society develops in accordance with its changes in socio-economic substructure. He also says that in the past revolutions had occured when one class had been able to represent its interests as the common interest of the society as a whole.

But Marx no where offers a systematic analysis of class. His definition of class seems to differ in different works. In Vol. III of Capital Marx says that there are three large classes in capitalist society—wage labourers, capitalists and land owners. In the Communist Manifesto Marx and Engels refer to two great and hostile classes—bourgeoisie and proletariat. Apart from these to two classes Marx and Engels refers to some other classes in the Communist Manifesto, such as, 'lower middle class' consisting of the "small tradespeople, shopkeepers, the handicraftsmen and peasant", 'national class', 'ruling class' etc.

Thus Marx had a number of criteria for the application to the concept of class. Nevertheless, two main criteria are first, the belongingness of the group to the prevailing mode of production and second the groups' consciousness of itself as a class A class always looks after its own interests as opposed to those of other groups and form a political organisation.

The Marxian concept of class, like the concept of state, is a transitory phenomena. Classes are not eternal. They appear with the introduction of private property in society and they will gradually disappear with the abolition of private property.

In conclusion we may refer to Lenin's definition class. According to him, "Classes are large groups of people differing from each other by the place they occupy in a historically determined system of social production, by their relation to the means of production, by their role in the social organisation of labour, and consequently, by the dimensions of the share of social wealth of which they dispose and the mode of acquiring it". This definion was put forward by Lenin with reference to classes in an antagonistic society".

The Concept of class-struggle

Class-struggle implies struggle between different classes whose interests are incompatible as well as irreconciable. Class-struggle thus arises out of antagonisms between the exploiters and the exploited. It is the motive force of history in every society based on exploitation. In the absence of class-struggle there can be no progress in an antagonistic society.

In every age, Marx said, various modes of acquiring means of sustenance classify individuals into different categories and create within each group a distinct group consciousness. This group consciousness, born out of the similarity of economic interests, gives rise to class conflicts. The existence of class-struggle is, therefore, nothing novel. "The history of all hitherto existing society is the history of class-struggles." According to Marx in these conflicts fight "each time ended either in a revolutionary reconstruction of the society at large or in the common run of the contending classes". In this way each system of production has given rise to two contending economic classes—'haves' and 'have-nots' "Freeman and slave, patrician and plebian, baron and serf, guild-master and journeyman, in one word, oppressor and the oppressed, standing constantly in opposition to each other, carried on an interrupted warfare, now open, now concealed."

The hunting stage was perhaps the earliest stages in the evolution of human society. The implements for hunting and the hunted animals were regarded as common property and as such the social structure based as it was on common

property was in the stage of primitive communism. The transition from the hunting stage to the pastoral stage was marked by the division of society into two classes, the class owing herds of cattle and the class without them. The social structure had undergone an important modification as a result of the diabolical device of private property in cattle. Thus, according to Marx, the haves and the havenots came into existence and the seed of class-war was sown in human society.

The division of society sharply into propertied and propertyless classes which came in the wake of pastoral stage precipitated itself when men settled down to agriculture. Cultivation of land was the most effective way of production and as such the land-owning class gradually monopolised political power reducing the landless class to the position of absolute dependence giving rise to a class known in history as serfs. Clash of different interests constitutes a prominent feature of the history of this period.

The use of machinery in production revolutionised the system of production and ushered into existence the industrial age which marked the rise of the capitalist and employer classes in place of the landlords or feudal lords of the agricultural age. As all the means of production were in the hands of this capitalist-employer class, the propertyless class had no other alternative but to sell their labour to the capitalist class at a rate much lower than the money-value of the product of their labour. The capitalist class with economic power in its hand monopolises political powers and controls arts, literature, law, philosophy, history to their advantage.

Thus a change in the socio-economic formations gives rise to a change in the class-character of the state. According to the Marxian view a distinction may be drawn between three types of exploiting states; slave-owning, feudal and capitalist. As Engels wrote "the state of antiquity was above all the state of the slave owners for the purpose of holding down the slaves, as the feudal state was the organ of nobility for holding down the peasant serfs and boundsmen, and the modern representative state is an instrument of exploitation of wage-labour by capital."

Marx, however, argues that this process of class-struggle will not continue for ever. At an advanced stage in the process of industrialisation, competition among various industries will lead to the survival of the bigger ones which in the end will combine to form gigantic industries with a view to making larger profit. According to this law of concentration of capital in the advanced stage of capitalism, wealth of a country becomes concentrated in the hands of a few capitalists reducing the vast majority to abject poverty. "Our epoch, the epoch of bourgeoisie," say Marx and Engles "has simplified the class antagonisms. Society as a whole is more and more splitting up into two hostile camps, into two great classes directly facing each other: Bourgeoisie and Proletariat." According to the Marxist view by bourgeoisie is meant the class of modern capitalists, owners of the means of social production and employers of wage labour. By proletariate is meant the class of modern wage-labourers who, having no means of production of their own, are reduced to selling their labour power in order to live.

Thus Marx and Engles find in the present age of capitalism the seeds of a revolution which will finally end all contradictions. They say as capitalists grow in numerically weaker that leads to their destruction. "All previous historical movements" according to Marx and Engels, "were movements of minorites. The proletarian movement is the self-conscious, independent movement of the immense majority, in the interest of the immense majority." The overthrow of the

capitalist class through the proletarian revolution will leave behind one class of people only—the proletariat. The victory of the proletariat will change the social order and create a classless society in which all wealth shall be owned in common, expolitation shall cease and all men shall be free and equal.

As the emergence of the state was necessitated by the insoluable class conflicts, the state would be inevitably unnecessary after the elimination of class conflicts. With the introduction of new modes of production relations will go substantial change. The classes will disappear and with that the state.

The Marxian theory of Revolution

The Marxian theory of revolution is the direct consequence of the materialist concept of history. According to this concept the progress of society is determined by the changes in its economic basis, in its productive forces and its corresponding production relations.

In the Communist Manifesto Marx and Engles wrote "At a certain stage of their development the material forces of production in society come into conflict with the existing relations of production or—what is but a legal expression for the same thing—with the property relations within which they had been at work before. From forms of development of the forces of production these relations turn into their fetters. Then comes the period of social revolution".

Revolution has been defined by the Marxists as "a social change resolving the contradiction between increased productive forces and absolute production relations, radically altering the social system and bringing a new advanced social class to power". In short, a radical and abrupt change in the social system, resulting in one socio-economic formation being replaced by another is regarded as a revolution.

There is a widespread belief among many thinkers that violance is an integral part of revolution. But the Marxists hold that a revolution can be either peaceful or violent. Apthekar rightly puts out that "violence is not an organic part of the definition of the process of revolution, and that the conventional presentation which equates violence with revolution is false."

Historical experience reveals that revolutions cannot be made to order. There must first of all a revolutionary situation. Revolutionary situation is an objective political situation preceding a revolution. In economic terms the conflict between the productive forces and the relations of production is the appropriate basis for the appearance of a revolutionary situation. Apart from this the revolutionary situation depends on the following factors: first, the inability of the ruling classes to preserve their supremacy in an absolute sense. Secondly, an increase in the social antagonism between the ruling classes and the oppressed masses. Thirdly, a spectacular growth of the political activity of the oppressed mases.

Once created the revolutionary situation passes through a number of stages from the general mass excitement to a national crisis leading to revolution.

The class-struggle reaches its peak at the moment of revolution. They very position of the oppresed classes in society and the evils they suffer from the oppressors lead them to revolutionary action. But the oppressed classes are resisted by the oppressor classes which try to prevent any change. The ruling classes uses the power of the state to supress the revolutionary activities. Thus the question of power is closely related to the question of any revolution. Once the revolutionary class has captured power it uses this power to break down the old system and establish a new order.

Criticism of Marxian Concepts

The Marxian concepts have been subjected to a good deal of criticism.

First, it has been pointed out that his concept of materialist concept of history is unacceptable inasmuch as it ignores the forces other than economic which also shape the course of the evolution of human history. The truth is that Marx did not ignore the influence of other forces but simply laid greater emphasis on the influence of material conditions of life in shaping the course of human history.

Secondly, marxian theory of class-struggle has also been criticised. Critics argue that it is fallacious to say that the history of all hitherto existing societies is the history of class-struggles as far as this means mutual distrust and lack of a spirit of fellow feeling and co-operation among the social classes. Class co-operation is regarded as a more universal phenomena than class antagonism.

Thirdly, marxian theory of class-struggle puts emphasis only on the antagonism of economic classes. But there has been many other forms of antagonisms other than that of class—as the conflict of racial, religious, linguistic groups. These struggles being quite different from the struggle of the economic classes, have often been more important than the former.

Fourthly, Marx argues that class-less society will be established as a result of revolution. "In order to break down the resistance of the bourgeoisie" says Marx. "the workers invest the state with a revolutionary spirit." It follows, that the state during the transitional period will be invested with oppressive and autocratic powers. Here critics point out a question—is it not possible to establish class-less society by a democratic process of gradual evolution instead of revolution ?

Another criticism against the marxian theory is that to explain the nature of state in terms of force and exploitation is to exaggerate the role of force in society. But no society is held together simply by force. It is the idea of common good which unifies a political community.

It is said that Marx has proved a false prophet at least in two of his propositions, namely the poor will become poorer as a result of increasing exploitation and the first socialist revolution will take place in England or in Germany. None of these propositions has come true. As a result of the benefits of successful industrialisation, the poor have not become poorer and the first socialist revolution has not taken place either in Germany or in England. But it may be said in support of the Marxian doctrine that the falsity of these two propositions does not invalidate his main thesis.

In spite of some of the serious limitations of Marxian doctrine, it must be said that Marx has not proved utterly a false prophet class-struggle existed in ancient and medieval societies and it still exists in modern societies though not exactly in the sense in which Marx has described it. Again by inculcating the theory of surplus value, Marx made labourers conscious of their legitimate rights. Lastly, it was Marx who, for the first time, made pointed reference to the age-old process of exploitation of one class by the other and urged upon the exploited class the imperative necessity of their united efforts to make an end of the ruthless process of exploitation. As a matter of fact, the improvement in the conditions of labour that we find today is largely due to the able preaching of Marx.

Lenin's Contribution to Marxism

Lenin whose real name was Vladimir Ilich Ulyanov was an intellectual, a theoretician and a great revolutionary leader of Rusia and is looked upon as the great Pope of communism within his own country and outside. He read too much and perhaps wrote much more to instill the communist creed in the minds of the people at large. It should, however, be noted that Lenin unlike Marx cannot claim to be the prophet of communism. He simply elaborated and interpreted the Marxian doctrine to suit the purpose of bringing about a proletarian revolution in his own country though Russia at that time was not ripe for a proletarian revolution. According to Marx's thesis, the proletarian revolution is possible where the proletariat class forms the majority as a result of excessive industrialisation but in Russia, according to Lenin, even in the absence of a powerful proletarian majority, revolution occurred because imperialistic capitalism was decadent and tottering on its last legs. Thus Lenin supports Marxian thesis supplemented by his own interpretation.

Secondly, in another respect, Lenin broadened the scope of revolution by giving his own interpretation on the method of revolution. Revolutions, according to Marx, need not necessarily and always be violent. Where change of the ruling class is possible without the destruction of the machinery of government, violent method need not be resorted to and in those cases where the ruling class cannot be ousted except through the destruction of the apparatus of state-power, the inevitability of the violent method cannot be avoided. But Lenin builds up his own thesis of inevitability of the violent nature of proletarian revolutions as he witnessed in his own country that the Czars were adamant not to part with an iota of their power to pacify the people.

Thirdly, Marx advocated though not explicitly that leadership of the proletarian movement should arise from the proletariat class. But Lenin with due emphasis advocated that leadership must come from the intellectuals as the proletariat is preoccupied with matters calculated to improve their working conditions.

Fourthly, Marx speaks of two stages of communism, namely, first stage and final stage of communism. The overthrow of the Capitalist class followed by the seizure of power by the proletariat characterised by the dictatorship of the proletariat constitutes the main feature of the initial stage. During this stage, the state-structure though transformed still remains a class-state where in spite of the fact that the means of production are under state control, the worker is to work according to his ability and to get back according to the quantity and quality of his work Money still acts as a medium of exchange in this stage. It is only in the final stage of communism that the goal of communism, namely, "from each according to his ability, to each according to his needs" is reached. Lenin characterised the first stage of communism as socialism when the means of production, distribution and exchange have been socialised. Communism is characterised by need-based distribution of the fruits of labour.

Fifthly, Lenin regarded the party as the vanguard of the working class, the highest form of the class association of the proletariat and the instrument of the dictatorship of the proletariat which guides the masses before and after the revolution.

Sixthly, Lenin's view on imperialism is contained in his "Imperialism : The Highest Stage of Capitalism," published in 1916. In this treatise Lenin expanded on the economic aspects of Marxism. Marx had discussed the nationalist stage of capitalism, but he had not described the final stage of capitalism. In the words of Lenin "Imperialism is capitalism in that stage of development in which the domination of monopoly and finance capital has taken shape ; in which the export of capital has acquired pronounced importance ; in which the division of the world by international trusts has began ; and in which the partition of all the territory of the earth by the greatest capitalist countries has been completed." Thus this stage created a new revolutionary situation.

Lastly, Lenin also elaborated the idea of the "withering away" of the state casually alluded to by Marx. According to Marx and his followers, a class-state which is an instrument of exploitation is useless in a classless society where perfect communism has been established—where public ownership takes the place of private ownership and need-based distribution replace distribution according to work. Thus with the gradual extension of the principle of communism in all the fields of human relationships, the guardianship of the state becomes superfluous and ultimately the state dies a natural death without the necessity of being killed.

Thus Lenin was not only a great interpreter of Marx but it was Lenin who extended the scope of application of the Marxian principle suited to the varying conditions of different countries. If Marx may be regarded as a prophet, Lenin may be regarded as a worthy disciple who preached and converted people to this new doctrine. Marx was a theoretician who did not pause to think how far his theory fitted in with actual conditions prevailing in different countries but Lenin was a theoretician as well as a man of action who knew that theories and dogmas in their application must have to be changed according to the needs of time and place and accordingly he did not hesitate to introduce the NEP and to seek alliance with the capitalist countries. He added elasticity to the rigid dogmas as enunciated by Marx and this elasticity bore fruit in time. Lenin's interpretation coupled with his superb organising capacity has succeeded in converting nearly half of the world to communism or in making sympathisers of communism.

QUESTIONS

1. Write a short essay on Historical Materialism. (C. U. Hons. 1980)
2. Discuss Lenin's contributions to the development Marxism. (C. U. 1983, 1986, 1993)
3. Discuss the Marxist theory of revolution. (C. U. 1984, 1988, 1992)
4. Analyse the Marxist theory of class and class-struggle. (C.U. 1985, 1987)
5. Indicate the most general features of the various socio-economic formations. (C. U. Hons. 1980)
6. Explain the theory of class-struggle as propounded by Karl Marx. (C. U. 1994)

CHAPTER 19

THE CONSTITUTION OF THE STATE

References:

K. C. Wheare—Modern Constitution.
C. F. Strong—Modern Political Constitutions, Chs. VI, VII.
H. Finer—The Theory and Practice of Modern Government, Vol. I, Ch. VII.
Garner—Political Science and Government, Ch. XVIII.
Gilchrist—Principles of Political Science, Ch. X.

Constitution—its necessity.

The basic principle of all governmental organisations in each state is the existence of a certain power-relationship between its individuals and the ruling body. This power-relationship has varied from age to age and this variation in the power-relationship partially accounts for the variety of the prevalent governmental system in the different stages of human history. In the earlier forms of governmental organisation, the right to participate in government was confined to a very small section of the total population while, in modern times, the right has been extended to all capable adults. If therefore, the government of a state is based on a certain power-relationship, it is necessary that the relationship should be firmly based on a stable foundation. A good government is not enough; what is of real importance is the manner in which the government is conducted. A constitution therefore indicates the pattern of the state. The Government of a state may stand in different relations with those whom it governs. But the awakening of political consciousness and the growth of democratic ideas among the masses have firmly established the principle that men should be governed by laws rather than by men. This idea gave rise to the necessity of a constitution—a body of rules—which bind both the ruler and the ruled and properly adjust the power-relationship.

Definition. A constitution may be defined as a body of fundamental rules which regulate the activities of a state. Every state must have a constitution. James Bryce says, "The constitution of a state or nation consists of those of its rules or laws which determine the forms of its government and the respective rights and duties of it towards its citizens and of citizens towards the government." Thus these fundamental laws determine the form, organisation and functions of the different organs of the government, their mutual relation and also the relation that exists between the government and the governed. Every modern constitution consists of three parts. *First*, it deals with the rights of the citizens guaranteed by the constitution. The constitution begins with the declaration of the rights of citizens as embodied in a Bill of Rights and makes due provision for their protection against encroachment by the government. *Secondly*, it deals with the government. It sets forth an outline of the organisation and functions of the government, defining the mutual relations between the different organs and prescribing the manner in which the powers are to be exercised. A constitution thus ensures to the individual the enjoyment of certain rights by clearly defining and limiting the powers of the government. *Thirdly*, it makes provisions for the amendment of the constitution. The process of amendment and the authority

competent to amend the constitution are clearly set forth in the last part of the constitution.

Classification of Constitution. Constitutions are usually classified into (a) written and (b) unwritten.

(a) *A* **Written Constitution** is one in which the main body of fundamental rules have been laid down in writing either in a single document as in the U.S.A. or in more than one document as in the original constitution of France. All the provisions of the constitution are embodied in a formally enacted document or documents. A written constitution is therefore the result of conscious effort to lay down the fundamental principles of government in a systematic form.

(b) *An* **Unwritten Constitution,** on the other hand, is one in which most of the broad principles of governmental organisation are made up of customs, usages, judicial decisions together with a small body of statutory enactments. These rules have never been reduced to writing but they have grown from precedent to precedent in course of time. An unwritten constitution illustrates the truth of the statement that 'constitutions grow instead of being made.' The constitution of England is said to be mainly unwritten.

Criticism. But the classification of constitutions into written and unwritten lacks scientific accuracy inasmuch as no constitution is wholly written and no constitution is wholly unwritten. There are written elements in unwritten constitutions and unwritten elements in written constitutions. The British constitution is said to be unwritten but it contains written elements, such as, the *Magna Carta*, the Bill of Rights, the Great Reforms Act and others. Much of what was originally embodied in customs, usages has been gradually reduced to writing.

Secondly, the so-called written constitutions are not entirely written. It is impossible to embody all the principles of constitutional law in a documentary form. All written constitutions have therefore been interspersed with unwritten elements including customs, usages and judicial decisions. The constitution of the U.S.A. which is mainly written, contains many usages which determine the organisation and working of the government. The constitution makes provision for the election of the President by the indirect method through electoral colleges. But with the gowth of the party system the President has become the direct choice of the people. Furthermore, the classification of constitutions into written and unwritten is misleading from another point of view. It indirectly implies the idea that in a state with a written constitution, the acts of the legislature are subject to revision by the judiciary and may be declared void if repugnant to the constitution. But this is not true in all states with a written constitution. The French Judiciary, for example, has no such power to nullify acts of the Legislature. Again it is claimed by many writers that the liberty of the people is better safeguarded by a written constitution than by an unwritten one. But this is not necessarily true. The Weimar Constitution of Germany was a written one but it could not protect the liberty of the people. The distinction is all the more misleading in view of the fact that it assumes that all the laws must be in a written form which excludes the possibility of the growth of conventions or customary laws. Written constitutions are sometimes called *enacted* constitutions while unwritten constitutions are referred to as *evolved* constitutions.

The truth is that a constitution is not a static but a dynamic force which changes with the change of the political conditions of a country. Woodrow Wilson has aptly remarked, "Living political institutions must be Darwinian in structure and practice." There can therefore be no constitution which is wholly written or wholly unwritten. They simply convey the idea that some constitutions are predominantly statutory in character while others are mainly customary. Such classification of constitution is wholly illusory and unscientific, the difference between the two being only one of degree and not of kind.

Merits and Demerits. Written constitutions are generally precise and definite, though they are less adaptable to the changing needs of time and hence they may give rise to occasional revolutionary outbursts. An unwritten constitution possesses the great merit of elasticity and adaptability, though lacking in the quality of stability and permanence.

Rigid and Flexible Constitutions. In view of the unscientific and unsatisfactory character of the above classification, Bryce in his *Studies in History and Jurisprudence* gives a more scientific classification of Constitution. He classifies modern constitutions into (a) *Flexible* and (b) *Rigid.* The basis of his classification rests on whether the process of constitutional amendment is or is not the same as ordinary law-making process. A flexible constitution is one which is elastic and therefore can be changed easily. A rigid constitution, on the other hand, is one which it is very difficult to change. The difference between the two therefore lies in the ease or difficulty involved in the amending process. If constitutional laws may be enacted and amended exactly in the same way in which an ordinary law can be enacted and amended, the constitution is said to be flexible. The best example of a flexible constitution is furnished by the British constitution which can be changed by the British Parliament with the same ease and facility with which it can amend an ordinary law of the land. No separate procedure is to be gone through for effecting a constitutional change. The British Parliament is both the law-making and the constituent authority. In a state with a flexible constitution, therefore, there is no difference between constitutional and ordinary laws and it recognises no higher legal authority than the ordinary laws.

In a state with a rigid constitution on the other hand, there are two sets of laws, ordinary and constitutional. Ordinary laws are enacted and amended by the ordinary law-making authority which is not competent to amend the constitution. The method of passing and amending constitutional law is not identical with, rather quite different from, the ordinary law-making process. In the U.S.A., the Congress is the ordinary law-making organ but it is not a constituent authority. Amendments of the constitution can be effected only by a special and complicated procedure. The constitution of the U.S.A. is rigid and the sole test of rigidity lies in its special amending process. But it should be noted that all rigid constitutions are not equally rigid. They vary considerably from the extreme rigidity of the U.S.A. type to the modified rigidity of the French type. Rigidity is rather relative. So too much importance should not be attached to the distinction between the rigid and the flexible constitutions. The written constitution of the U.S.A. is rigid but it is not so rigid and inflexible as one might think it to be. It will be far from truth to suppose that the process of formal amendment of the constitution is the only way by which the U.S.A. constitution can be amended to meet the requirements of a particular time. Process of formal amendment is only one of the several agencies through which the constitution is amended. As a

matter of fact, since the drawing-up of the constitution of 1789, only twenty-six amendments have been added to the constitution by the prescribed mechanism of amendment. But numerous other amendments have been effected as the result of usage and judicial interpretation which have made the formal procedure of amendment unnecessary and superfluous. The prescribed mechanism of the amendment of the U.S.A. constitution is so cumbrous that it has found some other agencies of change and these agencies are usages and judicial decisions. In this sense, the U.S.A. constitution is not less flexible than the British constitution.

Merits and Demerits. The two types of constitutions flexible and rigid, have their respective merits and demerits. The chief advantage of the flexible type lies in its elasticity and adaptability. It can be shaped and fashioned easily to meet new conditions and emergencies. To an advancing community, a flexible constitution is a blessing inasmuch as it makes possible the adjustment of the constitution to the growing needs of the community. A flexible constitution is not considered as specially sacrosanct by the people. By providing legal means for altering the constitution according to the will of the people, it not only removes the tendency of the people to disregard the constitution but also minimises the chance of revolution. Another great merit of the flexible constitution is that it ensures steady and orderly progress of the community and thus acts as an index to the social progress made at different periods of a nation's life.

The great weakness of a flexible constitution is its instability. As it is flexible, it is always subject to the mercy of popular passion. Lack of stability takes away from it the sanctity associated with rigid constitution. It is unsuited to a federal type of government in which powers of both the national and local governments emanate from the constitution.

Stability and permanence constitute the excellence of a rigid constitution. As the fundamental laws of the state are clearly laid down in writing, it is very definite and precise. The rigid constitution cannot be easily changed and as such it is free from the dangers of temporary popular passion.

The demerits of the rigid constitution are the merits of the flexible constitution. The weakness of the rigid constitution lies in its strength, namely, as it cannot be changed easily, it is unable to meet emergencies. Thus it retards political progress of the people and often increases the possibility of revolution.

Methods of Amendment. The process of amendment of the constitution of a state is largely determined by the nature and character of the constitution. If the constitution is of the flexible type it may be amended in the ordinary law-making process by the ordinary legislature of the land as in Great Britain. The British Parliament can amend the constitution without going through a separate procedure. But in the case of a rigid constitution there is no uniform rule for constitutional amendment. Generally speaking, there are four different methods of constitutional amendment in the case of a rigid constitution.

First, a rigid constitution may require that amendment should be effected by the entire body of citizens. The system prevails in Switzerland and Australia. In both the countries the initiative in proposing constitutional amendment is with the people but the proposals must be submitted to a referendum of the voters and approved by a majority of them. In Switzerland, fifty thousand voters also may take the initiative in proposing an amendment of the constitution.

Secondly, in the case of Federal states, the federating units must be consulted and an amendment will be valid provided the majority of the units is agreeable to the amendment proposed. Almost all federations follow this method. Thus in the U.S.A., the ratification of an amendment by a three-fourths majority of the states is necessary. Australia and Switzerland also require the consent of a majority of the units in addition to the consent of the majority of the electorate.

Thirdly, constitutional amendments may be effected by a different organ created whenever such needs arise. The constitution of the U.S.A. provides that a convention may be called at the request of two-thirds members of each house of Congress or by two-thirds of state legislatures. An amendment proposed by such conventions or by the ordinary legislature must be ratified by three-fourths of the state-legislatures in order that it may be valid.

Lastly, a rigid constitution may be amended by the ordinary legislature not in the ordinary legislative process but under certain prescribed conditions. In France, proposals for constitutional amendment are to be approved by a substantial majority in both Houses and are to be submitted to a referendum. In the U.S.S.R., amendment may be made by the two chambers of the legislature by two-thirds vote in each chamber.

In India, an amendment of the constitution could be made only by the British Parliament which was the sole authority to alter the Indian constitution. The Indian Legislature was a non-sovereign subordinate law-making body, with practically no authority to amend or repeal the Constitution Act. But the Independence Act, 1947 conferred the power of drawing up a constitution for the Indian Union by the Constituent Assembly of India. This Constituent Assembly was vested with the power of prescribing a method or methods for the amendment of the future constitution of India. The New constitution of India provides that an amendment of the constitution will ordinarily require a two-thirds majority of the members of each House of Parliament present and voting as well as an absolute majority of total members of each House. The proposed amendment shall stand amended upon President's assent being given to it. But an amendment affecting Presidential election, Executive power of a State, Parliament's power to constitute a High Court, or affecting the Union Judiciary or High Court in the States, relation between Union and States, Union list of powers, the representation of States in Parliament or affecting the existing provision for the amendment of the constitution, will also require ratification by the legislatures of at least half the number of states under Governors. Certain other amendments can be made by the Indian Parliament by the ordinary process of law-making.

Modern Tendencies in Constitutions. The constitution of a state is the expression of the national will and it will be far from truth to say that the national will can be definitely fixed up for all times to come in the form of a document. A constitution, whether flexible or rigid, is neither wholly evolved nor wholly enacted. The laws that regulate the activities of a modern state cannot remain the same but should be extended along with the progress of the social, economic and political life of the people. Where the constitution cannot be bent according to the needs of the time, it is likely to break. So provision for elasticity and adaptability should be made by every state for a spontaneous and healthy growth of its constitution. A constitution, whether rigid or flexible, grows in *three ways*—(i) *Usage* plays an important part in the growth of a constitution. Even

in rigid constitutions, the operation of customs and usages supplement the constitutional laws and help its expansion by securing elasticity of the constitution. (ii) *Judicial decisions* have also moulded the character of the constitution in almost all countries. The British constitution is said to be a judge-made constitution. The adoption of the doctrine of implied powers has profoundly influenced the working of the U.S.A. constitution. (iii) *Formal amendment of the constitution* involves a process of amendment of the constitution either by the ordinary process of law-making or by a special procedure. The constitution of the U.S.A. is typically rigid while that of Great Britain is typically flexible. But both of them are growing gradually and both of them are the product of usage, judicial interpretation and formal amendment of the constitution. But it must be borne in mind that the influence exerted by each of the factors may not be the same everywhere. Thus in Great Britain, the influence of custom and judicial interpretation is more prominent on the constitution than formal amendment while the constitution of the U.S.A. is based primarily on formal enactment, though not free from the influences or usages and judicial decisions. But the modern tendency in all constitutions is towards rigidity. Even the historic flexible constitution of England is leaning towards rigidity. Many of the unwritten laws have been codified and reduced to writing by formal enactment. The reasons for this gradual transition from flexibility to rigidity have been pointed out by Gilchrist as follows: (a) In the *first* place, the idea of modern democracy is to secure liberty to all and this can be done by restricting the powers of the government by a rigid constitution. (b) *Secondly,* true democracy implies decentralisation of power which has taken the form of creation of autonomous local governments. A rigid constitution is therefore considered essential in order to safeguard the rights of the people concerned and also to determine clearly the principles of the government (c) *Thirdly,* whenever a change in the constitution is desired by the people, they insist upon making the basis of the new government more explicit and definite. (d) *Fourthly,* the federal form of government is gradually gaining in popularity. The rapid advance of federalism as a form of government has made it necessary to adopt a rigid constitution which alone can prevent future conflicts of jurisdiction by clearly marking off the spheres of the general and of the regional governments.

Contents of a Constitution.

The question may now be asked as to what a constitution contains. Is it merely a document containing a body of rules conferring power upon the government by virtue of which it rules? Or is it a charter of liberty that enables the citizens to enjoy their rights? The answer to the above questions is that a constitution is a body of rules that attempts to reconcile the authority of the state with the liberty of the individual so that there may not be any excess of either of the two. The function of a constitution therefore is to adjust the relation between the government and the governed in such a way as to ensure that general order in society in which the end of the state may be realised. A constitution should therefore be so framed that it must contain the following provisions:—

First, a constitution should determine as to who should rule and who are capable of participating in the powers of the government. The limits of governmental power and the manner of exercising that power should be clearly defined by the constitution. So a constitution has both a positive and a negative aspect Positively, a constitution is a grant of power because it determines what the

government should do and negatively, it is a prohibition of powers because it prescribes what should not be done in the name of government.

Secondly, a constitution is a source of rights of the citizens. It determines the range of rights to be enjoyed by the citizens in relation to one another and also in relation to the government itself. It also prescribes the obligations of the citizens with reference to their government and also with reference to one another.

Thirdly, a constitution prescribes the manner in which the power of the government is to be exercised. It determines the mutual relation between the different organs of the government in order to ensure smooth and efficient working of the government.

Fourthly, a constitution must have its fundamental laws and methods by which the officials of the state are to be appointed. Almost all modern constitutions make provision for the creation of a Public Service Commission which is entrusted with the task of making appointments to public services.

Lastly, a constitution must make provision for effecting necessary changes in the constitution whenever such changes are deemed necessary. The process of amendment and the authority competent to amend the constitution should be clearly defined in the constitution.

Constitutional Government.

Now we are in a position to define a constitutional government. A modern state is unthinkable without a constitution. A constitutional government may roughly be defined as a form of government in which the governing power is in the last analysis vested in the people. The distinguishing feature of a constitutional government is that it is based not on the whims of those who possess political power but it is conducted in accordance with laws which on the one hand ensures to a greater or lesser degree popular control over public affairs and controls the actions of public officers on the other. A constitutional government is therefore a government of laws which regulate the conduct of public officials in relation to the citizens and the acts of the government can be justified only with reference to fundamental laws which are supreme in the state. It is, in the last analysis, a national democratic government in which the majority of the adult citizens act through deputies periodically elected and the government is ultimately responsible for its policy and actions to the majority. A government under dictatorship, or under a factious military leader, though it may possess a constitution, should be excluded from the list of a constitutional government.

SUMMARY

I. *Definition.* A constitution is a collection of principles, written or unwritten, that regulate the activities of a modern state. A state is unthinkable without a constitution.

II. *Classification of Constitutions.* They are usually classified into *written* and *unwritten.* A written constitution is generally called an *enacted* constitution which is made up of laws formally enacted by competent authority. An unwritten constitution is usually called an *evolved* constitution which gradually grows out of usages, judicial decisions etc. This classification is unscientific in view of the fact that no constitution is wholly written or no constitution is wholly unwritten.

III. *Merits and Demerits.* Written constitutions are clear and definite but not elastic and lack adaptability. Unwritten constitutions are elastic and adaptable but less permanent.

IV. *Rigid and Flexible Constitutions.* flexible constitution is one which can be changed in the same way in which ordinary laws are amended. In a rigid constitution, the process of amendment is quite different from the ordinary law-making process and hence it is not so easy to amend a rigid constitution as it is to amend a flexible one.

V. *Merits and Demerits.* A flexible constitution can meet the demand of the people by constitutional means and thus it avoids revolutions. But it has little stability. The great merit of a rigid constitution is its stability. But it cannot meet emergencies and this became a cause of popular discontent.

VI. *Methods of Amendment.* The method of amending a flexible constitution is the same as the ordinary law-making process. But different procedure is adopted in amending a rigid constitution. A rigid constition may be amended by a referendum of the entire body of citizens as in Switzerland. *Secondly,* it may be amended with the consent of majority of the member states of a Federation as in the U.S.A. *Thirdly,* constitutional amendments may be made by a different organs created whenever necessary. *Fourthly,* the power of amendment may be vested in the ordinary legislature of the land subject to certain special rules of procedure as in France. The Indian constitution before 1947 could be amended only by the British Parliament. Since August 15, 1947, it can be amended by the Indian legislature subject to certain special rules.

VII. *Modern tendencies in Constitutions.* Every constitution in modern times is the product of (a) usage, (b) judicial interpretation, and (c) formal amendment of the constitution. But the influence of each of these factors is not the same either in degree or in kind everywhere. Gilchrist is of opinion that certain circumstances have, in modern times, favoured the growth of rigid constitutions. They are (a) desire on the part of the people to guarantee their rights, (b) democratic ideas of self-government, (c) certainty and definiteness of rigid constitutions and (d) the rapid advance of federal governments.

VIII. *Contents of a Constitution.* A constitution is a body of rules that seeks to regulate the activities of a state. It generally contains provisions (i) defining the power of the government ; (ii) limiting its powers ; (iii) ensuring liberty to the citizens ; (iv) prescribing the manner of exercise of that power ; (v) prescribing methods of appointment to public services, and (vi) making provision for constitutional amendment.

IX. *Constitutional Government.* It is a government which is administered in accordance with laws which control the actions of public officers. These laws regulating the relation between the Government and the governed from the basis of the constitution.

QUESTIONS

1. "Living political institutions must be Darwinian in structure and in practice." Examine the statement. (C. U. Hon. 1946)

2. A American writer has said that the Constitution of the U.S.A, is more flexible than the British one. How would you justify his view point ? (C. U. 1951)

3. Distinguish between a rigid and a flexible constitution. Are the constitution of (a) the U.S.A., (b) England and (c) India rigid or flexible ?
Give reasons for your answer. (C. U. 1963)

4. What is the difference between a rigid and a flexible constitution. Illustrate your answer by examples. (Gauhati, 1964)

5. Which of the two types of constitutions—Rigid and Flexible—would you prefer ? Give reasons for your answer. (C. U. 1976)

CHAPTER 20

PARTY SYSTEM AND PUBLIC OPINION

References :

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Meaning and Necessity of Political Parties. Political parties which have come into existence in the wake of democratic governments are dominating factors in modern political life. The political, social and economic life of the state depends to a large extent on its party organisation. It is the pivot round which the machinery of the state is made to revolve. The ancient states were dynastic or class states and hence there was no party government. Party can function only in a democracy. Party is formed in order to constitute a majority in the legislature. But Parliamentary majority cannot rule a country by divine right or by force, they must be sanctioned by public opinion. That opinion must express itself in organised form, and so parties grow up within the state. It is the only means by which the ultimate political sovereign can definitely control government.

When a number of people hold similar views on some questions of public interest, they generally organise themselves into a party in order that their views may be propagated among the masses. The views of an individual however just or convincing they may be, will not carry any weight unless he joins with others. His voice will be a cry in the widerness, it will be lost in thousand other voices unless he can bring pressure to bear on the power that be. Thus political parties arise out of the necessity for upholding the principles or policies which a group of people consider to be conducive to the best interest of the nation. The principle behind the formation of party is therefore 'union is strength'.

The essential conditions which go to constitute a healthy party organisation are *four* in number: *First,* members of a political party may have difference of opinion with regard to the details of the party programme but it is absolutely essential that all of them must agree with regard to the fundamental principle of the party. In the absence of this common faith in, and respect for, party principle, no party can promote the cause which it upholds.

Secondly, as has been pointed out above, the basic principle of party organisation is 'union is strength' and party members are properly organised only when they are inspired by this common ideal. In the absence of this ideal, party degenerates into an unorganised mass of people.

Thirdly, the distinguishing mark of a political party is that it always seeks to realise its end by and through constitutional means. The real strength of a political party lies in the support of the people expressed through their

Functions of Political Parties: Political parties perform a multiplicity of significant functions in the political system. Essentially, these can be reduced to one major or primary function and a number of subsidiary functions, all of which contribute to the satisfactory function of a political system. The major function of political parties is the "conscious efforts to seek and retain political power." The political parties perform other functions within the political system which in the words of Alan Ball "do not constitute the main aims of the parties but which are significant by products."

Political parties generally perform the following functions:

(1) In a democratic state nominating candidates for various elective political posts is one of the most important functions of the political parties. This process of selection is very crucial for the success of a particular political party. The ability to make proper nominations that are accepted by the party members as well as by the electorate is one of the important conditions for electoral success.

(2) Having made their selections, the political parties try their best to get their candidates elected. As the electoral victory is the ultimate goal of political parties, they make some attempts through financial and personnel resources for election campaign. Door to door canvassing, mass rallies, public meetings, distribution of pamphlets and leaflets, displaying of banners and posters in streets and public places are some of the ways of campaigning. The main reason behind such campaigning by the political parties is to create popular interest in election and to encourage the citizens to cast their votes in their favour.

(3) A political party shoulders the responsibility of the government if successful at the polls and appoints its key leaders to top governmental posts. After forming the government the party tries to implement the policies and programme as outlined in its election manifesto. The parties which fail to secure the support of the majority and are, therefore, unable to form the government, devote their time and energy by playing the role of opposition. The opposition shall always be prepared to replace the government in power with their own party men. A strong opposition is the greatest safeguard against any excess and abuse that the ruling power might commit.

(4) Political parties also act as the continuing connecting link between the government and the ordinary people. In between two elections the political parties keep the ordinary citizens will informed and active. The ruling party popularises the policy and programme of the government and seek popular support. The parties in opposition are always in search of finding out the acts of omission and commission of the party in power and makes the public aware of them.

(5) Political parties provide a common forum for uniting the ordinary masses and focussing their attention to the nature of current socio-economic and political problems and offers them a number of choice among possible solutions. In a democratic state people are the real sovereign, but they cannot perform the role assigned to them without the guidance and assistance of political parties. Political parties are thus the major mechanism of informing and influencing the citizens,

educating and activating them and in this way they act as an important agency for creating public opinion.

(6) Most of the modern states are not only big in size but their electorate is also huge in number with various sectional, cultural, religious and ethnic interests. By providing a coherent ideology and able and inspiring leadership, political parties unite the masses who are otherwise divided along with social, economic, ethnic and cultural lines. In many states the governmental structures are also divisive. Political parties overcome geographical distances and provide coherance to divisive governmental structures. The national parties in all federations create unity among various federating units through the broad nation-wide network of party activities. Again, in a presidential form of government, like the U. S. A., where the executive branch of the government is separated from the legislative branch, the political parties act as a connecting link between these two branches of government. Even in a parliamentary form of government, as it operates in the U. K. and in India, the parties create unity among the real executive and the popular house of the legislature. In this way political parties help in the creation of political stability.

(7) Political parties also conduct some other activities. They organise students, youth and cultural organisations to mobilize new voters and to select new workers and future leaders. In most of the states trade unions and various interest groups are associated with political parties. These are some of the methods by which the parties "may seek to mobilise support by channelling supporters' non-political activities" and these activities are carried on a permanent basis.

Merits of Parties. The party system is essential to the successful working of representative governments. The party system organises the people into groups through which the people can express their opinion on questions of public policy. It organises the unorganised masses and moulds their opinion with a view to making them effective. It selects problems and suggests solutions which are acceptable to the public. There is thus a continuous process of education of the electorate undertaken by political parties. *Secondly,* in the absence of organised parties, the administrative machinery cannot work smoothly. The executive department of the government can work satisfactorily only when it is backed by a majority in the legislature. The party system is the only means by which a majority can be secured in the legislature. *Thirdly.* the party system prevents hasty and ill-considered legislation. It also keeps the executive in check. The party forming the government is always conscious of the fact that their policy and programme are subject to scrutiny and criticism of the opposition. This consciousness prevents them from adopting any measure which may adversely affect the interests of the people. In case of disapproval of their policy by the voters, the party-in-power runs the risk of losing power at the time of the next election. It follows therefore that party rule implies alternation of power, a system of succession which gives each party its opportunity. A healthy rivalry between different parties is therefore calculated to promote the best interests of the nation. *Fourthly,* political parties inspire the people with interest in political affairs. The party system has an educative value inasmuch as it stimulates public spirit and induces even the humblest man to take active interest in public affairs. *Fifthly,* the party system acts as a connecting link between the different organ of the government by bringing about harmony in

the activities of the different organs. In the U.S.A., the possibility of frequent deadlocks consequent upon the rigid separation of powers has been averted by the organisation of the government on part basis. The President who is the head of the executive and the Congress cannot work at cross purposes when both of them belong to the same party.

Demerits. But grave charges have been levelled against the party system. *First,* it creates artificial division and brings about factions within the country. The most serious charge against the party system is that it destroys the independence of individual voters. *Secondly,* the solidarity of the party must be maintained at all cost and to ralise it the party must maintain artificial unanimity by suppressing individual opinion. Everyone must bow to the decision of the party as expressed through the leader. Thus the system destroys freedom of thought and opinion. *Thirdly,* the party system therefore leads to the exclusion of some of the ablest men from public life who fail to see eye to eye with the party leaders. *Fourthly,* parties in the heat of their rivalry with one another are apt to forget their aims and objects. Thus the members of a party may seek to promote their party interest at the expense of the national interest. *Fifthly,* the party system tends to lower the moral tone of the country by banishing courtesy courtesy from public life. Decency and decorum are at a discount and rival party leaders indulge in mutual recriminations, forgetful of the dignity of their social status. This rivalry between party leaders gives rise to much bitterness of feeling which is likely to disturb public peace at the time of general election. *Lastly,* the party system which has been characterised by Alexander Pope as "the madness of the many for the gain of the few" is exposed to the greatest danger when it passes into the hands of a few active and intriguing persons who form the 'Boss' or 'Ring' and manipulate the whole machinery of the party for promoting their selfish interests.

Whatever defects the party system may have, it is now considered to be a natural and inevitable concomitant of democratic government. Without it, government will be rigid and irresponsive, "conceived in term of mastery rather than of service". In the absence of the party system, the state will either grow autocratic or will be the battleground of contending factions. "The party system is based on the contrary theory that men are rational beings in so far at least that they admit principle to be a better ground of government rather than force, persuasion more desirable than compulsion. and the conflict of ideas more creative than clash of arms."

Interest Groups: Nature and Characteristics.

Human beings cannot live alone and they therefore are connected with a number of groups — religious, welfare, recreational, humanitarian, professional and so on. The subject of the group has been central to the study of political science for many years. Whether the state is more important or less important than major groups or is on the same status with them is a question which was put forward by a number of writers known as the Pluralists. But a systematic analysis groups in Political Science began in 1908 in which year Arthur Bentley published his "The Process of Government." In the words of Bentley "The society itself is nothing other than the complex of groups that compose it." Thus he said "when the groups

are adequately stated, everything is stated." He believed that every group of people has an interest. So he opined "The group and the interest are not separate." Thereafter in 1954 David Truman published his "The Governmental Process" which revived much interest in the study of groups in political science. This was a comprehensive analysis of the process of government from the point of view of groups. According to Prof. Truman groups must ultimately move towards the source of power i.e., to the government. Thus politics enter when groups make their claim "through or upon the institution of government." This is the main reason behind the study of groups in Political Science.

In political science we are solely concerned with interest groups. Today practically there is no state in the world which is free from interest groups. The people who have common interest come together and try to fulfil it. For this reason they can even exert persuasive powers on the governmental organs. In the words of Prof. Harris "interest groups are groups which exert pressure upon the relevant decision-makers with the object of obtaining some benefit". Prof. S.E. Finer defines interest groups as "Organisations....trying to influence the policy of public bodies in their own chosen direction, though never themselves prepared to undertake the direct governnance of the country."

There exists a number of interest groups in every state. Interest groups like Chambers of Commerce, Trade Unions and Farmer's Bureaus represent business, labour and agriculture. All the professions, like doctors, teachers, engineers, civil servants and lawyers have their own associations to further their interests. Then there are student and youth organisations. Moreover there are some interest groups that are based on traditional social structures associated with caste, tribe, language or religion.

Interest groups everywhere have certain characteristics.

First, an interest group is an association of people which tries to further the interests of its members.

Second, interest groups usually try to bring pressure upon public officials like legislators, executives, civil servants and the judges. They often adopt techniques like financing of political parties, sponsoring such candidats at the time of elections who are their close associates and who can be relied upon and to ensure that such persons hold prominent positions in the government who will look after their interest.

Thirdly, generally, the interest groups have no political commitments. Thus they can very quickly change their political allegiance, as that suit their condition. In most cases they try to side with the government of the day. But there are certain interest groups which are permanently associated with political parties. Thus, for example, in India, the All India Trade Union Congress (AITUC) is associated with the Communist Party of India and the Indian National Trade Union Congress (INTUC) with the Congress Party. An interest group closely associated with a political party enjoys certain benefits if that party is in power, but it also suffers from certain disadvantages when that political party goes out of power.

Functions of the Interest Groups.

Interest groups generally perform the following functions:

First, they act as intermediers between the ruler and the ruled. This is a role which has become more important as the scope and complexity of politics has increased and as it has become impossible for the political parties to perform all the representative activities. Now a days a citizen alone cannot influence governmental decision. But he can do so if he joins a group of like minded persons and makes representation to the governmental authorities. It is through the unofficial channel of interest group activity that the governmental authorities can consider the demands and wishes of various sections of the people. This means that the interest groups act as spokemen and negotiators on behalf of clearly defined sectional interests.

Second, interest groups exercise supervision over the activities of the government between two elections and thus they perform a vital role in democracy. They act as opponents and critics of all governments on behalf of the interest they claim to represent.

Third, interest groups provide the ordinary people with an opportunity of joining with others having the same interest and lead them to organise themselves.

Fourth, interest groups provide the government with necessary technical and specialized information which is useful to the legislators and administrators for taking a decision. They often help the government by suggesting alternative policies or by pointing out errors in the governmental policy.

Fifth, in a democratic state once an election is over, the people get no opportunity to express their opinions on governmental policies until at the time of the next election. At least a large portion of the people covered by the organised interest groups gets such an opportunity in between two elections.

Interest Groups and Political Parties.

Interest groups differ significantly in their nature and characteristics from political parties but there are some similarities between them. Like an interest group, a political party pursues interest and tries to get the best possible benefit for its members. Again, like an interest group, a political party tries to justify itself by a belief pattern which indicates that it aims at some good. Moreover, often some political parties act as spokesmen for particular interests. Again, often a political party is concerned with exerting influence over the governmental organs, specially if the party is in opposition.

Interest groups are not political parties and there are clearly many dissimilarities between them. First, an interest group differs from a political party solely in that its tactics do not include nominating candidates for political offices as its own official representative. In other words, a political party is mainly interested in winning control of an operating the government, whereas an interest group is mainly interested in shaping public policies in its favour.

Secondly, the membership of the political parties is quite large, whereas that of an interest group is confined solely to the members of that particular group.

Thirdly, political parties are large agencies which seek to get the active support of as many people as possible. Consequently, its appeals are broad and its programmes deal with many problems. An interest group is actively supported by a small fraction of people. Consequently its appeals are narrow and its programmes are also limited.

Fourthly, an interest group generally acts behind the scene. But a political party comes to the front, function openly and try to secure maximum popularity.

Fifthly, a person can become the member of as many interest groups as he can if has diverse interests, but he cannot be members of several political parties at the same time.

Sixthly, an interest group will always give priority to its own interest and for this purpose it can even neglect national interest, but a genuine political party will always prefer national interest above everything else.

In point of time, the political parties are prior to the interest groups. Again, in point of polularity also, the political parties stand above the interest groups. But in spite of this we may agree with Prof. Mackenzie's view that interest groups are far more important than political parties "for the transmission of political ideas from the mass of citizenry to their rulers."

Dual or Two-Party vs. Multiple Party System. In the civilised world of today, there is hardly any government which is not based on party lines. In fact, the party system is regarded as almost indispensable to the successful working of representative government and if that be the case, the question naturally arises as to which of the two systems—the dual or the multiple system is preferable ?

The two-party system had its origin in England where it worked very successfully till the end of the 19th century and even now, owing to the decline of the Liberal Party there are virtually two major parties, the Labour and the Conservative. In the U.S.A., the party system may be said to be an imitation of the English System in so far as the country is being ruled alternately by two parties, the Democrats and the Republicans, since the inception of the federation.

Merits. The great advantage of the two-party system is that under it the determination of the government is simple. The party having a majority in the legislature forms the ministry. It secures not only a stable but also a strong government which, sure of majority support in the legislature, can pursue its own policy and programme unhampered for the promotion of national interest. Furthermore, under the bi-party system the party in power cannot act in an irresponsible way because of the presence of the opposition party which is ready to expose the shortcomings of the government. Thus a healthy rivalry between the two parties tends to make the machinery of the government perfect and in general it increases efficiency and sense of responsibility. *Lastly*, the system is helpful to the voter who is required to choose between only two issues instead of being confronted with too many alternatives which sometimes prove baffling to the average voters.

Demerits. But the bi-party system is not without its defects. The system is criticised on the ground that it puts definite limits to the political expression of public opinion. As there is no possibility of a compromise between the extreme left and the extreme right, the more moderate elements of either party get little scope for the free expression of their opinion. Under this system, the voter cannot always vote for the best man as his choice is limited to either of the two-party candidates. Sometimes he has to vote for a candidate against his will. Hence the verdict of the nation as expressed through a general election may not always indicate the real will of the voters. Again, the system gives rise to dictatorship of the cabinet which, backed by a majority in the legislature, may concentrate all powers in its hand. Thus in England, the Cabinet, vested as it is with the power of dissolving the House of Commons, has assumed a role of dictatorship in all spheres of administration. *Lastly*, the system destroys the freedom of opinion of party members who are compelled to vote according to the directions of the party whip.

Merits of the Multiple Party System. It is claimed that the evils of the two-party system are to some extent counteracted by the multiple party system which makes it possible for different groups to unite and to separate with every change of situation. In the absence of strict party discipline, members can hold and express their opinion more freely than under the bi-party system. Again the system prevents the tyranny of the majority party and leaves the door always open for compromise between different party groups. Furthermore, the government that is formed under the multiple party system is more representative in character in view of the fact that such government is the result of a coalition between a number of parties. As no single party can form a ministry, the ministry that is formed represents varieties of opinions and interests and as such the government cannot grow despotic.

Demerits. But the greatest defect of the group system is that under it the government that is formed is not only weak but also unstable. The ministry is always the result of negotiation and compromise and as such it lacks the self-confidence and strength which a ministry under the bi-party system possesses. The slightest difference of opinion among party groups forming the ministry will lead to a break-up of the coalition, the dissentient groups withdrawing their support from the ministry. Thus no stable government is possible under this system. Instability makes it impossible for the government to pursue any systematic long-term policy. Unity and solidarity which are so essential to a strong and vigorous executive cannot grow among the members of the executive as they are drawn from different opinion-groups, having no common recognised leader to guide and control them. In the absence of solidarity, the government becomes weak and weakness leads to inefficiency and irresponsibility. *Lastly*, formation of ministry under the multiple party system depends upon negotiation and intrigue between party-groups and not on the verdict of the nation expressed at a general election as under the bi-party system.

Non-Party Government. The rise of dictatorship supported by a single party, the limited choice and rigour of party discipline under the two-party system and lastly, the instability and weakness of a government under the multiple party-system have led some thinkers to advocate the complete abolition of government by parties. They advocate a *non-party* government in which each citizen will be free to express his political views according to his individual judgment. Rousseau, more than any other thinker, was conscious of the

defects of party government and hence he declared that the general will was incapable of realisation under the party system which sought to create an artificial unanimity of opinion. Many other thinkers including George Washington, Burke and Laski have warned us against the possible danger of government by party.

Even if we admit that the party system is open to grave evils which not only suppress the freedom of the individual but also corrupt public life, the question is what is the working alternative to it? Modern governments, call it democratic or dictatorial, are formed and backed by parties. To destroy it is to destroy the government itself. In the absence of the party system, government will grow rigid, irresponsive to public opinion. Without it, compulsion and not persuasion will be the only method of changing a government. The abolition of party will leave the individual quite helpless in making his voice effective. The despotism of the party will be replaced by a worse type of despotism which cannot be dislodged except by the application of force. The abolition of party is likely to limit the outlook of the individual to the narrow sphere of his own interest and for want of a correct lead, liberty of the individual may turn into license. The right to differ on questions of public policy is a fundamental right but it cannot be made effective except by united demand.

Thus it is evident that the party system is natural and inevitable; it is a proof that men are rational beings and as such they prefer settlement of their differences by the force of logic rather than by the force of arms. A non-party government cannot last long under modern conditions of political life. Either it will drift towards a government by a single party with the dictator as the rallying centre or it will turn into the battleground of several opinion-groups, none of which being strong enough to hold power for a long time.

The above analysis clearly shows that the idea of a non-party government is neither desirable nor practicable. The remedy to the evils of party government lies not in its total abolition but in its reform—an all-round reform in its aim, organisation and activity. It must be borne in mind that the party system is a means to an end and it should not be regarded as an end in itself. The realisation of this fact will go a long way in reforming the party machinery so that it may serve its purpose in the best possible way. In conclusion. it may be said that the success of the party system depends upon the character of the citizens forming the party and if the citizens forming the party do not allow their party to deviate from its true aims and objects, the party system, instead of being a curse as it has proved itself in many countries, will be a blessing to mankind in their efforts for the realisation of the highest political ideal.

Party Government in Modern Democracies. Dual Party in England. England, parties existed from early times in the form of factional groups which fought each other for capturing political power. But the most important feature in the organisation of English political parties is the tradition of a bi-party system. Thus the Lancastrians fought with the Yorkists, the White Roses fought with the Red Roses and the Cavaliers, the Roundheads. When Parliamentary supremacy was established after the Glorious Revolution of 1688, two well-organised parties came into existence under the name of Whigs and Tories. Subsequently, the nomenclature was changed into Conservatives and Liberals,—the Conservatives clang to the Tory tradition of maintaining the *status quo* while the Liberals embarked on a bold policy of progressive reforms in all direc-

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Demerits. But the bi-party system is not without its defects. The system is criticised on the ground that it puts definite limits to the political expression of public opinion. As there is no possibility of a compromise between the extreme left and the extreme right, the more moderate elements of either party get little scope for the free expression of their opinion. Under this system, the voter cannot always vote for the best man as his choice is limited to either of the two-party candidates. Sometimes he has to vote for a candidate against his will. Hence the verdict of the nation as expressed through a general election may not always indicate the real will of the voters. Again, the system gives rise to dictatorship of the cabinet which, backed by a majority in the legislature, may concentrate all powers in its hand. Thus in England, the Cabinet, vested as it is with the power of dissolving the House of Commons, has assumed a role of dictatorship in all spheres of administration. *Lastly*, the system destroys the freedom of opinion of party members who are compelled to vote according to the directions of the party whip.

Merits of the Multiple Party System. It is claimed that the evils of the two-party system are to some extent counteracted by the multiple party system which makes it possible for different groups to unite and to separate with every change of situation. In the absence of strict party discipline, members can hold and express their opinion more freely than under the bi-party system. Again the system prevents the tyranny of the majority party and leaves the door always open for compromise between different party groups. Furthermore, the government that is formed under the multiple party system is more representative in character in view of the fact that such government is the result of a coalition between a number of parties. As no single party can form a ministry, the ministry that is formed represents varieties of opinions and interests and as such the government cannot grow despotic.

Demerits. But the greatest defect of the group system is that under it the government that is formed is not only weak but also unstable. The ministry is always the result of negotiation and compromise and as such it lacks the self-confidence and strength which a ministry under the bi-party system possesses. The slightest difference of opinion among party groups forming the ministry will lead to a break-up of the coalition, the dissentient groups withdrawing their support from the ministry. Thus no stable government is possible under this system. Instability makes it impossible for the government to pursue any systematic long-term policy. Unity and solidarity which are so essential to a strong and vigorous executive cannot grow among the members of the executive as they are drawn from different opinion-groups, having no common recognised leader to guide and control them. In the absence of solidarity, the government becomes weak and weakness leads to inefficiency and irresponsibility. *Lastly*, formation of ministry under the multiple party system depends upon negotiation and intrigue between party-groups and not on the verdict of the nation expressed at a general election as under the bi-party system.

Non-Party Government. The rise of dictatorship supported by a single party, the limited choice and rigour of party discipline under the two-party system and lastly, the instability and weakness of a government under the multiple party-system have led some thinkers to advocate the complete abolition of government by parties. They advocate a *non-party* government in which each citizen will be free to express his political views according to his individual judgment. Rousseau, more than any other thinker, was conscious of the

defects of party government and hence he declared that the general will was incapable of realisation under the party system which sought to create an artificial unanimity of opinion. Many other thinkers including George Washington, Burke and Laski have warned us against the possible danger of government by party.

Even if we admit that the party system is open to grave evils which not only suppress the freedom of the individual but also corrupt public life, the question is what is the working alternative to it? Modern governments, call it democratic or dictatorial, are formed and backed by parties. To destroy it is to destroy the government itself. In the absence of the party system, government will grow rigid, irresponsive to public opinion. Without it, compulsion and not persuasion will be the only method of changing a government. The abolition of party will leave the individual quite helpless in making his voice effective. The despotism of the party will be replaced by a worse type of despotism which cannot be dislodged except by the application of force. The abolition of party is likely to limit the outlook of the individual to the narrow sphere of his own interest and for want of a correct lead, liberty of the individual may turn into license. The right to differ on questions of public policy is a fundamental right but it cannot be made effective except by united demand.

Thus it is evident that the party system is natural and inevitable; it is a proof that men are rational beings and as such they prefer settlement of their differences by the force of logic rather than by the force of arms. A non-party government cannot last long under modern conditions of political life. Either it will drift towards a government by a single party with the dictator as the rallying centre or it will turn into the battleground of several opinion-groups, none of which being strong enough to hold power for a long time.

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mobilise the energy of the whole nation and divert it to a particular channel for the promotion of national interests. The defeat of the Axis Partners in the hands of the Allied Powers in the Second World War led to the liquidation of the Nazi Party in Germany and the Fascist Party in Italy. The Communist Party in Russia still holds a prominent position not only within the U.S.S.R. but is slowly and steadily making its way in other countries as well.

Democracy and one party government are contradiction in terms. Democracy is based upon the willing consent and co-operation of the people ; it rests on consultation and compromise. Under it people can freely express their opinion and can have a government of their own choice. Democracy presupposes the existence of more than one party and the existence of different parties enables the people to express their views as they like.

But under an one party government, no choice is left to the people either for freedom of thought or for its expression. There is one opinion and that opinion must be subscribed by all. So under such a system of regimentation of thought and opinion, individuals have no other alternative but to court spiritual death.

Safeguards against the evils of Party system. Parties may be formed out of various motives. They may be formed out of interest or principle. Parties when formed out of motives or interest give rise to serious evils which stand in the way of the realisation of the ideal of party government. namely, welfare of the country. The evils of the party system may be removed by such measures as constitutional provision for fundamental rights, by separation of powers, by safeguarding the position of the permanent staff from party influence, and by securing the rights of the minorities.

In order to make the government free from party influence, the following measures should be adopted. The government should be so constituted that a single person or a single party may not have a monopoly of all powers. For this purpose, direct democratic checks in the form of referendum, initiative and recall should be made compulsory in making important decisions by the government. After all, an alert and intelligent public opinion is the most effective check upon party dictatorship. If the people are vigilant and zealously guard their democratic rights no government will dare encroach upon their rights. *Secondly*, appointments to public services should be made on the sole test of merit and these appointments should be made by an absolutely independent Public Service Commission free from the influence of the party-in-power. The state should confer no title or honour upon any person or if it confers, it should be done strictly on the basis of social service rendered by the recipient of such honours and titles. *Thirdly*, fundamental rights of the citizens and rights of the minorities must be guaranteed by the constitution which should be written and rigid so that the governing authority may not alter it at will *Fourthly*, the sanctity and inviolability of the constitution should be preserved by an independent and impartial judiciary which is regarded as the greatest bulwork of liberty. *Fifthly*, the terms and conditions of services of public officials should be adequately safeguarded in order to enable them to discharge their duties independent of the favour or frown of the ruling authority. *Lastly*, the citizens should be given an education and training which will enable them to rise above their petty personal or party interests and make them more conscious of national interest.

Public Opinion. It has been well-said that "an alert and intelligent public opinion is the first essential of democracy." Democracy will degenerate into dictatorship, if the people are not mindful of their interest. If the people cease to be alert, the government will not only not carry out the will of the people, but it will act in such a way as to promote the selfish interests of the ruling class. The essence of a popular government is therefore that it consists in the control of political affairs by public opinion. Public opinion exercises an indirect influence on the activities of the government. The social and political changes introduced by new laws in a country mostly originate with the people. In a democracy, people first put forward their demand and make agitation for its fulfilment. When the movement becomes sufficiently strong, government becomes alive to its responsibility and makes necessary legislation for carrying out the wishes of the people. Thus movement for the abolition of slavery in America originated with the people and was subsequently adopted by the legislature when there was a strong public opinion behind it. A popular government is thus a government which is amenable to the influence of public opinion. But it would be wrong to assume public opinion to be a mere passing whim. It is, in reality, an enduring opinion of the people.

Its Nature. Public opinion refers to the opinion on the important public questions, which are substantially shared by the dominant portion of the community. As Lowell observes, in oder that opinion may be public, a majority is not enough and unanimity is not required. Unanimity of opinion is not required in public opinion. Rather public opinion will be deprived of all value if there is no dissent. In order to constitute public opinion, it is not necessary that all must think alike. It is enough that upon fundamentals, there is agreement among them, though on the non-essential points, there may be divergences of view. Again public opinion does not mean the opinion of the numerical majority. It is generally held that public opinion depends upon and is measured by the mere number of persons to be found on each side of a question. But this is not true. If 49 p.c. of a community feel very strongly on the one side and 51 p.c. are lukewarmly one the other, the former opinion has the geather public force behind it and is sure to prevail in the end. The opinion of persons possessing the greatest knowledge of a subject is also of greater weight than that of an equal number of ignorant persons. Thus the opinion of a small number of physicians on questions of public health and hygiene is of more importance than that of a large number of lay people. Intensity of belief with which an opinion is held is a factor which is taken into consideration in determining public opinion. The essential characteristic of public opinion is that it is an opinion which is shared by a dominant section of the people and which has for its object the welfare of the community at large. Matters of individual or group interest cannot be the subject of public opinion. Nothing short of common interest can be the true criterion of public opinion. Thus majority opinion need not always be regarded as public opinion, because the opinion of the majority may be formed without any reference to the good of the minority. Lowell says that, in order to be worthy of the name, the opinion must be such that, while the minority may not share it, they feel bound by conviction, and not by fear, to accept it.

An opinion, in order to be an opinion in the true sense of the term, must be an "integral part of the believer's philosophy." The opinion of a person is generally formed by outside opinion. An opinion is held to be a

true opinion because the person holding the opinion believes it to be true and as such his own opinion irrespective of the source by which he may be influenced to form that opinion.

Agencies for the Formation and Expression of Public Opinion.

Public opinion in all societies generally remain dormant and inactive unless aroused and made active. But it cannot be roused all on a sudden. It takes time to rouse and makes it active. The following agencies usually play an important role to make otherwise politically indifferent people politically conscious and active.

1. **The Press**—The part played by newspapers in forming and expressing public opinion can hardly be over-estimated. The first step towards the formation of public opinion is to supply real facts on a matter to enable people to form their opinion on the basis of the facts supplied. Newspapers supply these facts. Debates in the legislatures, Government orders and directives, views of eminent politicians, addresses in meetings and assemblies and above all activities of the different political parties are reported in the newspapers. These reports attract the attention of the people who become gradually interested in the matters thus reported. The newspapers not only supply news but they arrange and disseminate news in such a way that people form their opinion from the mode of dissemination of news. Every newspaper has its own political view. Some newspapers are supporters of government policies, some are critics while others are moderate in their views. Every newspaper on the basis of its political views presents the same fact to its readers in such a way that the readers of that newspapers form their opinion accordingly. It is for this reason that a particular group of readers like a particular newspaper. Thus through editorial comments and mode of dissemination of news, the press influences public opinion. Besides, the newspapers by giving opportunities to the public to express their opinion through letters also collect and express public opinion. There is another aspect of the role of the newspapers which must not be lost sight of. The newspapers are potent of both good and evil. They can circumscribe the outlook of their readers and make them partisan in spirit by distorting and misinterpreting facts. As the number of newspaper reading public is steadily increasing and as political opinion of the public is mostly formed through newspaper reading, the responsibility of the newspapers has also increased. It is for this reason that freedom of the press is desirable but its abuse should be checked by all means. It is also desirable that such an important agency for the formation of public opinion should be made available to the common man at a low price.

2. **The Platform**—Freedom of expression of opinion through meetings and assemblies constitutes an important item of individual liberty. The opinion of a person or of a group however reasonable it may be cannot be effective and as such a sizeable section of the people collectively through meetings and processions give vent to their opinion more spectacularly. It is through such meetings and conferences that eminent leaders of particular opinions convince the people of the reasonableness of their views. People who are convinced enlist themselves as supporters of that particular view. These public meetings are not only agencies for formation of public opinion but they also activise public opinion by starting popular movement in defence of their rights and also against measures prejudicial to the interest of the public. These movements make public opinion alert and active.