

## Section II : Comparative Government and Politics

### Introduction

#### Three Branches of Government

COUNTRY	 <b>LEGISLATURE</b> Makes Laws	 <b>EXECUTIVE</b> Administers Laws (Political Executive and Bureaucracy)	 <b>JUDICIARY</b> Interprets Laws and provides justice
INDIA 	<b>Parliament</b> Lok Sabha Rajya Sabha	<b>Political Executive</b> President (Head of State) Prime Minister (Head of Government) and Council of Ministers <b>Bureaucracy</b> The Administration Machinery	Supreme Court High Court District and other courts
UNITED KINGDOM 	<b>Parliament</b> House of Commons House of Lords	<b>Political Executive</b> Monarch (Head of State) Prime Minister (Head of Government) and the Cabinet <b>Bureaucracy</b> The Administration machinery	Supreme Court and other courts
UNITED STATES OF AMERICA 	<b>Congress</b> House of Representatives Senate	<b>Political Executive</b> President (Head of State and Government) and Secretaries <b>Bureaucracy</b> The Administration Machinery	Supreme Court State Supreme Courts Other Courts

Comparative government is concerned with the study of formal political institutions like legislature, executive, judiciary and bureaucracy. It is mainly a study of these political institutions. Comparative politics looks at some other factors that influence

the working of the political institutions. It seeks to analyse how these and other institutions work.

Thus the comparative study of politics and government examines political institutions –like Constitution, Executive,

Legislature and Judiciary, the system of representation, political parties and pressure groups. This section will help the students to do the following:

(i) Identify the important governmental institutions and understand their structure and functions. They can also understand how these institutions were created. They would also be introduced to different political systems in the world. For example the governmental system of India is different from that of the United States or United Kingdom. What would be the similarities or differences between them?

(ii) They can understand how a government is created, how leaders are either elected or selected. What role do the political parties and pressure and interest groups play in the formation of governments?

The three chapters of this section are as follows:

**Chapter IV: Constitutional Government:** What is a constitution? The Constitution is a set of political principles, according to which a country is governed. It will give the rights and duties of the people and the government. It sets out the structure of the state, the major state institutions, and the principles governing their relations with each other and with the state's citizens. It will also talk about the division of power between the centre and the states (Federalism).

**Chapter V: The Concept of Representation:** You have seen how the people in India elect members of the Parliament or the State Assembly or the Municipal Councillors in the cities or Panchayat Members in rural area. We call them our representatives. We give them the authority to speak on our behalf in the Assembly or the Parliament. It is expected that they protect our interests. They may be part of the ruling party or the opposition,

they are still expected to protect and promote our interests. Since the government is formed by political parties, it is the parties that become important in channeling the representation. Sometimes, it is necessary to bring to the attention of the government, problems faced by some specific groups. Such groups may form pressure groups or interest groups to articulate their problems and then put pressure on the government. All these are means of representation that we would study in this chapter.

### **Chapter VI: Role of the Judiciary:**

Judiciary is the branch of the government that has the power to interpret the constitution. It has the power to decide legal disputes. One of the important characteristics of the Judiciary in democratic societies is that it is an independent and non-political organ of the state. One of the important powers of the Judiciary is that of judicial review. Judicial review is the power that the Supreme Court has to examine the actions of the legislature, executive and the administrative arms of the government to ensure that they do not violate the constitution. You would study this role of the Judiciary in the chapter along with the concept of Judicial Review.



#### **Do you know ?**

The United Kingdom comprises four geographic parts - England, Scotland, Wales and Northern Ireland. Geographically, England, Scotland, Wales are parts of the island of Great Britain. Northern Ireland and the Republic of Ireland are part of a separate island. While Northern Ireland is part of United Kingdom, the Republic of Ireland is a separate country.

The name Britain or England is sometimes used to refer to the United Kingdom as a whole.



## 4. Constitutional Government

In the first section on Political Concepts you studied the concept of the nation and state. You also studied the concepts of rights, liberty, justice, etc. These are rights that all citizens of a country get. Who provides these rights? It is the constitution of that country that gives them the rights and protects the rights of the citizens.

### What is a Constitution?

A Constitution is a living document. It is a document that indicates the way in which a country is governed. A Constitution has three distinct but inter-related components to it.

- (i) **Set of Rules:** It is a set of rules that sets out the structure, functions, powers, rights and duties of the three branches of the Government—the Legislature, the Executive and the Judiciary. It tries to ensure that each branch acts within the jurisdiction laid down for it by the Constitution. This is done by providing the other two branches adequate powers to check the third branch if it exceeds its jurisdiction. For instance, the American Constitution provides for the impeachment of the President and other high officials of the country's government for exceeding the authority of their offices. At the same time, this component also lays down the limitations on what the Government can do and cannot do.
- (ii) **Set of Rights:** It lists the rights of the citizens, the means for the

protection of these rights, and the duties of the citizens. It ensures that all individuals and groups are given certain rights which will enable them to live freely and with dignity and self-respect. These rights are not unlimited. They are subject to certain limitations. For instance, the Constitution of India guarantees certain Fundamental Rights to the citizens of India, but also sets out the limitations on them. Furthermore, mere possession of such rights is not enough. There should also be some means of protecting them.

The Constitution of India also provides ways by which individuals and groups can protect their rights. Generally, the responsibility of protecting the rights of groups and individuals is entrusted to the Judiciary. Thus, these two components form the framework which governs the mutual relationship between the Government, the Society and the Individual.

- (iii) **Set of Objectives and Values:** The Constitution states the objectives and values that a given Constitution seeks to follow and fulfil. The third component tells us why a given Constitution has come into existence in the first place. For instance the Constitution of the United States of America, the

oldest existing one in the world, proclaims that it has been brought into existence to “establish Justice, insure domestic tranquillity, provide for the common defence, promote the general welfare and secure the Blessings of Liberty to ourselves and our Posterity”. A similar set of objectives constitute the foundations of the Indian Constitution.

Most Constitutions in the world are written. This means that there is a single written document which contains all the three components listed above. Such Constitutions have generally come into existence after long and detailed debates, and have been prepared by specially convened gatherings. For instance the American Constitution was made by the Constitutional Convention, while the Indian Constitution was framed by the Constituent Assembly.

Some countries have Constitutions which are unwritten, the best example being the United Kingdom. This does not mean that nothing is laid down in writing. It means firstly, some aspects are written while others are governed by constitutional precedents or conventions. Further, the written component does not exist as a single document. For example, look at the power of the Monarch of the United Kingdom to appoint the country’s Prime Minister. There are no written rules governing this, but it is assumed that the person, who commands a majority in the House of Commons, will be appointed.

### **Constitutionalism**

Constitutionalism is the idea that there should be limitations on the powers of the Government. Such limitations might be laid down in the Constitution, or might

have come about due to certain historical developments. The origins of Constitutionalism can be traced back to Social Contract Theory formulated by the 17<sup>th</sup> century British thinker, John Locke. He argued that the Government could not do certain wrong things and if it did, then the people had the right to change it.

However, there had been many attempts even before Locke to ensure that there were restrictions on the powers of the rulers. They include the Magna Charta in 1215 in England and the Bill of Rights passed by the Parliament in England in 1689. These attempts were primarily the efforts to restrict the powers of the Monarchs, and not the Government as such. This was because during those times, power was largely concentrated in the hands of the Monarchs. It was only when the three branches of Government, mentioned above, emerged as distinct entities that the idea of restricting the powers of the Government as a whole emerged. This can be described as the modern version of Constitutionalism.

Modern Constitutionalism found its concrete expression for the first time in the American Constitution. The first ten amendments to the American Constitution are collectively referred to as the Bill of Rights. These explicitly imposed restrictions on the Government as a whole. For instance, the First Amendment prohibits the making of any law which restricts freedom of speech or of the press. Similarly, the Indian Constitution also prohibits the Government from doing anything that violates the Fundamental Rights of the individuals. These are instances of explicit restrictions on the powers of the Government.

What happens in the case of countries



### Find out!

What are the different Fundamental Rights guaranteed by the Indian Constitution?



Constituent Assembly of India.



Signing of the United States Constitution

with unwritten Constitutions? Till recently, the doctrine of Parliamentary Sovereignty prevailed in the United Kingdom. This meant that the United Kingdom's Parliament had the power to make any law of any kind. It meant that there were no restrictions on the powers of the Government. However, the scenario where the Parliament made unjust or arbitrary law was avoided by a vigilant public opinion. Today the doctrine of Parliamentary Sovereignty no longer exists in its absolute form. This is because the United Kingdom is now a member of various international organisations and a signatory to numerous international

agreements which guarantee rights to individuals. The existence of these rights ensures that there are restrictions on the powers of the Government.

A Constitution which restricts the powers of the Government also can be amended thus opening up the possibility of the removal of these restrictions. Most Constitutions do provide for making changes to themselves. What is the guarantee that a Government will not use powers to amend a Constitution so as to remove all restrictions on its actions? Such a situation did arise in India in the 1970s. Then, the Government believed that the restrictions on its powers imposed by the Constitution were blocking the way to the balanced development of the country. Hence, it sought to amend the Constitution.

However, the Supreme Court of India in the celebrated *Keshavananda Bharati* case (1973) laid down the restrictions on the power of the Government to amend the Constitution. It ruled that the Constitution of India possessed a basic structure which could not be altered in any manner, and that other than this there were no restrictions on amending the Constitution. This is known as the Basic Structure Doctrine.

But, in a democracy, Constitutionalism

### Find out!

How many times has the Indian Constitution been amended? What was the latest amendment?

means something more than mere restrictions on the power of the Government. It also means adherence to the spirit of the Constitution. It refers to the values which form its foundations and the manner in which those who hold

power are expected to behave. This can also be described by the term 'Constitutional Morality'.

## Major Types of Democratic

### *Dr. Babasaheb Ambedkar's speech in the Constituent Assembly*

Constitutional morality is not a natural sentiment. It has to be cultivated. We must realise that our people have yet to learn it.

## Governments

Democracy is a system of government wherein the people elect their rulers. But there is no single type of a democratic system of government. The two major types are Parliamentary and Presidential. India and the United Kingdom follow the Parliamentary system, while the United States of America follows a Presidential system. The nature of the relationship between the Executive and the Legislature is the principal distinguishing feature between the two.

### Parliamentary Systems

The Parliamentary system makes a distinction between the Head of the State and the Head of the Government. The Head of the State is the President or in the case of the United Kingdom, the Monarch. The Head of the Government is the Prime Minister. The President or the Monarch, the Prime Minister and the Council of Ministers are the Executive. But the real executive power is vested in the Prime Minister and the Council of Ministers. The President or the Monarch is a nominal executive head.

Thus, in Parliamentary systems, the Executive consist of two components, the nominal and the actual or the real.

Though the administration of a given country is conducted in the name and by the orders of the nominal Executive, it is the real Executive who takes the actual decisions. The powers of the nominal Executive as the term suggests are nominal. All Parliamentary systems are classified into either Constitutional Monarchies or Republics depending upon the nature of the nominal Executive. Systems where the office of the nominal Executive is filled on the basis of heredity are Constitutional Monarchies and the office holder is known as the Monarch. Republics are those where the nominal Executive is elected and the office holder is termed as the President. The nominal Executive is also termed as the Head of State that is the head of the country's political system.

The real Executive comprises of the Council of Ministers whose head is known as the Prime Minister. It is the President or the Monarch who appoints the Prime Minister. The ministers are also appointed by the President or the Monarch, but as per the Prime Minister's wishes. Whosoever commands a majority in the Legislature is appointed by the President or the Monarch as the Prime Minister. It is the Prime Minister who actually runs the Government with the assistance of the ministers, and hence is known as the Head of Government. In Presidential systems, the President actually runs the Government and hence, is both the Head of State and the Head of Government.

In a Parliamentary System the Prime Minister and Council of Ministers stay in power so long as they have a majority in the Parliament. In most Parliamentary Systems there are two houses of Parliament. For example in the United Kingdom the

## The Indian System of Government (Parliamentary System)

**President** (Head of the State)



**Executive**  
(South Block)



**Prime Minister**  
(Head of the Government)  
And Council of Ministers

**Legislature**  
(Parliament Building)



**Parliament**  
Lok Sabha and  
Rajya Sabha

**Judiciary**  
(Supreme Court)



**Supreme Court**

## System of Government: United Kingdom (Parliamentary System)

**Monarch** (Head of the State)



**Executive**



**Prime Minister**  
(Head of the Government)  
and Council of Ministers

**Legislature**  
(Parliament Building)



**Parliament**  
House of Commons and  
House of Lords

**Judiciary**



**Supreme Court**

Parliament consists of the House of Lords and House of Commons. In India, there is the Lok Sabha and Rajya Sabha. The members of House of Commons and Lok Sabha are directly elected by the people. Therefore the Executive can stay in power only if they have a majority in their

houses.

### Presidential system

#### **Find out!**

Make a list of all the Prime Ministers of India since independence with their tenure.



## The American System of Government (Presidential System)



(The three Branches of Government under Separation of Powers)

### Legislature



#### Congress

House of Representatives  
Senate

### Executive



#### President

Vice President  
Secretaries

### Judiciary



#### Supreme Court

Other Federal  
Courts

In a Presidential system, the head of Executive branch is directly elected by the people for a fixed period. This head of the Executive branch in most such systems is termed as the 'President' and hence the term 'Presidential system'. The President is both, the Head of the State and the Head of the Government. The President enjoys powers granted to his office by the Constitution. The most significant of these powers is that of conducting the administration of the country in accordance with the law passed by the Legislature. The President also can appoint his subordinate officials like ministers and ambassadors. Generally, in such systems, members of the executive are prohibited from being members of the Legislature. For example, the Ministers (called Secretaries in the United States) are not members of the Congress.

The Legislature, in the Presidential systems, is also elected by the people. The Constitution entrusts it with the power

of making laws. However, this power is not absolute since the laws come into effect only when the President approves them. The President has the right to reject a law passed by the Legislature. This is known as the 'Veto Power'. The President can also request the Legislature to pass laws proposed by the Executive which are deemed necessary to solve the problems of the day. The Legislature can also impeach or remove from office the President if it is proved that the Constitution has been violated. However, this is a rare occurrence in established democratic systems.

The President continues in office irrespective of the fact whether he or she enjoys the support of the majority of the members of the Legislature. The loss of the support of a majority does not automatically mean the resignation of the President. However, the lack of support might lead to a breakdown in the functioning of the Government since such a scenario might lead to a situation where



the Executive and the Legislature might constantly prevent each other from doing anything.

## Federalism

### Find out!

Name any four American Presidents who belonged to the Republican party and four who belonged to the Democratic party.



### Do you know?

**Countries with Presidential systems-** the United States of America, Mexico, Brazil, Argentina, South Africa etc.

**Countries with Parliamentary systems-** India, the United Kingdom, Germany, Italy, Japan, Canada, Australia etc..

Some countries are large in size and have several regions. In such a case it is difficult to have only one government that can take care of the entire country. In such cases countries have two levels of government- the first one being the national or the country-wide government, the second working at the regional level. These regional units are referred to as 'states' or 'provinces'. Political power is also divided between the two governments. In such cases, the central government is called National Government, Central Government, Union Government or Federal Government while the regional governments are called State Governments. Countries where such an arrangement exists are known as Federal systems or Federations.

Some countries that are geographically

small in size usually have a single government at the centre. Such systems of government are called Unitary Systems.

This distribution of power amongst the central (national) government and the state governments in a Federation is a formal arrangement. It is explicitly referred to in the Constitution of that country. For instance, the American Constitution explicitly states the powers possessed by the Federal Government. Similarly, the Constitution of India, in its Seventh Schedule, lists the powers of the Central or Union Government as well as that of the State Governments. In most Federations, changes to these constitutional provisions require the approval of both the national and the state governments.

The history of Federations can be traced back to the medieval period in Europe where political units came together in order to face powerful common enemies or to solve common problems. A few of these arrangements evolved over a few centuries to form a single political unit. The best instance of this process is Switzerland. In some cases, the transition to a full-fledged Federal system occurred in a relatively shorter period of time. The best instance of this is the United States of America. Thirteen British colonies, all separate political units, rebelled against the authority of the United Kingdom and won their independence in the 18<sup>th</sup> century. When they realised that they needed to establish a single political unit in order to safeguard their independence, they came together and established the country which we today know as the United States of America. Such Federal systems are known as 'Coming Together' Federations. Canada and Australia are

other instances where previously separate political units came together to form a single political system.

In case of India, at the time of independence, there were Princely States and areas under British administration. The states that we see today were created after independence on the basis of language. Thus, in case of the United States of America, the States came together to create the United States of America; while in case of India, the Union Government created the States.

In contrast, there are also countries where hitherto Unitary systems change to Federal one through the establishment of 'states' and 'provinces'. These are known as 'Holding Together' Federations. This is so because political power is distributed away from the national government in order to keep the country united. The United Kingdom has a unitary system of government. Today its regions, Scotland, Wales and Northern Ireland have been given some degree of autonomy. These regions now have their own assemblies.

In India, the division of powers favours the national government. Hence, India is described as a 'quasi-federation' or as a federation with a unitary bias. The journey of Indian federalism has been mixed. After independence, the states have been granted additional powers, however, later economic and technological changes have led to the enhancement of the powers of the Central government.

In this chapter, we have studied the



### Do you know?

#### *The Seventh Schedule of the Constitution of India*

The Seventh Schedule consists of three lists, the Union List, the State List and the Concurrent List. Each contains subjects over which the Central Government, the State Governments as far as their respective States are concerned, and both the Governments respectively can take decisions and make laws respectively. In cases where both the Central and the State governments have made laws about subjects falling in the Concurrent List, then the former prevails. Furthermore, the State Governments can also ask the Central Government to make laws on subjects included in the State List, if such a need arises.

### Do this.

Look at the following subjects (Seventh Schedule of the Indian Constitution) : (i) Law and Order, (ii) Atomic Energy, (iii) Banking, (iv) Agriculture, (v) Police, (vi) Electricity, (vii) Education.

Find out which of these subjects is in the Union, State or Concurrent list.

basic aspects of government. We have seen the importance of the constitution and how the government works within the framework of the constitution. We have also seen various forms and types of government. Now in the next chapter we shall focus on how governments are formed in democratic systems.

Please see the following websites for further information:

**(1) Constituent Assembly of India Debates** (Proceedings) - Volume XI, 25th Nov. 1949

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Ten of the Clock, Mr. President (The Honourable Dr. Rajendra Prasad) in the Chair. Reply to the Debate: Dr. B.R. Ambedkar

[http://cadindia.clpr.org.in/constitution\\_assembly\\_debates/volume/11/1949-11-25](http://cadindia.clpr.org.in/constitution_assembly_debates/volume/11/1949-11-25)

**(2) Former Presidents of India**

<https://presidentofindia.nic.in/former-presidents.htm>



## Exercise

**1. (A) Choose the correct alternative and complete the following statements.**

- Unwritten Constitution exist in .....  
(United Kingdom, India, South Africa, United States)
- In a parliamentary system there is a ..... of legislative and executive powers.  
(separation, coordination, merger, centralisation)
- The first ten amendments to the American Constitution are collectively referred to as .....  
(Bill of Rights, Magna Carta, Basic Structure Doctrine, Fundamental Rights)

**(B) Identify the incorrect pair in every set, correct it and rewrite.**

- Magna Carta - England
- Veto - United Kingdom
- Keshvanand Bharati Case - Basic structure doctrine

**(C) Find the odd word in the given set.**

- England, Scotland, Wales, Republic of Ireland
- India, Australia, Canada, Argentina

**2. State whether the following statements are true or false with reasons.**

- Indian Federation can be described as a 'quasi-federation'.
- Parliamentary system exists in the

United States.

**3. Explain co-relation between the following.**

- Legislature and Executive in parliamentary system.
- President and Legislature in presidential system.

**4. Answer the following.**

- Explain Constitutionalism and constitutional morality.
- Explain the nature of Indian Federation.

**5. Answer the following in detail with reference to the given points.**

Explain Constitution and its three distinct inter related components.

- what is a Constitution?
- set of rules
- set of rights
- set of objectives and values

**Activity:**

What are the rights mentioned in the Bill of Rights of the American Constitution.





## 5. Concept of Representation

We use the term ‘representatives’ to describe our Members of Parliament or the Members of the State Assembly. We also use the term to describe our Municipal Corporators or Panchayat Members. The concept of representation is important in a democracy. What do we mean by ‘representatives’? Who are they? How do they become representatives? In this chapter, we will study the concept of representation in democratic countries.

### What is Representation?

Today in democracies, people elect individuals from amongst themselves to govern themselves. They are called representatives. Political systems where this happens are known by the term ‘indirect democracies’. This is so because people do not conduct their own affairs but rather entrust this task to some others who are known as ‘representatives’. But there was a time when people governed themselves. Political systems where such an arrangement prevailed are described today as ‘direct democracies’. City states in ancient Greece, Athens, for instance, were direct democracies. There is evidence of similar arrangements prevailing in ancient India, but not many details are available as yet. It must be noted that such systems did not give the right to govern to all individuals. Women and the poor were generally excluded.

Direct democracy prevailed in political units which had a limited geographical area and a small population. This made it feasible for all those individuals who had the right to conduct the affairs of such units to do so. But in modern times, the area and the population of political

units has increased. It is not possible for the people to govern themselves. This led to the birth of ‘indirect democracies’. They are also known as ‘representative democracies’ because people govern themselves through their representatives. Their form of government is referred to as ‘Responsible Government’ since the representatives are ultimately responsible and accountable to the people.

### Divine Right of Kings

Representative democracies have their origins in medieval Europe. Scholars have noted that similar systems did exist in ancient India. Till the medieval period, Monarchies existed almost everywhere in the world. Monarchs had absolute power over whom they ruled. In some cases, they were regarded as representatives of God on the Earth. These Monarchs claimed they or their ancestors had been given the right to rule by God, a doctrine known as the Divine Right of Kings.

However, as time went by, these Monarchs realised that ruling their respective countries was becoming more expensive, and hence desired to raise more money from their subjects in the form of taxes. The payment of taxes would have become easier if the people agreed to do so. It was of course, not possible to gather all the people together to seek their approval as well as the holding of separate meetings in different parts of the country. Hence, many monarchs decided to convene meetings or gatherings at their capital cities of individuals who were to be separately elected by the people from various parts of their respective countries. The proposals





for taxation were to be approved in such meetings. Such gatherings came to be known as 'Representative Assemblies'. One of the oldest such representative assembly is the House of Commons of the United Kingdom.

### **Representative Assemblies**

Soon these representative assemblies started asking for a share in the decision making process. This was opposed by the Monarchs. This struggle between the two in many cases, led to internal conflicts. The best instances of such a conflict are the English Civil War of the 1640s, and the French Revolution of 1789. The first marks the journey of the United Kingdom towards becoming a Constitutional Monarchy, while the second led to France finally becoming a Republic in the 19<sup>th</sup> century. Most such conflicts ended with the defeat of the monarchies. The representative assemblies soon entirely took over the affairs of the country. The members of such assemblies came to be described as 'Political Representatives' since they collectively dealt with the activities of the government and what they did came to be referred to as 'Political Representation'.

But what exactly is meant by political representation? It means that those who have been elected, the 'representatives', should articulate and advocate the demands and concerns of and safeguard the interests of those who have elected them, the 'represented'. The task of political representation is performed in the elected 'Representative Assemblies' mentioned above.

In modern times, the idea of 'Political Representation' started to spread from Europe to other parts of the world from

the 19<sup>th</sup> century onwards. Many European countries had by then established colonies in Asia and Africa. This was also the period when many European countries also started becoming democratic. These developments influenced the people of Asia and Africa who now started demanding a greater share in the decision making process of their respective countries. India was one of the first countries where such demands were made.

### **India**

In the background of the events of 1857, the British decided that Indians should be associated with the decision making process in India. Hence, in 1861, a few Indians were appointed to both the legislative councils at the all-India level and at the provincial level. These Indians were not elected but nominated. They were selected by the British and the people of the country had no choice in this matter. But yet they were regarded as 'Representatives'. Soon demands were made that the people of India should have a say in those who were to represent them.

These demands were slowly but surely fulfilled. An important stage in this process was the Government of India Act, 1935. According to the Act, representative assemblies, predominantly consisting of elected members, were established at the provincial level. A Parliamentary form of government was also established in the provinces. The process in a sense came to an end in the period between 1950 and 1952. In 1950, India became a democratic republic with a parliamentary system, and in 1951- 1952, the first general elections were held throughout the country to the Indian Parliament and the state legislatures.

### **Major Acts pertaining to representative assemblies in India**

**1861:** Indian Councils Act, 1861: Establishment of legislatures in India and the appointment of Indian members to them.

**1892:** Indian Councils Act, 1892: Expansion of and introduction of the elected members in these legislatures

**1908-09:** Morley-Minto reforms and the Indian Councils Act, 1909: Further expansion of these legislatures and an increase in the proportion of elected members.

**1918-1919:** Montague-Chelmsford reforms and the Government of India Act, 1919: Further expansion of these legislatures with the elected members constituting a majority in them.

**1935:** Government of India Act, 1935: Provincial legislatures become predominantly elected.

### **Methods of Representation**

In every democratic country, some method is required by which individuals shall govern the people of that country. These methods are known as the 'methods of representation'. These methods are as follows :

(i) **Electoral:** The people have the right to decide who shall govern them. This method primarily is used to decide who shall become the representatives or the members of the representative assemblies. This is so because these assemblies are where the ultimate decision making powers are located. But there is no single electoral method, and indeed there is a variety of them.

(ii) **Non-electoral:** The individuals occupy

various positions through appointment or selection. This second method is used in deciding which individuals shall be appointed as government officials or as members of other government bodies.

(iii) **Non-Official:** This refers to the role that the civil society plays in trying to represent the people. This is done through interest and pressure groups.

In most countries, elections to the representative assemblies take place on a geographical basis, that is to say, the country is divided into distinct areas or constituencies. The people living in these constituencies have the right to elect individuals from their respective constituencies to be their representatives. They, thus, have the right to vote or possess the franchise. Those individuals contesting the elections are known as candidates. The number of individuals to be elected from each constituency varies from country to country.

**Electoral systems are classified in two ways:**

- (i) Number of members that are elected from one constituency: In this system there are two types of election methods: (a) Single-Member: Only one member is elected from one constituency. (b) Multi-Member: Several members can be elected from one constituency.
- (ii) How many votes are required to get elected from any one constituency: In this system there are three types of election methods: (a) Plurality, (b) Majority and (c) Proportional.

Generally, the Plural and Majority methods are used for Single-Member constituencies.

In the Plurality system, the candidate who receives the maximum number of votes is elected. In this system, it is not necessary for a candidate to secure a majority of the votes to be elected. This system can be compared to a running race. The runner who reaches the finish line first is the winner. How much time the winner takes to reach the finish line is irrelevant. This is why this system is also known as the First Past the Post (FPTP) system. This system is used for elections to the Lok Sabha and the State Legislative Assemblies in India.

In the Majority system, it is necessary to secure a majority of the votes, i.e. more than 50%, to get elected. This system is used for the election of the President of India as well as the Vice-President of India.

Proportional systems are generally used in Multi-Member constituencies. In this system, the number of candidates of a given political party to be elected depends upon the proportion of votes that it receives. For instance, if a political party receives 40 % of the votes in a five member constituency, then two of its candidates will be elected from that constituency. This system is not used in India. There is a sub-type of the Proportional system which is known as the Single-Transferable Vote (STV) system. Here the voters have to rank the candidates in the order of preference. This system is used in the elections to the Rajya Sabha and to the State Legislative Councils in India.

### Right to vote

A mention has been made of the right to vote. Today, adult franchise exists in all democracies. This means that all adult citizens of the country, irrespective of

gender, race, economic and social status, have the right to vote in elections and thus have a say in deciding in who their representatives would be. However, the age at which an individual becomes entitled to vote varies from country to country. In India, a citizen can become a voter on becoming 18 years of age.

As mentioned in the previous chapter, initially the women and the poor did not have the right to vote. But with the spread of the idea of democracy, it became difficult to justify the exclusion of a majority of the population from the right to vote. Soon all men received the right to vote. However, the struggle to secure the right to vote to women was even more difficult. By the mid-20<sup>th</sup> century, most democratic countries granted women the right to vote. It must be noted that India granted all its adult citizens, both male and female, the right to vote in 1950 itself when the Constitution was adopted.



Postage Stamp of the Election Commission of India



### Do you know ?

#### When did women get the right to vote?

##### Chronology of women's right to vote

United States	: 1920
United Kingdom	: 1928
France	: 1945
Japan	: 1945
Israel	: 1948
India	: 1950
Switzerland	: 1971

#### Find out!

Names of Member of Parliament and Member of Legislative Assembly from your constituency. Which political party do they belong to?

### Channels and Levels of Representation

Political parties are the most important channels for political representation. They serve as the primary channels of political representation. But what are political parties? They can be defined as organised groups formed by individuals holding similar views on a wide variety of issues. They seek to obtain political power in order to implement policies based on these views.

In democracies, parties seek to obtain power through elections. Individuals who are members of various parties contest elections as candidates of their respective parties. Moreover, the views of a party taken together are described as that party's ideology. During elections, the parties present before the voters a programme based on their ideology and promise them that this programme would be implemented if elected to power. The voters who approve of a given party's programme

because they feel that it will benefit them vote for that party's candidates. Thus, the aspirations and wishes of the voters are represented in the decision-making process through the channel or the medium of a given political party.

However, it must be noted that decision-making occurs at different levels. In a federal system like India, it occurs at both the national as well as at the state level. India also has granted constitutional status to the local self-government institutions like the Gram Panchayats and the Municipal Councils and Corporations. They have been entrusted with certain powers and responsibilities which have been enumerated in the Constitution of India. This means that decision-making also takes place at the local level. Elections are held for representative assemblies at all these three levels, and political parties contest them. Thus, parties serve as channels of representation at all these three levels.

### Classification of Political Parties

In India, political parties are classified as 'National' or 'State' parties. The Election Commission of India has certain criterion to classify a party as 'National' or 'State'.

The Election Commission has decided that a political party shall be eligible to be recognised as a **National** party if :-

- (i) it secures at least **six percent** (6%) of the valid votes polled in any **four** or more states, at a general election to the House of the People or, to the State Legislative Assembly; and
- (ii) in addition, it wins at least four seats in the House of the People from any State or States.

OR



it wins at least two percent (2%) seats in the House of the People (i.e., 11 seats in the existing House having 543 members), and these members are elected from at least three different States.

### List of National Parties in India

- Indian National Congress
- Communist Party of India
- Bharatiya Janata Party
- Communist Party of India (Marxist)
- Bahujan Samaj Party
- Nationalist Congress Party
- All India Trinamool Congress

(Election Commission Of India,  
No.56/2018/PPS-III Dated : 13th April,  
2018)



### Find out!

Give names of four State parties from Maharashtra and six from other States.

### Origin of Political Parties

It would be interesting to find out the process by which parties came into existence. They emerged a little later than the representative assemblies mentioned in the earlier sections. As these assemblies came to have more of a say in a country's decision-making process, members of these assemblies who held similar views began gathering together to influence the policies of the government in a direction that they desired. Such groups soon came to be described as political parties.

Once power passed into the hands of

these assemblies and it became established that whosoever commanded a majority in these assemblies would head the Executive. The need for organised groups became increasingly felt since such groups would ensure that the majority would last for a reasonable amount of time and thus ensure political stability. This process can be seen in the 18<sup>th</sup> century in the United Kingdom. A similar process occurred in many other countries as well. As more and more people secured the right to vote, these parties expanded their membership among the voters and became well-knit organisations.

In India, political parties arose as a result of the fight against British rule. The Indian National Congress was the first organisation to be formed in India which can be described as a political party. This happened in 1885. As the freedom movement picked pace, various other parties like the Muslim League, the Hindu Mahasabha, Unionist Party, the Communist Party of India, the Independent Labour Party, among others were formed. After independence, many more parties like the Peasants and Workers Party, Dravida Munnetra Kazhagam, Jana Sangh, Socialist Party, Republican Party of India, Shiv Sena, among others were established. Generally speaking, newer parties are formed when some sections of society believe that the existing political parties are not or cannot fulfil their aspirations. This has happened all over the world and this has also been a major reason for the formation of new parties in India.

### Interest and Pressure Groups

Interest and Pressure groups are informal channels that seek to represent the people. A Pressure Group is an interest group that is organised to influence public and especially government policy. This

group does not participate in elections to become a part of government or the opposition. It seeks to influence policy from outside by putting pressure on the government. Sometimes the word ‘Lobby groups’ is used to describe these interest groups. Trade Unions, Agricultural interest groups, student organisations are some examples of pressure groups.

Pressure groups are different from political parties.

- (i) The political parties are part of the governmental system. They seek to

**In India we can identify some interest/pressure groups like:**

- (i) In the area of business: Federation of Indian Chambers of Commerce and Industry (FICCI), Confederation of Indian Industry (CII), etc.
- (ii) Trade Unions: The Indian National Trade Union Congress (INTUC), The All India Trade Union Congress (AITUC), The Bharatiya Mazdoor Sangh (BMS), The Hind Mazdoor Sangh (HMS), etc.
- (iii) Agricultural Unions: All India Kisan Sabha, Bharatiya Kisan Union, Shetkari Sanghatana, etc.
- (iv) Student Unions: National Students Union of India (NSUI), Akhil Bharatiya Vidyarthi Parishad (ABVP), All India Students Federation (AISF), Student Federation of India (SFI), etc..

**Some Pressure Groups in United States**

- U.S. Chamber of Commerce
- American Civil Liberties Union
- The National Organisation for Women
- American Medical Association
- American Federation of Labour and Congress of International Organisations AFL-CIO
- National Association for the Advancement of Colored People

influence government policy from the inside. A pressure group tries to influence the government from the outside. They do not stand for elections and become members of the legislature.

- (ii) Political parties have a broad agenda. They seek to represent the people for political, social, economic, cultural, and other concerns. Pressure groups usually have a narrow focus. They focus on specific issues or fight for a specific cause.

Pressure groups are also different from social movements. The pressure groups usually have a more formalised structure. Social movements usually do not have a formal structure or organisation. They take up a cause and pursue it. (Example: Chipko Movement) This is why sometimes interest groups are described as representing ‘organised interests’.

**Non governmental Organisations**

Non governmental Organisations (NGOs) are another mechanism for representation. This is usually a private, non-commercial group that wants to achieve its aims through a nonviolent struggle. They usually promote or defend a cause. They have people with specialised knowledge associated with it.

All of the above are channels of representation. They seek to represent the people’s aspirations and concerns.

In this chapter, we have seen how people seek to represent themselves through various channels. Representative government is an important aspect of a successful democracy. Let us now turn to another aspect of government that is equally important. We will see the role of the Judiciary in the next chapter.

### Find out!

Identify some NGOs working in your area for child development, environmental issues, area for community development, women etc. and find out about their work.

Please see the following website for further information:

#### Representation

Edmund Burke, Speech to the Electors of Bristol

Representation Vol. 1, Page 391, 3 Nov. 1774 *Works 1:446--48*

[http://press-pubs.uchicago.edu/founders/print\\_documents/v1ch13s7.html](http://press-pubs.uchicago.edu/founders/print_documents/v1ch13s7.html)



## Exercise

### 1. (A) Choose the correct alternative and complete the following statements.

1. Ancient Greece had ..... .  
(dictatorship, direct democracy, indirect democracy, monarchy)
2. The oldest representative assembly in the world is ..... .  
(House of Commons, House of Lords, Senate, House of Representatives)

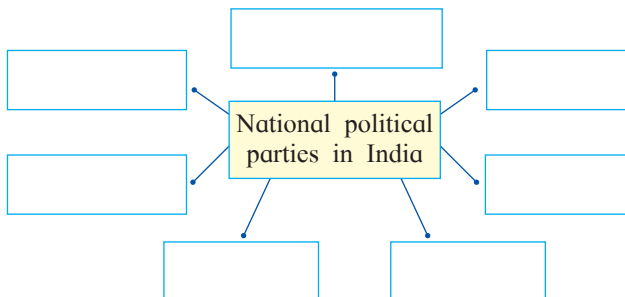
### (B) State the appropriate concept for the given statement.

The political system where people elect representatives to govern themselves.

### (C) Find the odd word in the given set.

The Indian National Trade Union Congress, All India Kisan Sabha, National Students Union of India, Indian National Congress

### 2. Complete the concept map/maps.



### 3. Explain the co-relation between the following.

Governmental and Non-Governmental Organisations.

### 4. Express your opinion of the following.

Pressure groups are different from political parties.

### 5. Answer the following in detail with reference to the given points.

What is meant by representation? Explain the various methods of the representation?

- (a) meaning
- (b) electoral
- (c) non-electoral
- (d) non-official

### 6. Suggest ways by which you can encourage people to vote in election.

### 7. Observe the given image and write in brief about it.



### Activity :

Write the history of any one national political party in India.



## 6. Role of the Judiciary

In this chapter, we will discuss the structure and function of the Judiciary. In almost all democracies today, whether Parliamentary or Presidential, whether Republic or Constitutional Monarchies, the Judiciary is independent of the other two branches of government. There are constitutional and legal provisions to ensure that it stays independent. The members of the Judiciary, known as judges, are also very vigilant about maintaining independence of the judiciary. This of course does not mean that the Judiciary functions in an unchecked manner. Constitutional and legal provisions do exist to restrain it if it exceeds the powers granted to it.

### Judicial Independence

What are the powers granted to the Judiciary? Why is judicial independence so important? The primary function of the Judiciary is that of adjudication. This means that the judiciary takes decisions about disputes or cases according to the law, and then issues orders to ensure that these decisions are carried out. There are many instances where the Executive is a party to the dispute either as the plaintiff or as the defendant. Given the power of the Government, any legal dispute between it and one or more citizens is usually unequal. There is a possibility that the Government would use its powers to secure a favourable decision. This is where the independence of the Judiciary becomes important. An independent judiciary would ensure that all those who appear before it are treated on an equal plane, and thus make sure that decisions are in accordance with the law.

It must be noted that the concept of judicial independence or an independent Judiciary is a modern one. Monarchies desired a Judiciary which did as it was ordered. As countries became more and more democratic, the idea that the Judiciary should be independent of both the Executive and the Legislature emerged.

The first country to explicitly make provisions in its Constitution for an independent Judiciary was the United States of America. The Judges of the Supreme Court of America and the courts subordinate to it were to be appointed by the President of the United States of America. The appointments were confirmed only after the Senate gave its approval. Judges served for life, but could retire if they so wished. Judges could be removed from office for violating the Constitution or exceeding the powers allotted to the judiciary. This process was known as 'Impeachment'. Any proposal for removing a judge would be implemented only after it had been approved by the Congress.

The Constitution of India also provides for judicial independence. Judges cannot be removed from office unless any violations of law have been enquired into and proved. Any proposal for such a removal from office has to be approved by the Parliament before it can be implemented.





## Judicial System in India

The structure of the judicial system is also broadly laid down by the Constitution. The Supreme Court of India headed by the Chief Justice of India is the highest court of the land. The next level consists of the High Courts, whose head is also known as the Chief Justice. Generally, there is one High Court for each State, but in exceptional circumstances, one or more States may have single High Court to them. These courts and their judges enjoy constitutional protection. Below the High Courts are the District Courts for each district. At the lowest level are courts which deal with petty offences. Those who are not satisfied with the decisions of a court can appeal to a higher court to ask for a reconsideration of the decision. The High Court controls and supervises the functioning of the District Courts and the other courts. In larger cities, there are Family Courts which deal with family matters.



Supreme Court  
(One for all)



High Court  
(One for every State)



District Court  
(One for every District)

The Constitution lays down the procedure for the appointment of the judges of the Supreme Court and the High Courts. They are formally appointed by the President in consultation with the

Chief Justice of India, and in the case of High Court judges also with the Governor of the concerned State. Till the 1990s, the President appointed the judges on the recommendation of the Government of the day, after having consulted the Chief Justice of India. However, in the 1990s, the Supreme Court of India interpreted the relevant Constitutional provisions and ruled that the Judiciary must have the leading role in the appointment process. The Supreme Court set up a Collegium consisting of the Chief Justice of India and the four most senior judges of the court which would recommend names to the President for appointment to the Supreme Court and the High Courts. The Government role in this process has now been minimised.

In addition to the courts mentioned above, there are tribunals established by both the Central Government as well as the State Governments to deal with disputes of a specialised nature. The examples of the first type are the Armed Forces Tribunal, the Income Tax Appellate Tribunal, and the National Green Tribunal. The examples of the tribunals established by the state Government in Maharashtra are the Maharashtra Administrative Tribunal and the Maharashtra Revenue Tribunal. These bodies are known as quasi-judicial bodies, and their functioning is governed by separate laws. They consist of retired judges, as well as individuals who are experts in the fields which fall within the jurisdiction of the relevant tribunal. For instance, the Armed Forces Tribunal also has retired officers from the armed forces as the expert members. All the tribunals in India, like all the courts, are ultimately subordinate to the Supreme Court of India.

## The Judiciary and its functions

As mentioned in the previous section, the primary duty of the Judiciary is the adjudication of the cases. But can the courts hear any kind of cases? What do the courts do? What are their functions?

(i) Each court can adjudicate or hear cases pertaining only to a specified range of areas. This range is known as the jurisdiction of that court. Jurisdiction is of two types:

(a) *Original Jurisdiction* : Cases regarding certain matters can be heard for the first time only in certain courts. These matters constitute the Original Jurisdiction of that court. For instance, the Supreme Court of India has Original Jurisdiction in any case between two State Governments, and between the Government of India and any State Government, as well as any disputes about the election of the President and the Vice-President of India. Only the Supreme Court of India in the country can hear the above mentioned cases. Thus, here its Original Jurisdiction of the Supreme Court is also its Exclusive Jurisdiction.

(b) *Appellate Jurisdiction* : Appeals against the decisions regarding certain cases can be heard in a certain court. These matters constitute the Appellate Jurisdiction of that court. The Supreme Court also hears appeals regarding decisions of the High Courts over a wide range of issues. The High Courts in turn hear appeals regarding decisions of the District Courts.

(ii) The Supreme Court also has an Advisory Jurisdiction. This includes only those matters which have been specifically referred to it by the President for advice.

(iii) The Supreme Court of India and the High Courts also perform other functions. One of them is the interpretation of the Constitution and the laws made under it. In all cases, the question that the courts have to decide is whether a certain action is in accordance with either the Constitution or any given law. In doing so the Courts have to interpret the constitution and the laws. For instance, the Supreme Court has ruled that the 'Right to Life' guaranteed by the Constitution does not merely mean the right to exist but also the right to live in a pollution-free environment.

(iv) The Supreme Court and the High Courts also perform another important function that is the protection of the Fundamental Rights, guaranteed by the Constitution. These rights are regarded as being essential for any individual to lead a dignified life and hence are described as being 'Fundamental'. The people of India also possess another set of rights known as legal rights, which are specified in the laws passed by the legislature.

The Constitution empowers the Supreme Court and the High Courts to issue writs or a special kind of orders for the protection of the Fundamental as well as the legal rights of individuals, if someone complains that they have been violated. There are five types of Writs specified in the Constitution of India: habeas corpus, mandamus, prohibition, quo warranto and certiorari.

### **Writs under the Constitution of India (Art. 32 (2))**

1. Habeas Corpus- A court can order any officer of the Government or any private person to produce before itself any individual or individuals to examine whether they have been legally detained or not.

2. Mandamus- A court can order any officer or any department of the Government to perform its duties.

3. Prohibition- A court can order a court lower than itself in the judicial structure not to hear a particular case on the grounds that the case does not fall within the jurisdiction of the latter.

4. Quo Warranto- The court can ask whether the holder of any public office or post is holding it in accordance with the law or not.

5. Certiorari- A higher court can order a court lower than itself in the judicial structure to send all the relevant documents pertaining to a case to itself.

### **Judicial Activism**

Generally speaking, a matter goes to the court on the basis of a formal complaint, or a petition filed before the court by an individual who is directly connected with it. However, this situation has changed in the recent decades because the Judiciary in India has started taking a wider view of its functions. For instance, the courts have allowed individuals to file petitions on matters of important public concern. The individual may or may not be directly connected with the matter.

Such cases are known as Public Interest Litigation (PILs). There have been instances where the courts of their own accord, without anyone complaining or filing a petition, have taken note of matters of public concern.

#### **Find out!**

Can you find out some important cases under Public Interest Litigation in India? Discuss any one in the classroom.

This wider view taken by the Judiciary of its function has been termed as 'Judicial Activism'. Earlier, the Judiciary generally did not look, beyond a certain point, into how the Executive exercised its authority. For instance, into matters like the imposition of President's Rule in the states or a Governor's decision to appoint a certain individual as the Chief Minister were matters that the Judiciary did not interfere. But in recent years, Judicial Activism has led to the courts examining the legality of the decision of the Executive over a wide variety of issues including the ones referred to above. Moreover, in many instances, they have also either issued orders on what should be done over many issues or have directed the Executive to take action about the same in a specified time period.

There has been much debate over Judicial Activism. Some feel that the Judiciary was compelled to intervene because the Executive was not discharging its functions properly, while others believe that the courts are overstepping their mark and are exceeding their powers by looking into matters which fall within the jurisdiction of the Executive.

**Discuss these cases. Are they cases of Judicial Activism? :**

**Case 1 :** Reforming Board for the Control of Cricket in India (BCCI): The Lodha Panel was set up by the Supreme Court, following the allegations of corruption, match-fixing and betting scandals in Indian cricket. The committee was set up in an attempt to bring back law and order into the BCCI and the game of cricket.

**Case 2 :** National Anthem in Cinema Halls: In 2016, the Supreme Court passed a judgement that stated: (i) All the cinema halls in India shall play the National Anthem before the feature film starts. (ii) All present in the hall must stand up to show respect to the National Anthem.

**Judicial Review**

A written Constitution in any democratic country is the highest law of the land. The laws made by the Legislature have a status lower than that of the Constitution. Moreover, these laws are expected to be consistent with the Constitution. But what would happen if they are not? The Constitution would say one thing, while the laws would say something else. The provisions and the values of the Constitution, that is to say the Constitution itself would be rendered meaningless. Hence it becomes necessary to have an institution which would examine whether the laws are consistent with the Constitution or not. But this is not enough. That institution should also have the power to declare any law found inconsistent with the Constitution to be invalid and therefore not to be

implemented. This would prevent the Legislature from making laws which violate the Constitution. In democracies with written Constitutions, this power is vested in the Judiciary. Thus, Judicial Review means the power of the Judiciary to examine if any law approved by the Legislature is consistent with the Constitution or not, and if it is not then to declare it unconstitutional.

But why does the Judiciary have this power? Both the Executive and the Legislature are involved in the process of law-making. It would be highly inappropriate to give them the power to examine whether the laws that they have made are consistent with the Constitution or not. It is likely that they would be biased while doing so. The Judiciary is not involved in any way in the law-making process. It is an independent body. Hence it has been assigned this power.



**Supreme Court of the United States of America**

The origins of the power of Judicial Review can be traced to a decision of the Supreme Court of the United States of America given in 1803 in a case known as *Marbury vs Madison*. This was for the first time that the American Supreme Court declared a law passed by the United States Congress to be invalid on the grounds that it was inconsistent with the Constitution of the United States. However, it must be noted that the



American Constitution does not have any explicit provision that gives the Judiciary the power of Judicial Review. It is an implied power. Till date, the American Supreme Court's power of Judicial Review has been unchallenged. This is so because it is accepted that such a power is necessary to retain the supremacy of the Constitution.

### **Marbury vs. Madison**

William Marbury, an American businessman, was appointed to a position in the judicial system by President John Adams of the United State. However, Adams lost the election immediately afterwards, and the new President, Thomas Jefferson, instructed James Madison, who was the new Secretary of State or the minister in charge of issuing the appointment orders, not to do so in the case of Marbury. At this, Marbury filed a petition against Madison in the Supreme Court. This is how the case came to be known as Marbury vs Madison.

Marbury asked the Court to issue a writ of mandamus so as to force the new government to give him the appointment order. In its judgment, the Court led by the then Chief Justice, John Marshall, upheld Marbury's claim that he was legally appointed and therefore must receive the order. At the same time it declared the relevant law which allowed Marbury to directly approach the Supreme Court instead of approaching a lower court first to be invalid on the grounds that it was inconsistent with the Constitution and therefore unconstitutional.

However, the power of Judicial Review does not exist in countries which have unwritten Constitutions (for instance in the United Kingdom). This is so because there is no specific highest law of the land and thus the laws passed by the Legislature cannot be examined with reference to anything.

The Constitution of India also does not explicitly provide the Judiciary with the power of Judicial Review. However, like in the United States, these powers are implied. The Supreme Court of India has on many occasions declared laws passed by the Legislature as being inconsistent with the Constitution and therefore unconstitutional.

But in the Indian context the real issue has been whether the amendments to the Constitution can be held unconstitutional. The issue was settled by the Supreme Court in the Kesavananda Bharati case. In its judgment, the Court stated that the Constitution of India had a 'Basic Structure'. The Constitutional Amendments passed by the Parliament have to be consistent with this 'Basic Structure', and if they are found to be not, then the Supreme Court would declare them unconstitutional. It is widely agreed that that the power to declare Constitutional Amendments unconstitutional rests only with the Supreme Court.

### **Kesavananda Bharati Case (1973)**

The validity of the Constitution (24th Amendment) Act 1971 was challenged in the case of Kesavananda Bharati vs. State of Kerala (also known as the Fundamental Rights Case). This Amendment gave the power to the

Parliament to amend Fundamental Rights of the Constitution. The Supreme Court had to decide whether Parliament had power to abrogate the basic elements and fundamental provisions of the Constitution of India. The Supreme Court held that the Constitution (24th Amendment) Act 1971 is valid and that Parliament has power to amend all the provisions of the Constitution, including fundamental rights, but could not amend the basic structure of the Constitution.

From the citizen's point of view, Judiciary is the most important organ of the government. It is the guardian-protector of the constitution and the fundamental rights of the people. The common man depends upon judiciary for getting justice. The feeling in an average citizen that he can rely on the certain and prompt administration of justice makes him feel secure. The welfare of citizens greatly depends upon speedy and impartial justice.

**Please see the following websites for further information:**

**(1) Parliament and the Judiciary**

Parliament and the Judiciary (PRS Legislative Research Institute for Policy Research Studies, New Delhi) November 29, 2016

[https://www.prsindia.org/sites/default/files/parliament\\_or\\_policy\\_pdfs/Parliament%20and%20Judiciary.pdf](https://www.prsindia.org/sites/default/files/parliament_or_policy_pdfs/Parliament%20and%20Judiciary.pdf)

**(2) Public Interest Litigation**

Supreme Court of India

Compilation of Guidelines To Be Followed For Entertaining Letters/Petitions Received In This Court As Public Interest Litigation.

<https://www.sci.gov.in/pdf/Guidelines/pilguidelines.pdf>



## Exercise

**1. (A) Choose the correct alternative and complete the following statements.**

1. \_\_\_\_\_ is the first country to create Independent Judiciary.  
(India, United States, United Kingdom, Soviet Union)
2. The primary function of the judiciary is \_\_\_\_\_.  
(making laws, executing laws, adjudication, make appointments)

**(B) Identify the incorrect pair in every set, correct it and rewrite.**

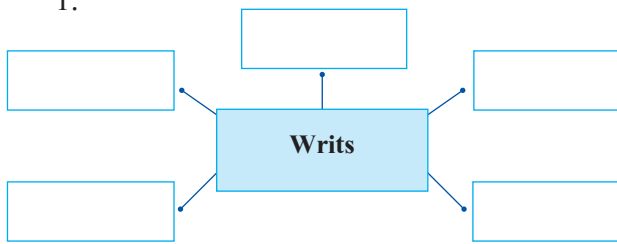
- (a) Written Constitution - India
- (b) Judicial Review - United Kingdom
- (c) Independent Judiciary - United States

**(C) State the appropriate concept for the given statement.**

1. Petition regarding important public concern -
2. The process of removal of judges -
3. Cases can be heard for the first time only in certain courts -

**2. Complete the concept map.**

1.



**3. State whether the following statements are true or false with reasons.**

1. There is no need to approve appointment of judges by the Senate in the United States.
2. In India judiciary is independent.

**4. Explain the co-relation between the following.**

1. Judiciary and Executive
2. Supreme Court and High Court

**5. Express your opinion of the following.**

1. Judiciary must have a leading role in the appointment of judges.
2. Judicial activism is significant today.

**6. Answer the following in detail with reference to the given points.**

Explain the process of judicial review?

(a) meaning (b) need (c) when and where it started (d) Indian context

**Activity :**

Make a list of examples of Judicial Activism in India.