *“Society is the web of social relationships.”*

Society is a human community whose members are bound by comprehensive social relations. Society includes all relationships among its people and their groups. Society is the focus of study of Sociology.

**Difference between State and Society**

**(1) Society is wider in scope than State:**

Society is a very broad and comprehensive organisation of human beings. It is formed by all types of relations (social, economic, cultural, political, moral, religious, and others) that emerge and develop among the people who are members of the society.. As against this, State is only a political institution or organisation. It is concerned primarily with the exercise of power in society. State constitutes the sovereign power-system of the Society.

**(2) Society is prior to State:**

Society is rooted in human nature. As social animals people naturally enter into social relationships and form society. The birth of society took place in the earliest period of history. State also has a very long history behind it and yet, everyone agrees, it came after the birth of society. The need for protecting the social relationships is the need for law and order led to the birth of the State. State had its birth after the evolution of society into a territorially settled society of people.

**(3) State is a politically organised unity of the people, Society is a natural unity of people bound together in social relationships:**

Society includes both organised and un-organised groups of people, their activities and relationships. It consists of the vast network of all human relationships in society. . State is a politically organised community of people living on a definite portion of territory and characterised by the exercise of sovereignty over the people. State is the organised political community of the people of a society.

**(4) Government is the agency of the State; Society has no formal organised agent:**

State acts through its government. Government is the agent of the State. It exercises the sovereignty of the State. . Society has no agent or agency. It is a self-regulating system of relationships. It functions naturally on the basis of its customs, traditions, usages and naturally evolved moral codes of conduct. Society lacks a formal organisation.

**(5) Sovereignty belongs to State and not to Society:**

Sovereignty is the most essential property and the hallmark of the State. State alone exercises supreme power over all its citizens and their institutions. It is the law and order-maintaining institution of Society. Its laws bind all the members of the Society. Society is a system of social relations.

**(6) Territory belongs to State and not to the Society:**

State is a territorial entity. Definite territory is an essential element of the State. Society has no territory. Even vagabonds bound by social ties constitute a society, non-residents Indian who have got the citizenships of other States continue to members of Indian society.

**(7) Society is concerned with both internal and external human behaviour, State is concerned with external aspects of human behaviour:**

State is concerned with external human behaviour. Its laws lay down rules which regulate the external behaviour of the people and their groups, institutions, and organisations. State uses its coercive power on each such person/group/institution which commits any breach of law.

In contrast, the society is concerned with all aspects of human behaviour and relations in society. Social customs and traditions, and rules of morality cover all types of social relations at all levels—individual, family, community, neighborhood, regional and national.

**(8) Sociology studies Society and Political Science studies State:**

From our point of view society i.e. social relations constitute the object of study in Sociology whereas State and political relations are the objects of study in of Political Science. Since all political relations and institutions are parts of the social system/society, Sociology is also interested in these.

Likewise, Political Science even while studying State and political relations also needs some knowledge of all social relations. Both Political Science and Sociology are closely related social sciences. Thus, there are clear-cut and identifiable differences between State and Society. But both are deeply inter-related.

State always works for securing laws, order and security in the Society. Its power regulates all social relations likewise social relations always have a deep and big impact upon political relations. Caste groups, communities, religious groups, family, customs, traditions, ways of social life, ethnic relations, and the like are all important factors of Politics. Hence, both State and Society are closely related and yet quite different from each other.

**Difference Between State and Government**

1. A state is a geographic entity that enjoys sovereignty while a government is an organization that creates, defines, and enforces the laws of the state.
2. A government is given legislative, executive, and judicial powers to administer the state while the state must have people, land, sovereignty, and government in order to be recognized.
3. Both have different types, but while a state exists on its own and remains as it is no matter who runs it, governments can be replaced according to the people’s will.

A state is the territory while a government is the entity that administers or manages the territory.

**C**

**Theories of Origin of State**

**Force Theory**

This theory proposes that the origin of state is developed through the use of force. One person or a small group of people claim control over the population in a specific area by force. Once the rule is well established the state is established. This theory is generally a result of war. One example: Adolf Hitler and his control over Germany that led to the attempted control of Europe, as well as the mass genocide of the Jewish population.

**Evolutionary Theory**

This theory states that the state evolved over time, starting with the primitive family. One person in the family was determined to be the leader of the family. On a primitive level, a basic government was formed. Over decades, the family became a clan and a clan became a tribe. The state was identified when the tribe settled in a designated area and claimed it as their own.

**Divine Right Theory**

The divine right theory holds that God created the state. God gave certain individuals of royal birth the divine right to rule. Since God divinely ordained its rulers and they were accountable to God, the population obeyed the ruler as they were required to obey God. This theory existed in many countries such as England and Europe throughout the Middle Ages.

**Social Contract Theory**

In the social contract theory, a specific population within a given designated area gave up as much power to a government as needed to promote the well-being of all. Specifically, the community population and the leader have a contract. The state has power and authority over the territory. The community receives certain services such as a safe, crime-free area in which to live and keep their rights protected. This theory was developed in the 17th and 18th centuries by philosophers such as Thomas Hobbes, John Locke and Jean Jacques Rousseau. The U.S. political system is based on the social contract theory.

**Unit II**

**A**

**Major Political Ideologies**

1. **Liberalism**

Liberalism as a political and moral philosophy which is centred on two main principles - these are individualism and liberty. Firstly, liberalism places the individual at the heart of society and argues that the highest value social order is one that is built around the individual. Secondly, the purpose of society is to allow individuals to reach their full potential if they want to, and that the best way to do this is to give the individual as much liberty as possible. These two key principles are the foundations upon which the various elements of liberalism spring forth. John Gray identified four essential elements of liberalism. These were individualism, egalitarianism, universalism and meliorism.

Liberalism is too dynamic and flexible a concept to be contained in a precise definition. Right from its inception, it has been continuously changing, adding something and discarding the other. As Alblaster writes, ‘liberalism should be seen not as a fixed and absolute term, as a collection of unchanging moral and political values but as a specific historical movement of ideas in the modern era that began with Renaissance and Reformation. It has undergone many changes and requires a historical rather than a static type of analysis. ’Similarly**, Laski** writes, ’it (Liberalism) is not easy to describe, much less to define, for it is hardly less a habit of mind than a body of doctrine’.

To quote **Hacker,** ‘Liberalism has become so common a term in the vocabulary of politics that it is a brave man who will try to give it a precise definition. It is a view of the individual, of the state, and of the relations between them’. Almost the same view is expressed by Grimes, ‘liberalism is not a static creed or dogma, for dogmatism provides its own restraints. It is rather a tentative attitude towards social problems which stresses the role of reason and human ingenuity…liberalism looks ahead with a flexible approach, seeking to make future better for more people, as conservatism looks back, aiming mainly to preserve the attainment of the past. ’

According to **Richard Wellheim,** ‘liberalism is the belief in the value of liberty of the individual’.

According to **Sartori,’** very simply, liberalism is the theory and practice of individual liberty, juridical, defense and the constitutional state’.

**Bullock and Shock** emphasize the belief in freedom and conscience as the twin foundations of liberalism.

In short, liberalism has a narrow and broad perspective. At a narrow level, it is seen from political and economic points of view, whereas at the broader level, it is like a mental attitude that attempts in the light of its presuppositions to analyze and integrate the varied intellectual, moral, religious, social, economic and political relationships of human beings. At the social level, it stands for secularism, freedom in relation to religion and morality. It lays stress on the value of free individual conscious of his capacity for self-expression and unfettered development of his personality. At the economic level, it implies the ideal of free trade coupled with internal freedom of production. At the political level, it stands for political liberty and the right to property, constitutional limited government, protection of the rights of the individual and anti-authoritarianism.

**Characteristics of Liberalism**

From the above discussion, it is now clear that liberalism is not merely a political concept, but also a socio-economic, cultural and ethical concept. It can be understood through certain characteristics evolved during its long history. John Hallowell has pinpointed the following characteristics of classical liberalism:

**I**) A belief in the absolute value of human personality and spiritual equality of the individual;

II) A belief in the autonomy of the individual will;

III) A belief in the essential rationality and goodness of man;

IV) A belief in certain inalienable rights of the individual, particularly, the rights of life, liberty and property;

V) That state comes into existence by mutual consent for the purpose of protection of rights;

VI) That the relationship between the state and the individual is a contractual one;

VII) That social control can best be secured by law rather than command;

VIII) Individual freedom in all spheres of life-political, economic, social, Intellectual and religious;

IX) The government that governs the least is the best;

X) A belief that truth is accessible to man’s natural reason.

**2. Socialism: Definition, Features, Merits and Demerits**

**Definition:**

1. The word socialism has been defined as “such type of socialist economy under which economic system is not only regulated by the government to ensure, welfare equity of opportunity and social justice to the people.”

**2. According to Mr. Webb:**

“A socialised industry is one in which the national instruments of production are owned by public authority or voluntary association and operated not with a view to profiting by sale to other people but for the direct service of those whom the authority or association represents.”

This definition does not correspond to the present notion of socialism, because it does not imply any idea of planning.

**3. Prof. Dickinson has defined socialism as such:**

“Socialism is an economic organisation of society in which the material means of production are owned by the whole community and operated by representatives of the people, who are responsible to the community according to a general plan, all the members of community being entitled to the benefits from results of such socialised, planned production, on the basis of equal rights.”

There is no complete agreement as to what exactly socialism is. But the definition given by Prof. Dikinson seems to be better. Economist have compared socialism as a hat which has lost its shape because everybody wears it. It has been aptly remarked that “socialism has been called many things and many things have been called socialism”.

**Main Features of Socialism:**

**A socialist economy has the following features:**

**1. Socialism is Social or Collective Ownership of Resources:**

In such an economy, all the means of production are owned and operated by the state in the interest of society as a whole. This is to ensure equality of opportunity to all the citizens with regard to earning of income. This is also aimed at full and efficient utilisation of the country’s resources.

**2. It is a Fully Planned Economy:**

A socialist economy is necessarily a fully planned economy otherwise the economic system cannot run. There is a choice between centralised and decentralised planning. All socialist economics were fully planned economics.

**3. It is the Responsibility of the Central Planning Authority:**

Planning is the responsibility of an authority at the centre. It may be known as the Planning Commission in India or the Gos plan in the U.S.S.R. The main task given to this body is to formulate long-term and short-term plans for the economy.

**4. It has Definite Aims and Objectives:**

Socialist economy has specified aims or objectives. Generally, they are included in the constitution itself but these are given specific shape by the planners. As far as possible the objectives are clearly and quantitatively defined. The competitiveness on complementary among these objectives is explicitly noted. This is meant to bring planning nearer to reality.

**5. Specific Long-Term Plans:**

The Central Planning authority is given the respon­sibility to chalk out specific long-term plans for the country. These long-term plans are called “Perspective Plans”. These may range from twenty to thirty years. These are in the nature of a blue-print of the path the economies have to follow in the near future. These perspective plans may be modified with changes in basic structure and objectives of the economy. This requires the use of input and output and activity analysis.

**6. Central Control and Ownership:**

A fully planned economy is by implication a controlled economy. Government controls the main aspects of all economic activity. There are controls on production through licensing. Consumption is also controlled indirectly through controlled production. There are existing controls generally operated through the Central Bank of the economy.

Then there are controls on distribution. Government may have a public distribution system. It may have direct procurement and sale of essential commodities through fair price shops. However, the nature of controls and their intensity shall depend upon the economic conditions in the economy.

**7. Much Less Importance of Price Mechanism:**

A socialist economy gives much less importance to market forces and therefore, the price mechanism is given a minor role in resource allocation. A specific plan based on social needs guides the process of resource allocation. Private profit is not allowed. Public interest is given more importance. The means of production are directed by the Government and are used in promoting the general welfare of the people.

**8. People’s Co-operation is Essential:**

A socialist economy is run with the active co-operation of the people in the fulfillment of plan targets. No plan can possibly succeed without people’s participation. The plan is prepared and implemented by the Government but the main target’s of the different activities in the plan are fixed by taking into account the resources which people will be able to mobilise. To encourage the people to participate in plan implementation, the Government may provide special incentives.

In short, a socialist economy is not run by the impersonal forces of supply and demand. It is a scientifically planned economy. As such its main features are quite different from those of capitalistic economy.

**Merits of Socialism:**

A socialist economy has many alternative features. These have made socialism more and more popular.

**The main merits of the socialist economy are as under:**

**1. Social Justice is Assured:**

The chief merit of socialism is that it assures of social justice. Under socialism the inequalities of income are reduced to the minimum and the national income is more equitably and evenly distributed. The socialist principle provides for a fair share for all. No one is permitted to have unearned income. Exploitation of man by man to put an end to. Every individual is assured of equal opportunities, irrespective of caste, creed and religion. Every child whether he is born in a poor family or in a rich family is given an equal opportunity to develop his latent faculties through proper education and training.

**2. Rapid Economic Development:**

A socialist economy is likely to grow much faster than a capitalist economy. The experience of the U.S.S.R. and other socialist countries amply proved this. The main factors making for the fast growth rate is the full use of resources, scientific planning and quick decisions.

**3. Production According to Basic Needs:**

In this economy the production is directed to satisfy the basic needs of the people first. As far as possible, the production of food, clothing or building materials is guided by the basic needs of the people and is not according to the purchasing power of the rich section of the society. Therefore, the phenomenon of the poor going hungry while the rich feast cannot be seen in the socialist economy.

**4. Balanced Economic Development:**

Economic planning is meant to carry out balanced development of the economy. All the regions of the country are taken care of. Development of the backward areas is also given a priority. Similarly, agriculture and industry, heavy and small industry develops side by side. As a result there is no lop-sided development of the economy.

**5. It has Economic Stability:**

Another important merit is the economic stability which a socialist economy has. A capitalist economy is often suffering from economic fluctuations resulting in lot of unemployment and wastage of resources. There is a good deal of misery among the working classes in periods of depression in a socialist economy.

A socialist economy is able to control economic instability due to the planned nature of the economy. Pure changes are taken care of under a perspective plan. Private investment is given a minor role. Therefore, there are no economic fluctuations.

**6. It has More Flexibility:**

A socialist economy is much more flexible than a capitalist economy because of the control on market forces. The socialist economy can be geared to war times as early as it is operated during peace-time. Rather the state having ownership of means of production can meet the needed changes much better than the slow moving market mechanism of the capitalist economy.

**7. Conservation of Natural Resources:**

A socialist economy has a great advantage of planning for the future. Wasteful use of the country’s natural resources is a common problem in all the capitalistic economies. Private enterprise does not care for the future. A planning authority can take the interest of future generations into account by preparing plans for conservation of the country’s non-renewable resources like coal, petroleum, forests and soil.

**8. Equitable Distribution of Wealth and Income:**

A socialist economy is operated with the aim of providing equal opportunity for all citizens in earning incomes. Generally, private property is restricted to some basic needs. There is no amassing of wealth by a few. Wealth is also equitably distributed because private enterprise is given a limited role.

**9. No Exploitation and Class Struggle:**

A socialist economy can also get rid of the basic maladies of the capitalist economy. There is no question of exploitation in as much as the state determines the distribution pattern of country’s income. Further the whole society is the common aim of all planning. No sections are discriminated against. There is not special favour at any class. Therefore, there is no scope for anything like the class struggle which is a characteristic of the capitalist economy.

**10. Social Welfare Activities:**

A Socialist Economy is oriented to the social needs. The government provides for full security. There is automatic care for the children of those who meet accidents while performing their duties. There is provision for old age pension for all. The slogan is**“to each according to his needs, from each according to his capacity.”**

Therefore, the employees in state enterprises can work without much worry. Their productivity is higher. There are no labour disputes and no wastage of resources resulting there from as is the case in a capitalist economy.

**11. There is no Wastage of Competitive Advertisement:**

A capitalist economy is not always able to achieve productive efficiency through competition. There is a good deal of wastage through competitive advertisement of different varieties. The consumer has to pay the price of the useless advertising. Prof. Chamberlin has tried “to show that capitalism leads to excess capacity when there is differentiation of the products.”

In a socialist economy, there is no such wastage. In the first place only those goods and services are produced which are preferred by the consumers. Secondly, if at all there is any advertising, it is only meant for information about different products to consumers.

**12. Foresightedness:**

A socialist economy can prepare for the future much better than a capitalist economy. Future is always uncertain. The planners take full note of the uncertainties while formulating the plan. Flexibility in planning is meant to provide for immediate changes in the plan as conditions change. Planners can anticipate some of the future changes and prepare for them so that the nation is not suddenly caught unawareness.

**Demerits of Socialism:**

The merits of socialism given above should not lead us to the conclusion that socialist economy is all virtue.

**There are certain demerits of this system which are as follows:**

**1. No Suitable Basis of Cost Calculation:**

Von Hayek and Bobbins have pointed out that there is not proper basis of cost calculation in a socialist economy. They say that the means of production being owned by the government, there is no market price for the factors of production. In the absence of market mechanism there is no standard way of calculating costs of production for different goods and services.

**2. Choice of Working Incentives:**

The most difficult problem in this system is the choice and working of incentives in the absence of profit motive. The Russian Government has been using the policy of “Carrot and the Stick”. Some national honours are given to those showing outstanding results. Those shirking work or proving irresponsible are punished.

There is decentralisation of authority along-with responsibility. This ensures freedom at the lower level and scope for initiatives. However, there is no comparable system of incentives and dis-incentives to the profit motive in a capitalist economy.

**3. It Becomes Lack of Incentives:**

In this system, it has also been seen that incentive of hard work and inclination to self-improvement will dis-appear together when personal gain or self-interest is eliminated. People will not give their best. Incentive, ability, enterprising spirit and the go-ahead attitude will languish and creative work will become impossible. It is said that “a Government could print a good edition of Shakespeare’s work but it could not get them written.”

**4. There is Loss of Economic Freedom:**

A very important charge against socialism is that, when freedom to enterprise dis-appears, even the free choice of occupation will go. Workers will be assigned certain jobs and they cannot change them without the consent of the planning authority. Every workers will have to do work what he will be asked to do.

**5. Lack of Data, Experts and Administrators for Planning:**

Operating a socialist economy as a planned economy requires huge data, a good number of experts and an equal number of administrators at different levels for administering the plan. No doubt machine can help to process the data and experts can advise but there has to be decision-making at different levels of government. It is difficult to find out enough data with the result that decisions are delayed, mis-carried or wrongly implemented. Ultimately, the common people have to pay the price for these mistakes.

**6. Loss of Economic Freedom and Consumer Sovereignty:**

Under socialism all economic activity is directed by the central planning authority. There is no significant role given to private investment and initiative. Consumers are compelled to accept whatever public enterprises produce for them. Generally, there is limited variety of goods and restricted available choice. Prices are fixed by the government and consumers just cannot do anything about them. Consumer’s preferences are just guessed by the planners who have no compulsion to study the people’s preferences deeper.

**7. Imperfections in Planning Lead to Dis-satisfaction on a Big Scale:**

Imperfection may creep in the formulations of the plan, its assumptions, statistics or analysis. Further, imperfection may enter at the stage of implementation of the plan. Further, there may be lack of adjustment between prices and wages. As a result of these imperfections there is lot of wastages of resources, slowing down of work, shortfalls in targets and the dis-satisfaction resulting there-from.

Mistakes made by individuals harm them only. National mistakes are costly for the common man. In fact, this has been the cause of dis-integration of the U.S.S.R., when the other economics of Europe were booming the U.S.S.R. could not provide the minimum comforts of life.

**8. Too Much Power is Concentrated in the State:**

Under socialism the state is not merely a political authority but it also exercises unlimited authority in the economic sphere. In this, all power is concentrated in the state. It means the state is everything and individual nothing. After all the human institutions are for man and not man for these institutions.

**9. There is Loss of Personal Liberty:**

In socialism there is no unemployment. But the critics retort by saying that there is also no unemployment in a jail. They regard a socialist state as one big prison-house and they do not think that employment is any compensation for the loss of liberty.

**10. Bureaucracy and Red-Tapism:**

A socialist economy is a state enterprise economy. Every bit of the plan is to be cleared by bureaucrats. This often leads to red-tapism. Even simple state forward jobs may take unduly long-time to be done. The work of Government departments or even autonomous bodies is slow moving. As a result inefficiency creeps in through bureaucracy. In many countries where socialism had been brought about hastily, work came to a stand-still leaders had to revert to liberal policies containing elements of the capitalist economy.

**3. Utilitarianism**

## DEFINITION

A philosophy that bases the moral worth of an action upon the number of people it gives happiness or pleasure to. A utilitarian philosophy is used when making social, economic or political decisions for the "betterment of society". In utilitarianism, an action is considered to have utility only to the extent that it contributes to the overall good.

**Utilitarianism***,* by **John Stuart Mill**, is to provide support for the value of utilitarianism as a moral theory, and to respond to misconceptions about it. **Mill** **defines** **utilitarianism** as a theory based on the principle that "actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness." Mill **defines happiness** as pleasure and the absence of pain. He argues that pleasure can differ in quality and quantity, and that pleasures that are rooted in one's higher faculties should be weighted more heavily than baser pleasures. Furthermore, Mill argues that people's achievement of goals and ends, such as virtuous living, should be counted as part of their happiness.

**Marxism: Meaning, Features**

**Meaning of Marxism:**

During his lifetime (1818-1883) Marx himself was not at all acquainted with the word Marxism. After his death Engels and his adherents circulated the term and since then we use the word Marxism.

The interesting fact is that he once said, “All I know is that I am not a Marxist.”But one cannot infer from this that Marx rejected the main tenets of his doctrine. The interpreters of Marxism say that Marx never claimed that he had presented a clear and correct view about the social political and economic conditions of the world.

He studied the social, economic and political conditions of the various countries and specially the capitalist states of the world and on the basis of his study and investigation he drew certain conclusions. Behind every conclusion there are facts. Of course he has interpreted the facts and social-political-economic conditions.

In general terms Marxism is the world view of social, economic and political conditions. He has interpreted the facts he collected in the background of the particular idea or thought or what may be called philosophy. This we call Marxism**.**

Marxism consists of three elements. First is a dialectical philosophy borrowed from Hegel but transformed into dialectical materialism, from which, in turn, historical materialism derives.

In the second place Marxism is a system of political economy. It consists of labour theory of value and theory of surplus value. Marx drew his conclusions from these two concepts.

The labour theory of value was first formu­lated by Locke. Finally Marxism is a theory of state and revolution. Generally, Marxism includes all these three elements.

Marxism is, therefore, a composite social, political and economic picture of bourgeois society viewed through dialectical materialism. Karl Korsch (1886-1961) a German Marxist, has redefined Marxism in an essay published in 1935. The essay is entitled “Why I am a Marxist”.

**Features of Marxism:**

According to **Korsch** there are few important features of Marxism:

1. All the tenets of Marxism are particular and not general. It has not built up any general theory which is applicable in all places. Marx’s concept of “base” and “superstructure” is a real concept, but its application differs from place to place. The only statements that are valid are particular descriptions of particular phenomena at a given stage of history.

2. Marxism is not science or philosophy. It is simply a critical and practical analysis of existing society. Naturally it can be called a praxis. Marxism is based on exact and verifiable knowledge. It can be empirically tested or verified. Hence it is an empirical doctrine.

3. The central subject of Marxism is capitalist society. Marx scanned almost all the important aspects of capitalist society by applying dialectical materialism.

4. Its chief aim is not simply to analyse the capitalist society, but to change it. Marx has said that the philosophers have interpreted the world, but the real task is to change the world or society.

**B**

**Sovereignty**

### The term “Sovereignty” has been derived from the Latin word “*Superanus*” which means supreme or paramount. Although the term “Sovereignty” is modern yet the idea of “Sovereignty” goes back to Aristotle who spoke of the “supreme power of the state”.

### Sovereignty defined by various thinkers

1. “Sovereignty is the sovereign political power vested in him whose acts are not subject to any other and whose will cannot be over-ridden”. -Grotius
2. “Sovereignty is the supreme power of the State over citizens and subjects unrestrained by law”. –Bodin
3. “Sovereignty is the supreme will of the state”. -Willoughby
4. **Characteristics or Attributes of Sovereignty:**

According to Dr. Garner, following are the characteristics or attributes of Sovereignty:

1. Permanence.
2. Exclusiveness.
3. All-Comprehensiveness.
4. Inalienability.
5. Unity.
6. Imprescriptibility.
7. Absoluteness or illimitability.
8. Originality.

#### (a)Permanence:

Permanence is the chief characteristics of sovereignty. Sovereignty lasts as long as an independent state lasts. The death of the king, the overthrow of the government and the addiction of power does not lead to the destruction of sovereignty.

We should keep in mind the basic fact that the king or the ruler exercises sovereign power on behalf of the state and, therefore, sovereignty lasts as long as the state lasts. The death of the king or the overthrow of the government does not affect sovereignty. This is the reason why people in England used to say “The King is dead, long live the King”.

Dr. Garner has beautifully summed up this idea in the following manner:

“Sovereignty does not cease with the death or temporary dispossession of a particular bearer or the re-organisation of the state but shifts immediately to a new bearer, as the centre of gravity shifts from one part of physical body to another when it undergoes external change”.

#### (b)Exclusiveness:

By exclusiveness we mean that there can be two sovereigns, in one independent state and if the two sovereigns exist in a state, the unity of that state will be destroyed. There cannot exist another sovereign slate within the existing sovereign state.

#### (c)All Comprehensiveness:

The State is all comprehensive and the sovereign power is universally applicable. Every individual and every association of individual is subject to the sovereignty of the state. No association or group of individuals, however, rich or powerful it may be, can resist or disobey the sovereign authority.

Sovereignty makes no exception and grants no exemption to anyone. It grants exemptions only in the case of foreign embassies and diplomatic representatives of foreign countries on the reciprocal basis. This does not in any way restrict the sovereignty of the state in the legal sense. The state can abolish and withdraw the diplomatic privileges granted to foreigners.

#### (d)Inalienability:

Inalienability is another characteristic of sovereignty. Sovereignty is inalienable. By inalienability we mean that the State cannot part with its sovereignty. In other words, we can say that the sovereign does not remain the sovereign or the sovereign state, if he or the state transfers his or its sovereignty to any other person or any other state.

Sovereignty is the life and soul of the state and it cannot be alienated without destroying the state itself. Lieber has very aptly remarked in this connection: “Sovereignty can no more be alienated than a tree can alienate its right to sprout or a man can transfer his life or personality to another without self-destruction”.

#### (e)Unity:

Unity is the very spirit of Sovereignty. The sovereign state is united just as we are united.

#### (f) Imperscriptibility:

By imprescriptibility, we mean that if the sovereign does not exercise his sovereignty for a certain period of time, it does not lead to the destruction of sovereignty. It lasts as long as the state lasts.

#### (g) Absoluteness:

Sovereignty is absolute and unlimited. The sovereign is entitled to do whatsoever he likes. Sovereignty is subject to none.

#### (h) Originality:

By originality we mean that the sovereign wields power by virtue of his own right and not by virtue of anybody’s mercy.

**3. Political Sovereignty:**

**Dicey** believes that “behind the sovereign which the lawyer recognises, there is another sovereign to whom the legal sovereign must bow. Such sovereign to whom the legal sovereign must bow is called political sovereign. In every Ordered state the legal sovereign has to pay due attention to the political sovereign.

According to **Professor Gilchrist**, “The political sovereign means the sum-total of influences in a State which lie behind the law. In modern representative government we might define it roughly as the power of the people”. In other words by political sovereign in the representative democracies, we mean the whole mass of the people or the electorate or the public opinion. But at the same time, it cannot be emphatically asserted that political sovereignty can definitely be identified with the whole mass of the people, the electorate or the public opinion. Political sovereignty is a vague and indeterminate term.

Political sovereignty rests in that class of people under whose influence the mass of the people is or the people are. Political sovereignty rests in the electorate, in the public opinion and in all other influences in the state which mould and shape the public opinion.

In the words of **Professor R.N. Gilchrist**, “Political sovereign manifests itself by voting, by the press, by speeches, and in many other ways not easy to describe or define. It is, however, not organised and it can becom6 effective only when organised. But the organisations of political sovereignty lead to legal sovereignty. The two are aspects of the one sovereignty of the state”. As a matter of fact, legal and political sovereignty are the two aspects of the one sovereignty of the state. But at the same time both the aspects stands poles apart.

**4. Legal Sovereignty**

Legal sovereignty is a concept that occurs in British courts, and other countries that have a court system and parliamentary system as well as having a monarch.

The main characteristic of legal sovereignty is that it takes law – which is in fact a part of the concept of sovereignty and a consequence of a system of sovereignty – and attempts to make it the system itself.

The following are the characteristics of a legal sovereign:

1. A legal sovereign is definite and determinate. It may be a person as in the case of an absolute monarchy or a body of persons as in the case of the British Parliament.
2. Legal sovereignty is definitely organized and re-organized by constitutional law.
3. Legal sovereign alone has the power to declare in legal terms the will of the state.

Legal sovereignty basically means that parliament has the overriding power to pass laws in the country, as long as it has the backing of the majority of the house. This is because parliament is not parliamentary sovereign, which means that if there is not a majority vote on a law, then it cannot be put in to proper practice.

Legal sovereignty is the power to be able to make the law, not put it in to practice, and this is why there must be a majority vote for the laws to come in to practice in the country.

Legal sovereign is a law-making authority in legal terms, whereas political sovereignty is behind the legal sovereign. The legal sovereign can express his will in legal terms. But the political sovereign cannot do so. Legal sovereign is determinate, definite and visible whereas political sovereign is not determinate and clear.

Political sovereignty is recognised. Legal sovereignty is vested in the electorate, public opinion and other influences of the state which mould or shape the public opinion. Legal sovereign is recognised by lawyers while political sovereign is not.

Legal sovereign cannot go against the will of the political sovereign whereas political sovereign, though not legally powerful, controls over the legal sovereign. The concept of legal sovereign is clear whereas the concept of political sovereign is vague. Legal sovereign is elected by the political sovereign whereas political sovereign is the electorate or the people. These are the points of difference between the legal sovereign and the political sovereign.

**Unit III**

**Part 1. Power, Authority and Legitimacy**

**A**

**Power**

Power is the vital element in the study of political science. Political science really studies how power is separated, how it is obtained, how it is retained and the various ways in which power can be expressed. Really power can be seen in all institutions and associations of society. But the specialty of the power of the state is that the state can afford to wield the strongest power since it can apply the severest sanctions like imprisonment and death penalty. The concern of political analysis is the study of power in all forms in human or social relation.

**Definitions**

1. “Power is ability to influence the behavior of others in accordance with its own ends”. -- **Edward Shills**
2. “Power is the capacity to impose one’s will on others by reliance on effective sanctions for non-compliance”. - **Schwarzenegger**

Power is the capacity to affect others behavior by the use or threat of the use of positive or negative sanction. So it is clear that power is relational and not personal property. One can have power only over others. It is from the behavior of the people that power is assessed. Power is also situational. For example, the speaker of Lok Sabha who has power over the members of Lok Sabha in the context of parliamentary sessions does not have power over the other aspects of their social and political life. The dictators use power crudely and violent.

In every society where power exists man seek power. The success really depends on the capability of the power seeker. Once power is acquired the powerful tries to gain more power. Power once secured can be used to achieve a variety of ends like fame, reverence security, respect, affection, wealth and many other values.

**Charles Merriam** was the first philosopher to make a detailed intellectual study of political power. He considered power as the basic concept of politics. Power is coercive and its ultimate sanction is force. Merriam’s solution to the problem of political power was its widest possible distribution. According to Russel, concentration of political power is destructive to human initiative and freedom. He observed that men who have the habit of power are unfit for friendly relation and negotiation

In the opinion of **Morgenthau**, lust for power is common to all men. All politics is a struggle for power. He defines political power as “The mutual relations of control among the holders of public authority and between the latter and the public at large.” The most effective form of political power is the legitimized authority of the political system which makes and implements decisions.

**According to Catlin**, it is human nature to desire to have power.

To **Lasswell** political process is the shaping, sharing and exercise of power or influence in general. He defines political power as participation in the making of decisions with severe sanction. The exercise of power does not rest generally on violence, force or coercion. It may equally rest on faiths, loyalties, habits or interests.

**B**

**Authority**

Authority is a special kind of power. When political power gets legitimacy it becomes authority or the institutionalised power is called authority. Authority is the rights to rule. Power, when legitimised gives rise to authority, belief that the structure, procedures, acts, decisions, policies, officials or leaders of government possess the quality of rightness, propriety or moral goodness and should be accepted because of this quality is what we mean by legitimacy. Thus, legitimacy is the legal power to act.

Authority can be seen not only in political system but also in other social systems. For example, in a family father has authority over the children. The power enjoyed by the state is legitimate. But in the social institutions power may be divorced from authority. In the social institution we can see the exercise of authority without right and right without authority.

Authority is the recognised right to exercise power irrespective of the sanctions the power holder is able to apply. For perpetuating a power relation it is highly necessary that power should be transformed into authority. There are various means for acquiring legitimacy. One of the means is the development of an ideology. An ideology may be fully utilized by the power holder to legitimise the use of his power.

Besides the use of ideology there are certain permanent sources where from the power holder may derive its legitimacy.

**According to Max Weber**, there are three types of authority. They are:

1.) Traditional Authority;

2.) Charismatic Authority; and

3.) Rational-Legal Authority.

**1. Traditional Authority**

Traditional Authority rests upon the long established customs, traditions and precedents. In traditional authority the present order is viewed as sacred, eternal and inviolable. The elder or the dominant person or group, usually defined by heredity, is thought to have been pre-ordained to rule over the rest. The subjects are bound to the ruler by personal dependence and a tradition of loyalty. In modern world, traditional authority only provided the basic of rule in a few dynastic monarchies of Middle-East countries.

**2. Charismatic Authority**

Charismatic authority relies on the exceptional personal qualities , strength, magnetism, and some time supernatural qualities of a person. The charismatic personalities derive their rights to rule from their extra-ordinary qualities and they stimulates loyalty among their followers. They are inspiring figures who emerge in times of crisis and upheaval. The Christ, Gandhi, Martin Luther King or, indeed, Adolf Hitler are examples.

**3. Rational-Legal Authority**

Rational-legal authority rests on laws, statutes, and rules and regulations. In this type of authority obedience is owed not an individual but to a set of the legally established principles – a government of laws, rather than men. Thus subordinates in an organisation must obey lawful commands from their superiors, irrespective of who occupies higher offices. Modern bureaucracies are the best example of organizations based on rational-legal authority.

|  |  |  |  |
| --- | --- | --- | --- |
| **S. No.** | **Type** | **Basic** | **Example** |
|  | Traditional | Custom and the established way of doing things | Monarchy |
|  | Charismatic | Intense commitment to the leader and his message | Many revolutionary leaders |
|  | Rational-Legal | Rules and procedures of office, not the persons | Bureaucracy |

**C**

**Legitimacy**

Legitimacy is a similar concept of authority. It also refers to rightful power. It is used in different sense by political theorists and political scientists. Political theorists concerned with principles, they say a government is legitimate if it conforms to some moral principles- for example, that it has been fairly elected. Political scientists, on the other hand , are concerned with politics as it is. They say a government is legitimate if its citizens regard it as such. Whether a government is democratic is only one influence on legitimacy in this second sense. Legitimacy is distinct from legality. Legitimacy refers to whether people accept the validity of a law; legality refers to whether the law was made in accordance with correct procedures, normally as laid down in the constitution.

**Definitions of legitimacy**

**According to S.M. Upset**, “Legitimacy involves the capacity of the system to engender and maintain the belief that existing political institutions are most appropriate for the society.”

**Jean Beandel**, “Legitimacy can be defined as the extent to which the population accepts naturally, without questioning, the organisation to which it belongs.”

**J.C. Pleno** **and R.E. Riggs,** define legitimacy as “the quality of being justified or willingly accepted by subordinates that convert the exercise of political power into rightful authority.”

**Sources of Legitimacy:**

**According to Max Weber,** there are three sources of legitimacy:

**(i) Tradition:**

Legitimacy may rest on an established belief in the sanction of immemorial traditions and on the need to obey leaders who exercise the authority according to the traditions.

**(ii) Exceptional Personal Qualities:**

Legitimacy may secondly be based on “devotion to the specific and exceptional sanctity, or exemplary character of an individual person.”

**(iii) Legality:**

Legitimacy may rest on the belief that power is wielded in a way that is legal. What is done legally is regarded as legitimate.

**Grace A. Jones** has described the following sources of legitimacy in the context of British system:

(i) Continuity with the political and social institutions.

(ii) Tradition of non-violence.

(iii) Religious beliefs.

(iv) Belief in values.

(v) Electoral process, liberty and unanimity.

(vi) Coordinated and integrated society and continuity of its traditions.

(vii) Adaptive political culture.

**According to Friedrich,** the sources of legitimacy are:

(i) Religious,

(ii) Philosophical and juristic,

(iii) Traditional,

(iv) Procedural, and

(v) Empirical.

From the above analysis it is evident that legitimacy is not a mere abstract or moral feeling. It is something related with the entire political system. It is a belief which leads the people to accept that it is morally right and proper for the officials or leaders of government to make binding rules. Legitimacy enables a ruler to govern with a minimum of political resources. It is the soul of democracy.

**Part 2. Liberty: Definition, Features, Types and Essential Safeguards of Liberty**

Of all the rights which are considered fundamental for the development of the personality of the individual, the right to liberty or freedom happens to be most respected and valued. In fact without liberty, i.e. without the freedom to enjoy one’s rights, there can be no real right available to the people. Liberty, as such, is the most cherished and loved right of the people.

* + 1. **Liberty: Meaning:**

The word “Liberty” stands derived from the Latin word ‘Liber” which means ‘free’. In this sense liberty means freedom from restraints and the freedom to act as one likes. However, in a civil society such a meaning of Liberty is taken to be negative and harmful.It is only in a jungle that freedom from restraints is available to animals. In a civil society no person can be really permitted to act without restraints. Hence, Liberty is taken to mean the absence of not all restraints but only those restraints which are held to be irrational.

* + 1. **Liberty is usually defined in two ways: Negative Liberty & Positive Liberty:**

**(A) Negative Liberty:**

In its negative sense, Liberty is taken to mean an absence of restraints. It means the freedom to act is any way. In this form liberty becomes a license. Such a meaning of liberty can never be accepted in a civil society. In contemporary times, Negative conception of liberty stands rejected.

**(B) Positive Liberty:**

In its positive sense, Liberty is taken to mean freedom under rational and logical i.e. restraints which are rational and have stood the test of time. It means liberty under the rational and necessary restraints imposed by law. These restraints are considered essential for ensuring the enjoyment of liberty by all the people. In a civil society only positive liberty can be available to the people.

**Positive Liberty means two important things:**

1. Liberty is not the absence of restraints; it is the substitution of irrational restraints by rational ones. Liberty means absence of only irrational and arbitrary restraints and not all restraints.

2. Liberty means equal and adequate opportunities for all to enjoy their rights.

#### **II. Liberty: Definition**:

“Freedom is not the absence of all restraints but rather the substitution of rational ones for the irrational.” –**Mckechnie**

“Liberty is the existences of those conditions of social life without which no one can in general be at his best self.” “Liberty is the eager maintenance of that atmosphere in which men have the opportunities to be their best-selves.” -**Laski**

“Liberty is the freedom of individual to express, without external hindrances, his personality.” -**G.D.H Cole**

Liberty is the most essential condition for the enjoyment of rights. It is not the absence of restraints. It is the positive condition for the enjoyment of rights. It admits the presence of such rational restraints as satisfy the test of historical experience and reason.

**3. Features/Nature of Liberty:**

(i) Liberty does not mean the absence of all restraints.

(ii) Liberty admits the presence of rational restraints and the absence of irrational restraints.

(iii) Liberty postulates the existence of such conditions as can enable the people to enjoy their rights and develop their personalities.

(iv) Liberty is not a license to do anything and everything. It means the freedom to do only those things which are considered worth-doing or worth-enjoying.

(v) Liberty is possible only in a civil society and not in a state of nature or a ‘state of jungle’. State of anarchy can never be a state, of Liberty.

(vi) Liberty is for all. Liberty means the presence of adequate opportunities for all as can enable them to use their rights.

(vii) In society law is an essential condition of liberty. Law maintains conditions which are essential for the enjoyment of Liberty by all the people of the state.

(viii) Liberty the most fundamental of all the rights. It is the condition and the most essential right of the people. Liberty enjoys priority next only to the right to life.

In contemporary times, the positive view of liberty stands fully and universally recognized as the real, accepted, and really productive view of Liberty.

1. **Types of Liberty:**

**(i) Natural Liberty:**

Traditionally the concept of natural liberty has been very popular. Natural liberty is taken to mean the enjoyment of unrestrained natural freedom. It is justified on the ground that since man is born free, he is to enjoy freedom as he wills. All restraints negate his freedom.

The social contractual lists (Hobbes, Locke and Rousseau) championed the cause of natural liberty. Rousseau became famous for his words: “Man is born free, but is in chains everywhere.” It is popularly believed that man has inherited the right to liberty from nature. Natural reason is the basis of liberty.

However, the concept of natural liberty is now considered to be an imaginary one. There can be no real freedom in a state of nature or a ‘jungle society’. Unrestrained freedom can create anarchy. It is only in an orderly society characterized by essential restraints based on laws and rules that real liberty can be possible. Natural liberty can lead to a living based on the evil principle of ‘might is right’ or the ‘rule of muscle power.’

**(ii) Civil Liberty:**

The liberty which each individual enjoys as a member of the society is called civil liberty. It is equally available to all the individuals. All enjoy equal freedom and rights in society. Civil liberty is not unrestrained liberty. It is enjoyed only under some restrictions (Laws and Rules) imposed by the state and society. Civil Liberty is the very opposite of Natural liberty. Whereas Natural Liberty denounces the presence of restraints of any kind, Civil Liberty accepts the presence of some rational restraints imposed by the State and Society

**(iii) Political Liberty:**

Good and adequate opportunities for using political rights by the people are defined as political liberty. When the people have the freedom of participation in the political process, it is held that they enjoy political liberty.

Political of liberty involves the freedom to exercise the right to vote, right to contest elections, right to hold public office, right to criticise and oppose the policies of the government, right to form political parties, interest groups and pressure groups, and the right to change the government through constitutional means.

Laski observes “Political liberty means the power to be active in the affairs of the state.” Such a liberty is possible only in a democracy. The real exercise of political rights by the people is a sure sign of the presence of political liberty and democracy.

**(iv) Individual Liberty/ Personal Liberty:**

Individual liberty means the freedom to pursue one’s desires and interests as a person, but which do not clash with the interests or desires of others. The freedom of speech and expression, freedom of residence, freedom of movement, freedom of conscience, freedom of tastes and pursuits, freedom to choose any profession or trade or occupation, the freedom to enjoy the fruits of one’s labour, the right to personal property, the freedom to profess or not to profess any religion, and freedom to accept or not to accept any ideology, all fall under the category of individual freedom. However, all these freedoms are to be exercised in a way as does not hinder the equal freedom of others as well as does not violate public order, health and morality.

**(v) Economic Liberty:**

Laski defines economic liberty as freedom from the wants of tomorrow and availability of adequate opportunities for earning the livelihood. It stands for freedom from poverty, unemployment and the ability to enjoy at least three basic minimum needs — food, clothing and shelter. Laski writes, “Economic Liberty means security and opportunity to find reasonable significance in the earning of one’s daily bread”.

Economic Liberty can be enjoyed only when there is freedom from hunger, starvation, destitution and unemployment. Positively, it means the availability of the right to work and adequate opportunities for earning ones livelihood. Without fair economic liberty, political liberty becomes meaningless. When the people are not free from the fear of hunger, starvation and destitution they can never think of enjoying their rights and freedoms.

The grant of economic liberty to the people demands the grant of right to work, right to reasonable wages, adequate opportunities for livelihood, right to rest and leisure, and right to economic security in the old age.

**(vi) National Liberty:**

National liberty is another name for independence of the nation.

**It means complete freedom of the people of each state:**

(i) To have a constitution of their own,

(ii) To freely organise their own government,

(iii) To freely adopt their policies and programmes,

(iv) To pursue independence in relations with all countries of the world, and

(v) Freedom from external control.

**(vi) Religious Liberty:**

It means the freedom to profess or not to profess any religion. It means the freedom of faith and worship and non-intervention of State in religious affairs of the people. It also means equal status of all religions to freely carry out their activities in society. Secularism demands such a religious freedom.

**(viii) Moral Liberty:**

It means the freedom to act according to one’s conscience. It stands for the liberty to work for securing moral self-perfection. Freedom to pursue moral values is moral freedom.

Thus, when one demands the right to liberty one really demands liberty in all these forms.

**5. Some Essential Safeguards of Liberty:**

**(i) Love for Liberty:**

Only when people are strongly in love with their liberty, that liberty can be really safeguarded. Liberty needs continuous attempts on the part of the people to defend their liberty.

**(ii) Eternal Vigilance:**

The commitment of the people to defend their liberty and their full alertness against any encroachment of their liberty is the second most important safeguard of liberty. “Eternal vigilance is the price of liberty.”

**(iii) Grant of Equal Rights to All:** For safeguarding Liberty, it is essential that there should be no class of privileged persons in society. Liberty can exist only when equal rights are granted and guaranteed to all the people without any discrimination.

Grant of special privileges and rights to any class is always against the spirit of liberty. However, grant of some special privileges to the deprived sections of society (Protective Discrimination) is deemed just and essential.

**(iv) Democratic System:**

Establishment of a democratic system is an essential safeguard of liberty. Both liberty and democracy are supplementary to each other. We cannot conceive of a democracy without the presence of civil, economic, political and individual liberty. Likewise, in the absence of the right to freedom there can be no real democracy.

**(v) The Rights of one should not be dependent upon the will of others:**

Laski suggests that the state must ensure that rights and freedoms of some people should not be dependent upon the will and happiness of others. The rulers and ruled should both be under the rule of law.

**(vi) Fair Governmental Action:**

For safeguarding Liberty, it is essential that the government should exercise unbiased and impartial control over every section of society. It must acts as a responsible transparent and accountable government.

**(vii) Protection of Fundamental Rights:**

One of the key methods of safeguarding liberty is to incorporate a charter of fundamental rights and freedoms in the constitution of the State. Along with it, judicial protection should be given to rights

**(viii) Independence of Judiciary:**

Judiciary should be assigned the responsibility to protect all rights and freedoms of the people. For discharging such an important function, the judiciary must be made independent and fully empowered.

**(ix) Separation of Powers:**

Separation of powers should be secured between the legislature and executive. Judiciary should be totally separate from these. Any concentration or combination of these powers can be dangerous for Liberty

**(x) Decentralisation of Powers:**

For safeguarding liberty against possible dictatorship/ authoritarianism, it is essential that decentralisation of powers should be affected. The power of the government, particularly its executive branch should be distributed among a number of organisations and these should be located at all the three levels of government-local, provincial/ regional and national.

**(xi) Rule of Law:**

All the people should be under the same laws and bound by same types of obligations. No one should be above law.

**(xii) Economic Equality:**

Equitable and fairer distribution of income, wealth and resources, and adequate opportunities for lively-hood are essential safeguards of Liberty. Without economic equality, there can be no real enjoyment of liberty.

**(xiii) Well Organized Interest Groups and Non-government Organizations:**

One very essential safeguard for Liberty is the presence of well-organised interest groups and non-governmental organizations or voluntary social service organisations i.e. Civil Society. Such organisations can act unitedly for fight all violations of liberty.

# All these conditions are necessary for securing Liberty of every person.

1. **Relationship between Liberty and Equality**

Liberty and Equality are closely related to each other. There is no value of liberty in the absence of equality. They are the same conditions viewed from different angles. They are the two sides of the same coin. Though there is a close relationship between liberty and equality, yet there are some political thinkers who do not find any relationship between liberty and equality. For example, Lord Acton and De Tocqueville who were the ardent advocates of liberty, found no relationship between the two conditions.

To them liberty and equality were antagonistic and antithetical to each other. Lord Acton maintains that “The passion for equality made vain the hope for liberty”. Such political thinkers maintain that where there is liberty, there is no equality and vice versa. These political thinkers are of the opinion that people were conferred inequality by nature. We find inequality in nature also.

In some parts there are rivers while in others there are mountains and in still other parts there are plains and fields. No two persons are similar in their ability and capacity. And so there cannot be equality in society.

The views of **Lord Acton** and **De Tocqueville** are not accepted by modern political thinkers.

**Professor H.J. Laski** has very aptly remarked in this connection: “To persons so ardent for liberty as Tocqueville and Lord Acton, liberty and equality, are antithetic things. It is a drastic conclusion. But it turns, in the case of both men, upon a misunderstanding of what equality implies”.

These days, it is generally believed that liberty and equality should go together. If an individual is given unrestrained liberty to do whatever he likes, he will cause harm to others. There will be chaos in society if individuals are given unrestrained liberty.

In the nineteenth century, the Individualists wrongly interpreted the term ‘Liberty’. They did not attach any importance to economic equality and laid stress on **Laissez Faire** to be adopted by the government. **Adam Smith** was the ardent advocate of this view.

The Individualists maintained that there should be a free competition between the capitalists and labour leaders. They did not want the government to interfere in the economic matters. Formula of Demand and Supply should be adopted.

All the economic difficulties will be removed by this formula. If there will be excess of commodities and easy availability of labour, prices will come down. If there is scarcity, prices will rise higher and higher. This formula was implemented in England and in many other countries of Europe and it resulted in dangerous consequences.

The government lost its control over the capitalists. The capitalists exploited the opportunity to the full. They exploited the labour to the full. As a result of it, the rich grew richer and poor became poorer. The labour class suffered tragically.

As a result of it, an intense reaction took place against Individualism. This reaction led to the dawn of Socialism. Socialism condemned and refuted the principles of Individualism. Liberty has no significance in the absence of economic equality. Professor Laski has very aptly remarked, “Where here are rich and poor, educated and uneducated, we always find a relation of master and servant”.

**C.E.M. Joad** has also asserted, “The doctrine of liberty, of “which the importance cannot be over-estimated in politics, worked disastrously when applied in the field of economics”.

**Hobbes** has also asserted, “What good is freedom to a starving man? He cannot eat freedom or drink it”.

Thus, it is quite clear that economic equality is essential for the existence of political freedom. Otherwise it will be capitalist Democracy in which the labourers will have the right to vote but they will not be able to get their purposes served. Therefore, Liberty in the real sense of word is possible only in Socialistic democracy in which equality and liberty go together.

Similarly, it is also true that in the absence of political liberty, equality cannot be established. Mr. Elton True-blood has very aptly remarked in this connection. “The paradox is that equality and freedom, which began by being ideas in conflict and tension, turn out open analysis to be necessary to each other. The truth is that it is impossible to make a reasonable statement of the meaning of equality except in terms of freedom. Men are equal only because all men are intrinsically free, as nothing else in all creation is free”.

“Equality, in all its forms, must always be,” says Barker, “subject and instrumental to the free development of capacity, but if it be pressed to the length of uniformity and if uniformity be made to thwart the free development of capacity, the subject becomes the master and the world is turned topsy-turvy”.

**R.H. Tawney** has rightly remarked, “A large measure of equality, so far from being inimical to liberty, is essential to it”. Pollard also writes, “There is only one solution of the problem of liberty. It lies in equality”. Thus, Liberty and Equality are complementary to each other. They are not opposed to each other. They go together.

Liberty and Equality “are to be reconciled by remembering that both (liberty and equality) are subordinate means to the end of realising the potentialities of individual personality on the widest possible scale. The development of a rich variety of potentialities requires a large measure of liberty and forbids all attempts to impose a dead level of social and economic equality”.

“There is an intimate connection between the two “because all individual liberties are related to the basic equality of all men and because historically the aspiration for liberty became in practice and destruction of privilege or inequality”.

Both are complementary to each other. “Liberty thus implies equality,” says **Herbert A. Dean**, “liberty and equality are not in conflict nor even separate but are different facts of the same ideal … indeed since they are identical, there can be no problem how or to what extent they are or can be related; this surely the nearest, if not the most satisfactory solution ever devised for a perennial problem in political philosophy”.

**6. Law and Liberty**

Some individuals are of the opinion that liberty is the ability to do whatever they want. They also think that Law is what restricts one’s exercise if liberty. The two are not at odds with one other; rather, they complement one another. True liberty only comes as a result of established law, and the only established law that exists is the law established by the one and only Law-giver.  But in reality, it is law that guarantees freedom and liberty to individuals. **The Indian Constitution** provides to its citizen Liberty through **Article 21,** and a varied types of freedoms including speech and expression, movement, assembly, profession etc. via **Article 19**. The constitution of the United States of America in a series of Amendments provided to its citizen’s freedom of press, speech, association, assemble etc.

Thus, in most constitutional democracies and monarchies freedoms and liberties are guaranteed in the constitution. The judiciary is the watchdog of these constitutions and applies the law to protect and liberty of the people. This liberty is a combination of positive and negative liberty; it not only lets the individual develop and fulfill their potential but also protects them from interference of external agents.

The relationship between them can be studied in the context of a particular form of government. If in a dictatorial form of government law is the command of the dictator and does not reflect the public opinion, in a democratic system it is an essential condition for the full enjoyment of individual liberty. Since the days of the Sophists to the exponents of Laissez Faire theory, enactment of law was treated as a curtailment over individual liberty. The anarchists pleaded for the abolition of the state for the sake of complete freedom of the individual. Thus, the relationship between law and liberty is dependent on the political system in which they operate.

 Where there are no laws to protect or provide freedom and liberty, violations of the same take place. Where the law and law makers do not support liberty then its existence gets endangered. Take the example of the Tiananmen Square Massacre of 1989 in China, on June 4th, a non-violent peaceful popular student led demonstration in Tiananmen Square regarding the corrupt government, poor economic conditions and freedom of press. This protest was brutally crushed by the political leaders with the help of their army; the army had opened fire on protestors, used Armoured Personnel Carriers to run over tents and rammed buses. The death toll was never ascertained reports varied from close to 1000 civilians quoted by Amnesty International to 4000 leaked by defectors from the army. Thus, in a country where the liberty to assemble and protest was not guaranteed by the Law, such massive violations occurred.

On the other hand, In the Ramlila Maidan Incident in India, the Supreme Court of India, held the authorities liable for assaulting a sleeping crowd of protestors, who along with Baba Ramdev, a yoga guru had assembled at Ramlila Maidan in New Delhi for a yoga camp and protest the increasing corruption in governance. Thus it is true that law supports liberty, and does not necessarily harm it.

The landmark judgment of **Maneka Gandhi v. Union of India**in 1977 the new Government sought to impound **Maneka’s** passport against which she went to court and won a landmark decision on personal liberty. In the case, the court found that “Democracy is based essentially on free debate and open discussion, for that is the only corrective of government action in a democratic setup.” Thus, the Indian Legal system provided liberty to its citizens as per the provisions of the constitution.

In the international scenario, a landmark judgement under the European Convention on Human Rights was **Assanidzé v. Georgia**, where Tenguiz Assanidzé, mayor of Batumi and member of the Ajarian Supreme Council, was kept in detention for over three years after his acquittal by the Supreme Court of Georgia. The Court found that the applicant had undergone arbitrary detention contrary to Articles 5 (right to liberty and security) and 6 (right to a fair trial); for the first time, it asked a state to ensure the applicant’s speedy release. Here again it was the law that upheld liberty of a citizen of Europe.

In a number of cases in the United States of America, courts in various states of the nation upheld the liberty of individuals by removing the barriers to same-sex marriages in their respective states. **Goodridge v. Dept**. of Public Health was a landmark state appellate court case dealing with same-sex marriage in Massachusetts. The November 18, 2003, decision was the first by a U.S. state’s highest court to find that same-sex couples had the right to marry. Hollingsworth v. Perry is a United States Supreme Court decision that held that in line with prior precedent, the official sponsors of Proposition 8, a California ballot initiative prohibiting same-sex marriage, did not have Article III standing to appeal an adverse federal court ruling when the state refused to do so. It also held (at district court rather than Supreme Court) that the attempt to forbid recognition of same-sex marriage in California by way of an amendment to the State Constitution after it had been previously permitted, had been unconstitutional. And again in United States v. Windsor is a landmark case in which the United States Supreme Court held that restricting U.S. federal interpretation of “marriage” and “spouse” to apply only to heterosexual unions, by Section 3 of the Defence of Marriage Act (DOMA), is unconstitutional under the Due Process Clause of the Fifth Amendment.

Some philosophers like John Locke opine that law creates a condition, a congenial atmosphere for the enjoyment of liberty. But the contrary view is held by a galaxy philosophers and eminent scholars like **Hobbes, Spencer, and** **Prof. A.V. Dicey** etc. To Prof. A.V. Dicey “the more there is one the less there is the other”. Anarchist philosophers like Proudhon, Goodnow, Bacunm, Kropotkin etc. have gone to the extent of propounding for the abolition of state in order to attain greater freedom.

Sometimes the laws are the upholder of individual liberty as the enactment of labour laws provides adequate wages to the workers, fixing a working hour, guarantee pensionary benefits and compensation in the event of an accident to the workers. Thus, such type of laws safeguards the workers interests against the evil designs of the selfish employer. But all laws are not the conditions for liberty. A law made by a dictator in complete disregard of the public opinion is only contradictory to liberty. Therefore, in certain political systems law and liberty are contradictory and antithetical. It can be concluded that absolute freedom is no freedom as it is a licence. Liberty is only a restricted freedom and this restriction is a reasonable restriction imposed by law alone. Thus, liberty is less than absolute freedom to exercise one’s will. It cannot be denied that law indeed has restricted liberty on occasion, especially when exercise of one’s individual Liberty somehow violates other rights of the public or harms the state.

The restrictions on Liberty and freedoms are given all through the Indian Constitution, the freedoms in Article 19 have restrictions albeit reasonable upended to them. It is time and again reiterated by courts that freedoms and liberty cannot be unrestricted, just as an uncontrolled horse will cause damage to things in its path, in the same way unrestricted rights will be more harmful than helpful. This is the rationale, the principle of balancing that is behind laws restricting liberty. Thus, laws against defamation that restrict the freedom of speech and expression are to protect other’s right to reputation, restrictions against assembly in areas where curfew is imposed is to maintain security and order, restriction on movement into certain areas in the North-eastern states of India are to protect the interests of the tribal communities. Laski pointed out, “to permit such compulsion is to invade liberty but it is not to destroy the end that liberty seeks to serve. Liberty is not an end but a means to make a creative social life possible in which every citizen can find full and free expression of his or her creative impulses and develop, thereby, his or her best self.”

On this regard J.S. Mill gives his view that laws of the state are always an infringement on the ‘individuality’ of man. The state should not have more than the power to restrict an individual except to guarantee the freedom of other citizens. A ‘drunk’ citizen should not be restrained while a ‘drunk’ policeman on duty should be.

So long as an act of individual docs not interfere with another’s liberty, it must not be restrained by law. In an article it was so said that ‘Liberty from the law’ and ‘liberty by the law’ could be construed as expressing a difference between liberalism and republicanism. To be fair to these traditions of thought, however, they are both so diverse that such a simple distinction is less than informative. Within the republican tradition there are at least two strands of thought regarding liberty in political society. According to Quentin Skinner the significant difference between liberalism and republicanism is that in the republican view the liberty of an individual person cannot be assessed independently of the liberty of the community of  which the citizen is a part (1984 p. 213). Skinner also claims (along with Philip Pettit, 1989 and 1993) that republican liberty is negative in the familiar sense of the word. If a free community is a community that governs itself – through its own citizens – and if the liberty of the individual citizen is dependent on this, then the liberty of the citizen will require political participation. Liberty as participation is traditionally conceived as positive.

Thus, liberty cannot be termed to be antithetical to law as more often than not it is law that provides liberty and any restrictions imposed on it are to protect the greater public and state. Thus, a state where there is no law to control or provide liberty will become akin to Hobbes state of nature where life is brutish, people violently competing for rights and resources and no security.  Thus, the real relationship between law and liberty lies in the reconciliation of the two opposite views. Liberty without law will degenerate into a licence and law without liberty is oppressive in nature and protects only the interests of the law-giver. Law creates a helpful condition, a congenial atmosphere where an individual gets the opportunity for better development of his inner potentiality. Where law ends, tyranny begins and without a disciplined life liberty has no meaning. Finally in the words of Thomas Jefferson-

“Rightful liberty is unobstructed action, according to our will, within limits drawn around us by the equal rights of others.”

**Unit IV**

**Organisation of Government**

**Part 1. Democracy and Dictatorship**

**A**

**Definition of Democracy**

Democracy has directly originated from the French democratic, but its real origin is Greek. In Greek there are two words—“**demos**” and “**kratos**”. The former means “**people”** while the latter “**rule** “and what we mean by democracy in English is rule of the people.

**David Held**, a renowned authority on the concept, defines the term as “Democracy means a form of government in which, in contradistinction monarchies and aristocracies, the people rule. Democracy entails a political community in which there is some form of political equality among the people”.

**Precisely** stated, democracy is the rule by the people.

Of all the definitions of democracy perhaps the best and most popular definition is the following: It is called “**the government of the people, by the people and for the people”.**

**The former U.S. President Abraham Lincoln (1809-1865)** is the author of this definition. Lincoln uttered this definition in his Gettysburg Address delivered in 1864. The sixties of the nineteenth century witnessed the height of the American Civil War between the Northern and Southern states. Even today Lincoln’s definition is treated by many as a classical one and any discussion of democracy cannot skip this.

#### **Explanation of the Definition:**

We have stated only two definitions because all the definitions sketch the same thing so it is not necessary.

**However, all the definitions have been found to contain the following Elements:**

1. Democracy is a form of government in which people’s participation is of primary importance.

2. People may participate either directly or indirectly.

3. It is a form of government in which people have equal opportunity and this type of government is based on individual merit and no place of hereditary privilege is to be found in democracy.

4. Distribution of opportunities is adopted for reduction or removal of inequalities.

5. Democracy recognises that all the sections of the community will receive their due shares.

6. Interests of the minorities will be duly protected and state makes arrangements for that.

7. All the public offices and opportunities are opened to everyone and to fill the posts public examinations are held. There is also open competition on in which every eligible citizen has the right to participate.

8. It is a system of government which does not make any discrimination on the basis of caste, religion, sex, birth etc.

9. In democracy all must have the scope to govern or to be a member of government.

10. Rulers are to be accountable to the ruled and forms of accountability are many.

11. Rules are to be chosen by the ruled.

12. People shall have the right to decide who would rule them.

#### **Who are the People?**

The most important element of democracy is self-rule, equally distributed among the people. The term self-rule may be interpreted as political power. The term equally distributed means as evenly as possible. It is impossible that in a democracy all will have equal power. There may be variation in the distribution of power.

**For example**, the members of the government enjoy more powers. Nevertheless, the most important part of the definition is people. Who are the people?

The meanings of the two terms of the people and for the people are clear. The members of the government must come from the general public that is people. The functions of the government must aim at the general welfare or upliftment of the people. But question arises about the by the people.

In no system of government (including the democratic government) all the categories of men are permitted to participate in the affairs of government such as formation of government, formulation of policy and making of decisions. In ancient Greek city states only the citizens (excluding women) above the age of twenty had the opportunity to participate in the functions of state. Until 1928 the British women had not the scope to elect representative that is right to vote.

In the early 1960s the Negroes of the Southern states of USA got the right to vote. In 1971 Swiss women were enfranchised. In many countries people below the age of 18 have no right to vote. Hence the term people have restricted use.

#### **People’s Participation: Fact or Fiction?**

As noted above, people’s participation is the most vital part of democracy. In our analysis of people we have seen that the word ‘people’, everywhere, are restricted. Even in the so-called flourished or matured democracies, people do not include all types of persons.

It has been assumed by the policy-makers or politicians that (in most of the countries, of course) men below certain age are not politically conscious and are not capable of taking judicious decision and for that reason they are debarred from participating in political affairs. But this age bar is hypothetical and many people do not believe that this age bar has any scientific basis. In spite of that, it is scrupulously adhered to.

Apparently people’s participation is very sacred and politically important. But a close scrutiny reveals that as a democratic principle it is very fragile. How many people consciously participate in political affairs? And of those participating how many are able to take judicious decisions? It may appear that all these are bizarre questions but from the functioning of the democratic regimes we have come to know the functioning of American democracy which shows that about half of the electorate do not participate in the presidential elections.

Before 1971 the Swiss women had no right to franchise. Only direct democracy of the Greek city-states type or Rousseauian type can assure of a real type of participation. In the light of above analysis we can conclude that though there is a controversy as to the exact implication of the word participation, in practice in nowhere of the world hundred percent people cannot participate in the affairs of state and inspite of this we use the word.

**B**

**Main Features of Democracy in India**

**1. Popular Sovereignty:**

Democracy is based on sovereignty. People can exercise their power in democracy. They elect their representatives. The government remains responsible to the common mass for its every omission and commission.

**2. Political Equality:**

Democracy is based on political equality. It means all citizens irrespective of caste, creed, religion, race or sex are considered to be equal before law and enjoy equal political rights. Political equality gives the right to vote to every citizen.

**3.** **Majority Rules:**

In a democratic set-up actual government is carried out with the help of the party which obtains the majority of votes. Support of majority is accepted by all.

**4.** **Federal:**

It is another feature of Indian democracy. The Article 1 of Indian Constitution describes India as a Union of States. According to our Constitution, the States are autonomous. They have full freedom in certain matters, and in some other matters they are dependent on Centre.

**5.** **Collective Responsibility:**

In the Indian democracy, the Council of Ministers both in states and centre are collectively responsible to their respective legislatives. No minister is alone responsible for any act of the government. The entire council of ministers are responsible for all the activities.

**6.** **Formation of Opinion:**

Democratic government must provide institutions through which public opinion on various matters can be formed. Legislature provides the most important platform to estimate and express the public opinion.

**7.** **Respect for Opinion of Minority:**

In a democratic set up majority rules but opinions of minorities are also given respect. They are encouraged to give their opinion. Democracy being a government by free discussion and criticism encourages both the positive and negative aspects of any proposal. The majority must tolerate the opinion of the minority otherwise democracy will degenerate into authoritarianism.

**8.** **Provision for Rights:**

Democracy provides the individual dignity by giving various rights to the individual. For example, the right to freedom of speech and expression, right to form association or union, educational and cultural rights.

**9.** **Rule of Laws:**

In democracy there is rule of law. It means supremacy of law over all. Under any circumstance law cannot be compromised.

**10.** **Rule by Consent:**

Democracy is based on consent in general but not on force or coercion. By collecting consent from majority through dialogue, debate and discussion the problems can be solved.

**11.** **Implies open Society:**

Democracy implies free and open society. Every activity of the government is based on the public opinion. Different associations, unions, organisations are formed to discuss the problems openly and to find out solution for the problems.

**12.** **Government by Compromise:**

Democracy is a government by adjustment and compromise. Different opinions are to be considered within the ruling party and outside of the party. There is plurality of ideas to which the government has to take into consideration.

**13.** **It is a welfare Government:**

Most of the democratic countries have welfare government. Democracy is a powerful weapon through which all round welfare is possible. As a welfare government it retains individual’s freedom, liberty, dignity etc.

**14.** **Independent Judiciary:**

Democracy is characterised by independent judiciary. The judiciary does not depend on executive or legislature. No government organ can influence judiciary.

**Dictatorship**

**Dictatorship,**form of government in which one person or a small group possesses absolute power without effective [constitutional](https://www.merriam-webster.com/dictionary/constitutional) limitations. The term dictatorship comes from the Latin title [dictator](https://www.britannica.com/topic/dictator-Roman-official), which is designated as temporary magistrate who was granted extraordinary powers in order to deal with state crises. Modern dictators, however, resemble ancient [tyrants](https://www.britannica.com/topic/tyrant) rather than ancient dictators.

The Dictatorship or Totalitarian system is one of the rivals of the democratic system. It is a system in which the total power is vested in one individual or party. It is popularly known as dictatorship.

It is opposite to democracy. While democracy upholds liberty, dictatorship suppresses it.

**As F. Neumann says**: “By dictatorship we understand the rule of a person or a group of persons who arrogate to them­selves and monopolise power in the state, exercising it without restraint.” A dictator dictates terms, i.e., he orders and rules as he pleases.

He passes laws to strengthen his own hands. There are no restraints on his own hands. There are no restraints on his authority. He ruthlessly suppresses oppo­sition. If democracy is based on consent, dictatorship is based on force.

**15. Essential Features of Dictatorship**

The following can be identified as the basic features of Dictatorship:

#### **(i) Rule of the person or small group led by one person:**

Dictatorship involves the rule of one person or one small group led by one person.

**(ii) Dictatorship comes into existence by force:**

The ruler comes to power either by force or through manipulation i.e. by illegal means.

**(iii) Arbitrary Rule of Dictator:**

The dictator rules by his will. His will is the law.

**(iv) Irresponsible Rule:**

The rule of a dictator is neither transparent nor responsible nor even accountable to the people or to popular institutions.

**(v) Backed by Military Power of the State:**

Usually, Dictatorship is the product of militarism, directly or indirectly.

**(vi) Rule based on Force and Violence:**

Rule by force and domination is the eternal law of dictatorship.

**(vii) Ruler acts for the whole nation:**

The ruler identifies the interests of the people with his own interests and describes his interests as national interests.

**(viii) Aggressive Nationalism:**

The ideology of nationalism is used as a means for securing credibility for the interests of the ruler. In the name of the unity and development of the people, the ruler exercises his power for his self interest.

**(ix) No Difference between State and Government:**

Dictatorship does not make a distinction between state and government.

**(x) Totally opposed to Democracy:**

Dictatorship as the rule of one person is totally opposed to democracy which stands for the rule of the people.

**(xi) Little Importance to People’s Rights and Freedom:**

Dictatorship pays little attention to the rights of the people but always places full emphasis upon the duties of the people towards the state.

**(xii) Change of ruler by force or violent means:**

The ruler exercises power for life or for as much time as he can. The change of ruler-ship is almost always affected by force or a revolution or by a ‘coup’ against the ruler.

**(xiii) Centralisation of all powers in the hands of the ruler:**

Dictatorship may have a number of governmental organisations for exercising power but each such organisation works under the ultimate authority and control of the ruler.

**(xiv) Use of war as a means:**

The ruler uses war and aggression as the means for diverting the attention of the people away from their domestic problems.

**Out of all these features, we can identify the following two as the hallmarks of dictatorship:**

(a) Dictatorship makes a sharp distinction between the ruler and the ruled and gives all importance to the former.

(b) Dictatorship makes little distinction between state and government. The dictator identifies himself with the supreme power of the state. He has a monopoly over it.

**Types of Dictatorship:**

Modern dictatorship can be classified into three main types:

(i) **The Fascist and the Nazi Dic­tatorship**, e.g., Italy and Germany—before World War II,

(ii) **Communist Dictatorship** e.g., Soviet Russia and China, and

(iii) **Military Dictatorship**, e.g., Indonesia, Pakistan, Egypt, Bangladesh, Iran, Iraq. Between 1919-1939 dictatorship rose in Italy, Germany, Spain, Turkey, Soviet Russia and other countries. After the end of World War II, it rose in China, Indonesia, Pakistan, Burma, Sudan, Egypt, Iraq and other countries.

In simple words, it can be said that Dictatorship is the veritable opposite of Democracy. Whereas Democracy stands for popular sovereignty, representative and responsible government, and the fundamental rights and freedoms of the people. Dictatorship stands for one man rule, authoritarian rule over the people and little regard for the rights and freedoms of the people.

**Part 2. Types of Government**

**A Concept**

By government, we mean the machinery or organization that carries out the administration of the state. It determines the common policies of the state and regulates its common affairs. Accordingly, the government has the power to rule and issue commands to the community.

Every modern government has three organs- the Legislature, the Executive and the Judiciary. The Legislature makes laws, the Executive enforces those laws and the Judiciary delivers justice as per the laws.

If we look at the Indian political system, we will find that the Legislative branch of the government is represented by the Parliament of India consisting of two houses, namely, Lok Sabha and Rajya Sabha while the Executive branch of the government is represented by the President of India and the Prime Minister with his Council of Ministers. The Supreme Court and the High Courts represent the Judicial branch of the government.

**B Parliamentary form of Government**

The form of government in which the executive is selected from among the members of the legislature and is responsible to the legislature is called Parliamentary Government. A Parliamentary government is also known as the cabinet form of government because the cabinet is the real executive in it. It is also called responsible government, since the cabinet always remains responsible to the legislature for its activities.

**Characteristics of Parliamentary form of Government:**

The following are the main characteristics of the Parliamentary form of government:

* **Dual Executive:** The Parliamentary form of government provides for two executives-the real executive and the nominal or titular executive. The nominal executive is represented by the head of the state who may either be a hereditary or an elective one; legally, the head of the state possesses all powers and privileges which the constitution and laws may confer upon him. But in practice, all powers are exercised by the real executive represented by the Prime Minister and the Council of Ministers. The Prime Minister is the head of the government. A classic example of this form of government is the UK where the King or Queen is the titular head (Head of the State) whereas the Prime Minister is the real head (Head of the Government).
* **Collective Responsibility**: Another important feature of Parliamentary form of government is that the Cabinet is collectively responsible to the legislature. It means that once a decision is taken by the Cabinet, it becomes the responsibility of each minister to support it, in and outside the parliament. If a motion of no-confidence is passed by the parliament against a single Minister while pursuing cabinet policy, it would be considered to be a vote of no-confidence against the whole cabinet and the cabinet has to tender its resignation.
* **Individual Responsibility**: Each Minister is individually responsible to the Parliament for the administration of his own department. The Members of the Parliament can put questions to the Minister who is responsible for all acts of omission and commission concerning his own department. For example, when China invaded India in October 1962, the then Defence Minister, Mr.V.K.Krishna Menon resigned as an instance of individual responsibility.
* **Close relationship between the Executive and Legislature**: In the Parliamentary form of government, there is a close relationship between the executive and the legislature. The members of the executive must be the members of the legislature. If anybody is not a member of the legislature at the time of his appointment to the cabinet, he must get himself elected to the legislature, within the stipulated period. The members of the cabinet take active part in law making. The cabinet remains in office as long as it enjoys the confidence of the parliament.
* **Political homogeneity**: It means that the members of the cabinet belong to the same political party. Usually they are taken from the majority party in the legislature. But there are instances when no single part secures the majority in the legislature. In that case, the only alternative is the formation of a coalition government, consisting of more than one political parties. In England such governments are called national governments.
* **Secrecy of procedure**: The secrecy of cabinet proceedings is another pre-requisite of the Parliamentary form of government. The minister should not divulge in the public or anywhere else whatever is discussed in the cabinet. Any violation of this is considered to be a serious violation of discipline and the Cabinet Minister may lose his seat.
* **Leadership of the Prime Minister**: The Prime Minister is the acknowledged leader of the Parliamentary form of government. Generally, the leader of the majority party in the lower house of the legislature is appointed as the Prime Minister. He is therefore the leader of the house. The Prime Minister has an overall control over the cabinet. On the recommendations of the Prime Minister, other ministers are appointed. He can reshuffle the portfolios of his cabinet colleagues as well as induct new ministers into his cabinet when he desires.

**1. Merits of Parliamentary form of Government**

* The Parliamentary form of government is marked by cooperation between the legislature and the executive. Accordingly, the cabinet can get its measures passed promptly by the legislature.
* This form of government cannot become autocratic. Since ministers are responsible to the legislature, they are answerable to the legislature for their actions.
* It provides an alternative government. In case the majority party loses its majority in the legislature, the opposition party may form the government. But it must prove its majority in the legislature.
* A Parliamentary form of government has the advantage of flexibility. People can easily change the government and sometimes they may choose a leader to meet a particular emergency. During the Second World War, Churchill replaced Chamberlain as Prime Minister in England without any difficulty.
* The Parliamentary form of government has high educative value. The political parties mould public opinion through political meetings on important issues. During election, every party publishes its manifesto highlighting its proposed plans.

**2. Demerits of Parliamentary form of Government:**

* Some of the disadvantages or demerits of Parliamentary form of government are listed below:
* It violates the theory of separation of powers and leads to the concentration of legislative and executive powers in the hands of the cabinet. This may result in tyranny. Sometimes, it is described as cabinet dictatorship.
* In the Parliamentary form of government, the executive takes part in law-making and the legislature sometimes interferes excessively and unnecessarily in administrative matters .This may result in confusion as well as inefficiency of both the legislature and the executive.
* When no party is in a position to get clear majority, coalition government comes into being. Its existence generally is short and at the same time it may not be efficient.
* Parliamentary government is criticized as a government by amateurs. The ministers’ lack of knowledge of the portfolios they hold make them heavily dependent on the civil servants. Such a government becomes a bureaucratic government in practice.
* The Parliamentary form of government tends to become election centric. Each political party only aims at winning elections. They manipulate the voters which lead to what is popularly known as “vote bank politics.

**3. Presidential form of Government**

The system of democratic government, in which the executive is constitutionally independent of the legislature, is known as the Presidential form of government. In this form of government, the head of the state who is also the head of government is designated as the President and hence the phrase, Presidential from of government.

1. **Characteristics of Presidential form of Government**:

The main characteristics of the Presidential form of government may be summarized as under:

* **Separation of Powers:** There is a separation of powers in the Presidential government. In this system, the executive and legislature are separate from each other and they have equal status. The President and his secretaries (cabinet members) are not members of the Legislature and are not responsible to it. The legislature cannot remove them through a vote of no-confidence.
* Since complete separation of powers is not possible, the Presidential system follows the principle of “checks and balances” as well. For instance, through his power of patronage and veto-power over legislation, the President exercises control over the legislature. Similarly, the legislature is empowered to remove the President by impeachment. The Supreme Court can declare the laws passed by the legislature and the orders of the President as unconstitutional.
* **Single Executive**: In a Presidential government, the President is the Head of the State as well of the government. The President is not merely a nominal head, but is the real executive who enjoys real powers of administration. The President actually exercises all powers given to him under the constitution and the law.
* **Fixed Term of the President**: In a Presidential government, the President is elected for a fixed term and except impeachment for the violation of the constitution, he cannot be removed from office before the expiry of his term.
* **Supremacy of the President**: The President occupies a pre-eminent position in this system of government. The members of the President’s cabinet, who are designated as secretaries, are not his colleagues but his subordinates. The secretaries help the president in the administration and they are appointed by him on the basis of ability. It depends on the will of the president to accept or reject their advice.

At present, the Presidential government is seen in the United States of America, Brazil and in some other countries of South America.

1. **Merits of Presidential form of Government:**

The following are some of the merits of the Presidential form of government:

* It is a stable form of government as the President is elected for a fixed term and the process of impeachment is rarely adopted. It can follow a continuous and consistent policy.
* It is argued that the application of separation of powers and “checks and balances” as the basis of the Presidential system ensures that none of the three organs of the government can become despotic. It ensures individual liberty.
* The Presidential form of government enables the appointment of experts to head the various departments of the government without consideration of their party affiliations. This leads to efficiency in administration.
* A Presidential system is suitable for emergencies. It can face national crisis without difficulty. As the President need not depend too much on the direction of the cabinet or legislature, he can afford to take prompt decisions to meet a crisis and also to carry them out.
* As compared to the Parliamentary government, the influence of political parties in this system is less. This is because the President has full control over administration and his survival is not dependent upon the majority support in the legislature.

1. **Demerits of Presidential form of Government:**

The following are some of the demerits of the Presidential form of government:

* As the executive is separated from the legislature in this form of government, there may be conflict between the President and the legislature particularly when the latter is dominated by the opposition party. As a result of that, public interest might be hampered.
* A Presidential form of government may become despotic as the President cannot be controlled by the legislature and the latter has no control over matters of daily administration. Impeachment is a difficult process and is resorted to only under exceptional circumstances.
* Personal loyalty plays a very important part in securing cabinet berths. The merit or experience of an individual may be ignored.
* A Presidential form of government is also very complex. There are too many commissions and committees under it.The Presidential system has been frequently criticized as being incapable of conducting a vigorous foreign policy. It is often said that in the US, the President’s dependence on the Congress in certain foreign policy matters makes US foreign policy a slow moving and uncertain affair.
  + 1. **Unitary Form of Government**

The form of government in which the constitution concentrates all powers in the single central government is known as a Unitary government. In the words of Dr.Finer, a 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.” Unitary government exists in the UK, France, Italy, Japan, the Netherlands and some other states. In a Unitary government, the central government, for the convenience of administration, may create certain political divisions but such divisions have no constitutional existence. The central government may abolish them at any time.

**Characteristics of Unitary Government:**

The following are the characteristics of a unitary government:

* **Single government**: In a Unitary government, there is only one integrated system of government. The central government consisting of a legislature and an executive exercises powers over the territory of the entire state. Accordingly, supreme power belongs to the central government alone.
* **Concentration of power:** Concentration of power in a single centre is the basis of a Unitary government. There is no constitutional division and distribution of powers.
* **Administrative units at the mercy of the centre**: The administrative units created under a Unitary government have no constitutional existence. Therefore, these can be abolished or reorganized without amending the constitution.
* **Written or unwritten constitution**: The constitution of a Unitary state may be either written or unwritten. For example, the UK has a Unitary government with an unwritten constitution, but the Netherlands, another Unitary state, has a written constitution.
* **Flexibility of the Constitution**: In a Unitary government, the constitution may be rigid or flexible. But generally, the constitutions of Unitary governments are flexible.
* **Supremacy of Legislature**: In a Unitary system, there is one supreme legislature. It is the supreme law-making body in the land. Its actions are not subject to judicial review. For instance, theoretically, the British Constitution establishes supremacy of Parliament. There is no judicial review and no authority can declare the laws made by Parliament as unconstitutional.
* **Single citizenship**: In a Unitary government, there is only one citizenship-the citizenship of the whole country.

**Merits of Unitary Government:**

A Unitary government has certain advantages:

* A Unitary system has only one government which can maintain uniformity of laws, policy and administration in the whole country. It provides better scope for bringing about unity among the people.
* As the Unitary form of government is marked by a single executive and a single legislature, there can be no conflict regarding authority and responsibility for work. This accounts for administrative efficiency.
* In a Unitary government, the central government can follow a vigorous domestic and foreign policy. The government is known for its promptness of decision and firmness of action.
* This government is very much suitable during emergency. As the government can take decisions promptly, it can face any situation quickly and with determination.
* The constitution in a Unitary government is relatively flexible. It can be more progressive and responsive to the people as the constitution can be amended without much difficulty to meet the demand of particular situations.
  + 1. **Federal Government**

The idea of Federal government is a comparatively modern concept in Political Science. In fact, it may be said that it started with the establishment of the USA in 1787.In this form of government, a number of independent units combine to constitute a sovereign state keeping the autonomy of each unit intact in its internal administration.

According to **K.C.Wheare**, in this system “the powers of the government are divided between a government for the whole country and governments for parts of the country in such a way that each government is legally independent in its own sphere.”

1. **Characteristics of Federal Government:**

* The co-existence of two sets of governments is the most important feature of a Federal government. In every Federal state, there is a central government and one government in each of the constituent units. The units have their constitutional existence and are, therefore not subject to abolition by the central government.
* Constitutional division of powers between the central government and the governments of the units is another feature of a Federal government. Both the central and the state governments have the right to promulgate laws and run the administration. The division of powers is not similar in all cases. The United States and Australia follow one pattern but Canada and India follow another.
* The Constitution of a Federal state should be written and rigid, enumerating the powers of the central government and of the constituent units, so that there is no confusion regarding the same. Every Federal constitution must be rigid to the extent that its Federal character cannot be changed.
* **Supremacy of the Constitution:** The constitution of a Federal state is the supreme law of the land. Both the centre and the units obey the constitution and have full faith in the same. Any act violating the Constitution is declared illegal.
* **Supremacy of Judiciary**: In a federation, there must be a supreme independent and impartial judiciary as the guardian and interpreter of the constitution. It is necessary for settling constitutional conflicts between the centre and the units.
* **Double Citizenship**: An ideal federation is characterized by double citizenship. A person is a citizen of the whole country as well as of the particular State in which he or she lives.
* Equal representation of the units in the upper house of the central legislature is considered to be a characteristic of a federation by some scholars.
* Constituent units should have a share in the amendment of the constitution. In a federation, the constituent units should have a share in the amendment of the constitution. No amendment is to be given effect without the consent of the Central legislature and the legislatures of the constituent units.

**(b)** **Merits of Federal Government:**

The following are the merits of Federal government:

* Federation provides an opportunity to small and weak states to unite together and become part of a large and powerful state. This gives them better security and more prestige.  
  In a Federal government, the federating units maintain their autonomy although they become parts of large and powerful state. Accordingly, both regional autonomy and national unity is possible.
* A Federal form of government is the most suitable one for vast states with heterogeneous populations. Under a federation, people with linguistic, cultural and religious diversities can have autonomy on affairs which particularly concern them.
* The Federal system prevents despotism. In such a state the autonomous units with constitutional powers can successfully prevent the central government from assuming despotic powers.
* The division of powers between the central government and the governments of the constituent units relieves the central government of the responsibilities of solving local issues and leaves it free to give more attention to matters of national importance.

**(c) Demerits of Federal Government:**

The following are the demerits of Federal government:

* There is every possibility of conflict between the central government and the Governments of the units as well as among the governments of the constituent units themselves regarding authority and responsibility for work.
* The Federal system is inconvenient for arriving at quick decisions. In certain matters, the central government requires the support of the state governments and in certain matters, the governments of the units require prior approval of the central government for taking decisions.
* A Federal government also involves more expenditure as the organization of the government is highly complex. Expenditure has to be incurred with regard to both the Central and provincial governments.
* As the Federal system is often characterized by a rigid constitution, it is very difficult on the part of a Federal government to cope with the changing needs of the people. Amendments to the constitution cannot be brought about easily.
* In the federations allowing dual citizenship, the allegiance of a citizen is divided between the whole country and the province in which he lives. This kind of mentality may be a source of regionalism and could weaken the federation.

**Unit V**

**Organs of Government**

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# Legislature: Meaning, Functions and Types of Legislature

Of the three organs of the government, the place of primacy belongs to the Legislature. The function of government begins by law-making and is followed up by law-enforcement and adjudication functions. As such, the legislature is the first organ of the government.

**Legislature: Meaning**

The term ‘legislature’ is a generic term meaning a body which legislates. The term ‘ Legg means law and “lature’ the place and etymologically Legislature means a place for law-making. Another term, which is used as a synonym of Legislature, is ‘Parliament.’ This word stands derived from the French word ‘Parley’ which means to ‘talk’ or to discuss and deliberate.

In this way, we can say ‘Parliament’ means the place where deliberations are held. Combining the two views, we can say Legislature or Parliament is that branch of government which performs the function of law­making through deliberations.

The legislature is that organ of the government which passes the laws of the government. It is the agency which has the responsibility to formulate the will of the state and vest it with legal authority and force. In simple words, the legislature is that organ of the government which formulates laws. Legislature enjoys a very special and important in every democratic state. It is the assembly of the elected representatives of the people and represents national public opinion and power of the people.

**Functions of a Legislature:**

1. **Legislative or Law-making Functions:**

The first and foremost function of a legislature is to legislate i.e. to make laws. In ancient times, laws used to be either derived from customs, traditions and religious scriptures, or were issued by the kings as their commands. However, in the contemporary era of democracy, legislature is the chief source of law. It is the legislature which formulates the will of the state into laws and gives it a legal character. Legislature transforms the demands of the people into authoritative laws/statutes.

1. **Deliberative Functions:**

To deliberate upon matters of national importance, public issues, problems and needs is an important function of a modern legislature. Through this function, the legislature reflects the public opinion over various issues. The debates held in the legislature have a great educative value for the people.

1. **Custodian of National Finances:**

A near universal rule is that “the legislature of the state is the custodian of national purse.” It holds the purse of the nation and controls the finances. No money can be raised or spent by the executive without the approval of the legislature. Each year the executive has to prepare and get passed from the legislature the budget for the coming financial year. In the budget, the executive has to place the account of the actual income and expenditure of the previous year and estimated income and expenditure for the New Year.

Not only the legislature passes the budget but also it alone can approve the imposition, or repeal or collection of any tax whatsoever. Further, the legislature maintains a control over all financial transactions and expenditures incurred by the executive.

1. **Control over the Executive:**

A modern legislature has the power to exercise control over the executive. In a parliamentary system of government, like the one which is at work in India, for all its actions, decisions, and policies, the executive is collectively responsible before the legislature. It is accountable before the legislature. The legislature has the power to remove the executive by passing a vote of no-confidence or by rejecting a policy or budget or law of the executive.

The Prime Minister and all other ministers are essentially the members of the legislature. They are bound by the rules and procedures of the Parliament. In a Presidential form of government, like the one which is at work in the USA, the legislature exercises some checks over the executive. It can appoint investigation committees to probe the functioning of government departments. By the use of its power to legislate and pass the budget, the legislature exercises a fair amount of control over the executive. Thus, whether a political system has a parliamentary system or a presidential system, the legislature exercises a control over the executive.

1. **Constituent Functions:**

In almost every state, it is the legislature which has the power to amend the constitution. For this purpose legislature has to pass special laws, called amendments, in accordance with the procedure laid down in the Constitution. In some states the requirement is that the legislature must pass the amendment with 2/3rd or 3/4th or an absolute majority of votes.

1. **Electoral Functions:**

A legislature usually performs some electoral functions. The two houses of the Indian Parliament elect the Vice-President. All elected MPs and MLAs form the Electoral College which elects the President of India. In Switzerland, the Federal Legislature elects the members of the Federal Council (Executive) and the Federal Tribunal (Judiciary).

1. **Judicial Functions:**

It is customary to give some judicial power to the legislature. Usually, the legislature is assigned to act as a court of impeachment i.e. as an investigating court for trying high public officials on charges of treason, misdemeanor and high crimes and remove them from office. In India, the Union Parliament can impeach the President. It has also the power to pass a resolution for the removal of Judges of the Supreme Court and of the High Court’s on the ground of misbehavior or incapacity.

1. **Ventilation of Grievances:**

A legislature acts as the highest forum for ventilation of public grievances against the executive. Besides representing every interest and shade of opinion, the legislature acts as the national forum for expressing public opinion, public grievances and public aspirations. Parliamentary debates and discussions throw a flood light over various issues of public importance.

1. **Miscellaneous Functions:**

Some legislatures are assigned specific executive tasks. For example, the US Senate (Upper House of US Legislature) has the power to confirm or reject the major appointments made by the US President. Likewise, it enjoys the power to ratify or reject treaties made by the US President. In India, the

Rajya Sabha has been given the power to establish or eliminate any All India Service. Legislatures also perform the function of approving or rejecting or amending all the policies and plans made by the executive. In the US Constitution, the Congress (Legislature) enjoys the power to declare war.

Thus, the legislative organs of the government play a very important and active role in the exercise of the sovereign power of the state. In fact legislature is the legal sovereign in the State. It has the power to transform any decision of the state into a law. Legislature is the chief source of law.

**Types of Legislature: Bicameral and Unicameral Legislatures:**

A modern legislature is either Bicameral or Unicameral. Bicameralism means a legislature with two houses/chambers while uni-cameralism means a legislature with a single house/chamber. A large number of modern legislatures, particularly of big states, are bicameral i.e. legislatures with two houses (Bi *means* Two, Cameral *means* House). However, several states, mostly the small states and provinces of a federal system, have unicameral legislatures, i.e. legislatures with single houses. Where the legislature is bicameral, “the first house is usually called the lower house, and the second house is called the upper house.

India, USA, UK, France, Russia, Switzerland, Australia and a large number of other states have bicameral legislature. 22 states of India have bicameral legislatures. The unicameral legislatures are working in China, New Zealand, Zimbabwe, Turkey, Portugal and several other states.

**Executive: Definition, Functions and Types of Executive**

The second but most powerful organ of the government is the Executive. It is that organ which implements the laws passed by the legislature and the policies of the government. The rise of welfare state has tremendously increased the functions of the state, and in reality, of the executive. In common usage people tend to identify the executive with the government. In contemporary times, there has taken place a big increase in the power and role of the executive in every state.

**What is Executive?**

The term ‘Executive’ has been defined both in its broad and narrow forms. In its broad form, it is taken to mean all the functionaries, political power-holders (Political Executive) and permanent civil servants who undertake the execution of laws and policies and run the administration of state.

In its narrow form, it is taken to mean only the executive heads (ministers i.e. the political Executive), who head the government departments, formulate the policies and supervise the implementation of the laws and policies of the government. In the narrow form, the civil service and its administrative functions are not included in the realm of the Executive.

Traditionally, only the narrow meaning used to be accepted by the political scientists. However, in modern times, the executive is defined in its broader form and it covers both the Political Executive as well as the Civil Service.

**Executive: Definition:**

(1) “In a broad and collective sense, the executive organ embraces the aggregate or totality of all the functionaries and agencies which are concerned with the execution of the will of the state as that will has been formulated and expressed in terms of law.” Garner

(2) “In its broadest sense, the executive department consists of all government officials except those acting in legislative or judicial capacity. It includes all the agencies of government that are concerned with the execution of states will as expressed in terms of law.” Gettell

These two definitions make it clear that executive includes the political executive (Ministers and Head of State) and the non-political permanent executive (Civil Service or Bureaucracy). The political executive performs the function of making policies and ensuring that all the laws are properly enforced by all the departments of the government.

### Functions of the Executive:

**1.** **Enforcement of Laws:**

The primary function of executive is to enforce laws and to maintain law and order in the state. Whenever a breach of law takes place, it is the responsibility of the executive to plug the breach and bring the offenders to book. Each government department is responsible for the implementation of the laws and policies concerning its work. For maintaining law and order in the state, the executive organises and maintains the police force.

**2.** **Appointment-making Functions:**

All major appointments are made by the chief executive. As for example, the President of India appoints the Chief Justice and other Judges of the Supreme Court and High Courts. Ambassadors, Advocate General of India, Members of Union Public Service Commission, Governors of States etc.

Likewise, the President of the United States makes a very large number of key appointments. All the secretaries who head various government departments, Judges of the Supreme Court and other Federal Courts, the Federal officials in the States etc., are appointed by the US President. However, all such appointments require the approval of the US Senate (Upper House US Congress i.e. Parliament).

The members of the civil service are also appointed by the Chief executive. This is, usually, done on the recommendation of a service recruitment commission. In India, the Union Public Service Commission annually holds competitive examinations for All India Services, Central Services and Allied Services.

It recruits on merit, candidates for appointment to these cadres. The appointments are done by the Chief executive in accordance with the recommendations of the UPSC. Similar practice prevails in almost all the states. As such appointment-making is a function of the executive.

**3.** **Treaty-making Functions:**

It is the responsibility of the executive to decide as to which treaties are to be signed with which other countries. The executive negotiates the treaties in accordance with the procedure defined by international law and also in accordance with the provisions the constitution of the state.

Each treaty is signed by a member of the executive. Most of the treaties also require ratification by the legislature of the State. It is again the responsibility of the executive to secure legislative approval for the treaties signed by it.

**4.** **Defence, War and Peace Functions:**

One of the key functions of the state is to defend and preserve the unity and integrity of the country and protect it in the event of an external aggression or war. It is the responsibility of the executive to undertake this work. To organise military for the defence of the state, to prepare for and fight the war, if it becomes necessary, and to negotiate and sign peace settlement after every war, are the functions performed by the executive.

The executive is the final judge of the nature of the threat to the security of the country. It has the prime responsibility to take all such steps as are needed in the interest of the security and integrity of the state. The chief executive of the state is also the supreme commander of the armed forces of the state.

**5.** **Foreign Policy-making and the Conduct of Foreign Relations:**

In this age of ever-increasing global interdependence, it has become one of the most important functions of a government to formulate the foreign policy of the state and to conduct foreign relations. This function is also performed by the executive.

The executive formulates the goals of national interest and fixes the priorities. It first formulates the foreign policy of the nation and then implements it for securing the defined goals of national interest. The executive appoints the ambassadors of the state to other states.

**6.** **Policy-making:**

Modern welfare state has to carry out a large number of functions for securing the socio-economic-cultural development of its people. It has to formulate policies, prepare short-term and long-term plans and implement these. All actions of the state are guided by definite policies and plans.

It is the executive which undertakes the task of policy-making and developmental planning. These are the two most important functions of the executive, because by these the state carries out its objective of promoting the welfare of its people.

**7.** **Functions relating to Law-making:**

Law-making is primarily the function of the legislature. However, the executive also plays a role in law-making. In this sphere too the role of the executive has been increasing by leaps and bounds. In a parliamentary system, the ministers are also members of the legislature and they play a leading role in law-making.

Most of the bills for legislation are introduced and piloted by them in the legislature. Most of the time of the legislature is spent in passing the governmental bills. The bills passed by the legislature become laws only after these are signed by the Head of the State.

**8.** **Law-making under the system of Delegated Legislation:**

The system of delegated legislation has considerably increased the law-making role of the executive. Under this system, the legislature delegates some of its law-making powers to the executive. The executive then makes rules on the basis of these powers. The amount of delegated legislation made by the executive far out-weighs the laws passed by the legislature.

**9.** **Financial Functions:**

It is the legislature which is the custodian of all finances. It has the power to impose, or reduce or eliminate a tax. However, in actual practice, the executive exercises a number of financial functions. It has the responsibility to prepare the budget. It proposes the levy of new taxes or changes in tax structure and administration. It collects and spends the money as sanctioned by the legislature.

The executive decides the ways and means through which the money is to be collected and spent. It formulates all economic policies and plans. It takes suitable measures for regulating the production and distribution of goods, money supply, prices and exports and imports. It contracts foreign loans, negotiates foreign aid and maintains the financial credibility of the state.

**10.** **Some Semi-Judicial Functions:**

The appointment of judges by the executive is regarded as the best method for ensuring the independence of judiciary. In almost all democratic systems, the chief executive has the power to appoint judges. Further, he has the right to grant pardon, reprieve and amnesty to criminals. Under the system of administrative adjudication, the executive agencies have the power to hear and decide cases involving particular fields of administrative activity.

**11.** **Grant of Titles and Honours:**

Another important function of the executive is to grant titles and honours to the people in recognition of their meritorious services to the nation. Such persons who do commendable work in their respective spheres of activity—Art, Science, Literature etc. are granted titles by the executive.

It also grants titles to such defence personnel who show exemplary courage and devotion to duty during war or peace. Even ordinary citizens are granted honours in recognition of their meritorious work for the society. All decisions in this respect are taken by the executive. These are the major functions performed by the Executive. Executive has indeed emerged as the most powerful organ of the government.

# Judiciary: Functions, Importance and an Essential Quality of Judiciary

The Judiciary is the third organ of the government. It has the responsibility to apply the laws to specific cases and settle all disputes. The real ‘meaning of law’ is what the judges decide during the course of giving their judgements in various cases. From the citizen’s point of view, Judiciary is the most important organ of the government because it acts as their protector against the possible excesses of legislative and executive organs. Role of Judiciary as the guardian-protector of the constitution and the fundamental rights of the people makes it more respectable than other two organs.

We all know judiciary is important for settling the disputes between individuals and private parties. But besides, sorting out disputes it also performs a very vital political function that is to protect rights of individuals.

It interprets the provisions of constitution and protects the rights of citizens. (by interpreting it means that it explains the laws in the constitution in such a way that it is in sync with principles of constitution which is liberty, justice etc. to make it more simple, a law has different interpretations. a dictator will try to mould law in his favor while a communist government might try to mould law in favor of a group. So our judiciary interprets law in favor of principles like justice, secularism, rights. Hope now you must have got the meaning of word interpretation.)To allow judiciary to carry out its functions effectively and fearlessly, we need an independent judiciary and to make our judiciary independent , constitution has made certain provisions for it.

#### **Functions of Judiciary and Its Importance:**

**1.** **To Give Justice to the people:**

The first and foremost function of the judiciary is to give justice to the people, whenever they may approach it. It awards punishment to those who after trial are found guilty of violating the laws of the state or the rights of the people.

The aggrieved citizens can go to the courts for seeking redress and compensation. They can do so either when they fear any harm to their rights or after they have suffered any loss. The judiciary fixes the quantity and quality of punishment to be given to the criminals. It decides all cases involving grant of compensations to the citizens.

**2.** **Interpretation and Application of Laws:**

One of the major functions of the judiciary is to interpret and apply laws to specific cases. In the course of deciding the disputes that come before it, the judges interpret and apply laws. Every law needs a proper interpretation for getting applied to every specific case. This function is performed by the judges. The law means what the judges interpret it to mean.

**3.** **Role in Law-making:**

The judiciary also plays a role in law-making. The decisions given by the courts really determine the meaning, nature and scope of the laws passed by the legislature. The interpretation of laws by the judiciary amounts to law-making as it is these interpretations which really define the laws.

Moreover, ‘the judgements delivered by the higher courts, which are the Courts of Records, are binding upon lower courts. The latter can decide the cases before them on the basis of the decisions made by the higher courts. Judicial decisions constitute a source of law.

**4.** **Equity Legislation:**

Where a law is silent or ambiguous, or appears to be inconsistent with some other law of the land, the judges depend upon their sense of justice, fairness, impartiality, honesty and wisdom for deciding the cases. Such decisions always involve law-making. It is usually termed as equity legislation.

**5.** **Protection of Rights:**

The judiciary has the supreme responsibility to safeguard the rights of the people. A citizen has the right to seek the protection of the judiciary in case his rights are violated or threatened to be violated by the government or by private organisations or fellow citizens. In all such cases, it becomes the responsibility of the judiciary to protect his rights of the people.

**6.** **Guardian of the Constitution:**

The judiciary acts as the guardian of the Constitution. The Constitution is the supreme law of the land and it is the responsibility of the judiciary to interpret and protect it. For this purpose the judiciary can conduct judicial review over any law for determining as to whether or not it is in accordance with the letter and spirit of the constitution. In case any law is found ultra vires (unconstitutional), it is rejected by the judiciary and it becomes invalid for future. This power of the court is called the power of judicial review.

**7.** **Power to get its Decisions and Judgements enforced:**

The judiciary has the power not only to deliver judgements and decide disputes, but also to get these enforced. It can direct the executive to carry out its decisions. It can summon any person and directly know the truth from him.

**In case any person is held:**

(i) Guilty of not following any decision of the court, or

(ii) Of acting against the direction of the court, or

(iii) Misleading the court, or

(iv) Of not appearing before the court in a case being heard by it, the Court has the power to punish the person for the contempt of court.

**8.** **Special Role in a Federation:**

In a federal system, the judiciary has to perform an additionally important role as the guardian of the constitution and the arbiter of disputes between the centre and states. It acts as an independent and impartial umpire between the central government and state governments as well as among the states. All legal centre-state disputes are settled by the judiciary.

**9.** **Running of the Judicial Administration:**

The judiciary is not a department of the government. It is independent of both the legislature and the executive. It is a separate and independent organ with its own organisation and officials. It has the power to decide the nature of judicial organisation in the state. It frames and enforces its own rules.

These govern the recruitment and working of the magistrates and other persons working in the courts. It makes and enforces rules for the orderly and efficient conduct of judicial administration.

**10.** **Advisory Functions:**

Very often the courts are given the responsibility to give advisory opinions to the rulers on any legal matter. For example, the President of India the power to refer to the Supreme Court any question of law or fact which is of public importance.

**11.** **To Conduct Judicial Inquiries:**

Judges are very often called upon to head Enquiry Commissions constituted to enquire into some serious incidents resulting from the alleged errors or omissions on the part of government or some public servants. Commissions of enquiry headed by a single judge are also sometimes constituted for investigating important and complicated issues and problems.

**12.** **Miscellaneous Functions:**

Besides the above major functions, the judiciary also performs several other functions. Some such functions are the appointment of certain local officials of the court, choosing of clerical and other employees. Cases relating to grant of licenses, patents, and copy rights, the appointment of guardians and trustees, the admission of wills, to appoint trustees to look after the property of the minors, to settle the issues of successions of property and rights, issue of administrating the estates of deceased persons, the appointment of receivers, naturalization of aliens, marriage and divorce cases, election petitions and the like.

Through all these functions, the Judiciary plays an important role in each state. It also plays a role in the evolution of Constitution through the exercise of its right to interpret and safeguard it against all legislative and executive excesses.

**Judiciary enjoys a big importance in the eyes of the people because it acts as:**

(1) The dispenser of Justice.

(2) Protector of the rights of the people.

(3) Guardian protector of the Constitution of the State.

(4) Arbiter of center-state disputes.

(5) Safeguard against Legislative and executive excesses.

(6) Check against arbitrary exercise of powers by the power-holders.

(7) Guardian of Rule of Law and Justice.

An independent judiciary is always considered to be the most essential part of every democratic government worth its name. A government without judiciary is almost inconceivable. A government without independent judiciary is always held to be an authoritarian government.

# Theory of Separation of Powers

The three organs of the government—Legislature, Executive and Judiciary— perform the three essential functions of law-making, law-application and law- adjudication. This threefold division of governmental functions is universally accepted as the best way of organizing the government. These three functions are inter-related and inter-dependent. But these are performed by three different organs.

**I. Central Idea of the Theory of Separation of Powers:**

The Theory of Separation of Powers holds that the three organs of government must be separate and independent from one another. Any combination of these three functions into a single or two organs is harmful and dangerous for individual liberty. Separation of powers of the three organs is essential for the efficiency of the government and the liberty of the people.

Government can work systematically and efficiently only when each of its organs exercises its own powers and functions. Similarly, the liberty of the people can be protected only when there is no concentration or combination of the three governmental powers in the hands of one or two organs.

The theory of Separation of Powers holds that for keeping the government limited, which is necessary for protecting the liberty of the people, the three functions of government should be separated and performed by three separate organs.

**II. Meaning of Separation of Powers:**

In simple words, the theory of Separation of Powers advocates that the three powers of the government should be used by three separate organs. Legislature should use only law making powers, Executive should undertake only law enforcement functions, and Judiciary should perform only adjudication/Judicial functions. Their powers and responsibilities should be clearly defined and kept separate. This is essential for securing the liberty of the people.

**Separation of Powers: Views of Montesquieu:**

In his book The Spirit of The Laws’ (1748), Montesquieu enunciated and explained his theory of Separation of Powers. He wrote,

(1) If the legislative and executive powers are combined in the same organ, the liberty of the people gets jeopardized because it leads to tyrannical exercise of these two powers.

(2) If the judicial and legislative powers are combined in the same organ, the interpretation of laws becomes meaningless because in this case the law­maker also acts as the law interpreter and he never accepts the errors of his laws.

(3) If the judicial power is combined with the executive power and is given to one-person or one organ, the administration of justice becomes meaningless and faulty because then the police (Executive) becomes the judge (judiciary).

(4) Finally if all the three legislative, executive and judicial powers are combined and given to one person or one organ, the concentration of power becomes so big that it virtually ends all liberty. It establishes despotism of that person or organ.

As such, the three powers should not be combined and given neither to a single organ nor to two organs. These three powers should be used by three separate organs of the government. It is essential for safeguarding the liberty of the people.

**Main Supporters of the Theory of Separation of Powers:**

The British jurist Blackstone and the founding fathers of the American constitution, particularly, Madison, Hamilton and Jefferson, extended their full support to the theory of separation of powers. They regarded Separation of Powers essential for protecting the liberty of the people.

**Theory of Separation of Powers: Criticism:**

**1.** **Complete Separation is not possible:**

The government is a single entity. Its three organs can never be completely separated. The legislative, executive and judicial functions are interdependent and inter-related functions and hence cannot be fully separated.

**2.** **Complete Separation is not desirable:**

Complete separation of three organs of government is neither possible nor desirable. It is not desirable because without among mutual coordination these cannot carry out its functions effectively and efficiently. Complete separation of powers can seriously limit the unity and co­ordination needed by the three organs.

**3.** **Impracticable in itself:**

We cannot fully use separation of powers. The function of law-making cannot be entrusted only to the legislature. The needs of our times have made it essential to provide for law-making by the executive under the system of delegated legislation. Likewise, no one can or should prevent law-making by the judges in the form of case law and equity law.

**4.** **The three Organs of Government are not equal:**

The Theory of Separation of Powers wrongly assumes the equality of all the three organs of the government. The legislature of the state is always regarded as the primary organ of government. The work of the government begins by law-making. However, in actual practice the executive acts the most powerful organ of the government. The judiciary is the weakest of the three organs, yet it is always held in high esteem by the people. Hence the three organs are neither equal nor equally respected.

**5.** **Separation of Powers can lead to deadlocks and inefficiency:**

Separation of powers can lead to deadlocks and inefficiency in the working of the government. It can create a situation in which each organ can get engaged in conflict and deadlocks with other two organs.

**6.** **Liberty does not depend only upon Separation of Powers:**

The critics reject the view that liberty can be safeguarded only when there is a separation of powers among the three organs of the government. They argue that in the absence of fundamental rights, independence of judiciary, rule of law, economic equality and a spirit of democracy, there can be no liberty even when there may be present full separation of powers.

**7.** **Separation of Functions and not of Powers:**

The name ‘Separation of Powers’ is wrong because this theory really advocates a separation of functions. Power of the government is one whole. It cannot be separated into three separate parts. It is at the back of the functions of all the three organs of government.

The theory of separation of powers is really a theory of separation of functions. Thus, the theory of Separation of Powers has several limitations. All scholars accept that absolute and rigid separation of powers is neither possible nor desirable. Three organs of government cannot be and should not be totally separated into unrelated water-tight compartments.

**PUBLIC OPINION**

It is quite difficult to define Public Opinion because different scholars define it differently. Some define it as the opinion of all the people some others say it is an opinion of leaders, while still others describe it as a majority opinion. But these views do not represent truth.

1. Aggregate of views which men hold regarding matters that affect the community." However, such as aggregate must have for its basis the welfare of the community and only then can it be recognised and respected as public opinion.

2. In the words of Dr. Beni Prasad, "Opinion may be regarded as truly public opinion when it is motivated by regard for the welfare of the whole of society."

3. According to Carol, "In its common use Public Opinion refers to the composite reaction of the general public."

4. Lowell defines Public Opinion,: "In order that opinion may be public, majority is not enough and unanimity is not required, but the opinion must be such that while the minorities may not share it but they feel bound by conviction and not by fear to accept it."

In simple words we can say that public opinion is neither the opinion of all nor it is the majority opinion. It is an opinion which is generally held by all and its purpose is to highlight the welfare of all. It is a consensus opinion which enjoys the support of a very large majority of people. It is even not opposed by the minorities as it reflects a concern for the welfare of all.

**Nature or Characteristics of Public Opinion:**

**Public Opinion is always characterised by the following features:**

**1. General Agreement:**

It is an opinion behind which there is a general agreement or a consensus.

**2. Rational/Logical:**

Public opinion is rational. It is logical. Its validity can be demonstrated by logic or reason.

**3. General Welfare:**

Public opinion is always governed by the idea of promotion of general public welfare.

**4. Related to all aspects of life:**

Public opinion can concern any and every matter—Political, Social, Economic, or Cultural.

**5. Upholds Morality:**

Public opinion always upholds the moral values of society. It is never against morality.

**6. Not an Imposed Opinion:**

Public opinion is not an imposed opinion. It is a generally held consensus opinion and is the result of growth.

**7. Neither Destructive nor Negative:**

Public opinion is never destructive and negative. It is positive in content because it always represents public welfare.

**8. Based on Right to Freedom of Speech and Expression:**

The right to freedom of speech and expression is the most essential condition for the birth of public opinion.

**9. Basis of Democracy:**

Public Opinion plays a deterministic role in a democracy. All policies of a democratic government rest upon public opinion. The government can remain in power and work successfully only when it is backed by public opinion.

**10. Real Sanction behind Laws of the State:**

Public opinion is the real sanction behind all Taws and policies of a democratic state. Supremacy of public opinion reflects the sovereignty of people, which is the very basis of a democracy.

**Public Participation**

Public participation is the process by which an organization consults with interested or affected individuals, organizations, and government entities before making a decision. Public participation is two-way communication and collaborative problem solving with the goal of achieving better and more acceptable decisions. Public participation prevents or minimizes disputes by creating a process for resolving issues before they become polarized. Other terms sometimes used are “public involvement,” “community involvement,” or “stakeholder involvement.”

As the name suggests, **political participation** simply means that a person is participating in the political process by making his or her opinions and beliefs known. In the social sciences, the term 'political participation' is often used to describe an action taken by a citizen to influence the outcome of a political issue.

**Types of Political Participation**

There are many different forms of political participation and whether you know it or not, you've probably taken part in some of them at different points in your life.

Some of the most common forms of political participation are:

1. **Voting**: In a democracy, voting is the single most important form of political participation that a person can take part in because it ensures that politicians are elected by the people, rather than being assigned to their position of power by someone else.
2. **Protest**: Whether or not it is a constitutional right, public protests are another important form of political participation because you are making your opinions known in a very obvious way, with the hope that your actions will influence or initiate change in a particular area of politics.
3. **Public consultations**: Like voting, public consultations offer ordinary citizens the chance to get together in a group with a politician or elected official in order to make their opinions and feelings known.
4. **Jury duty**: Although most people shudder at the thought of having to attend jury duty, it is an important type of political participation because it ensures that people who are charged with a crime are judged by people like them, rather than allowing the outcome to depend entirely on a single person, such as a judge

While these are some of the most common forms of political participation, there are many others. These include:

* Signing a petition
* Writing a letter to a public official
* Blogging about a political issue
* Donating money to a cause
* Volunteering for a campaign
* Joining an activist or interest group
* Holding a public official position
* Occupying a building in an act of protest

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