



A Comment on Pluralistic Theory of Sovereignty

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ABSTRACT:

Sovereignty is the power of a State or a Country that exists within it to control or rule the public by Laws enforced with the prior approval in the Parliament or Legislature. Two theories of Sovereignty are more popular and they are Monistic theory and Pluralistic Theory. Monistic theory is defined as power controlled by single entity whereas Pluralistic theory assumes that the use of power do exist in groups who refer the laws for the mutual benefit of their group in fulfilling the obligations. The following article discusses the Pluralistic theory with reference to its views through the Author's view point.

Key Words: Sovereignty, Country, People, Law

Introduction:

J. W. Garner, "Sovereignty is that characteristic of the state in virtue of which it cannot be legally bound except by its own will or limited by any other power than itself."

The concept of Austin's notion of Legislative Sovereignty (Monopolistic Theory) was not completely acceptable by the United States because even though the Law makers where the rulers either Democratic or Monarchs but power vested with groups who dominated the race or community for different reasons and they referred law for their personal obligations of the group members. So, this gave rise to a new theory of Pluralistic Sovereignty Theory which rightly believed that formal groups like social groups (community), religious institutions, educational institutions etc use the Law of Legislature to control their operations. For example a Hindu Undivided Family who is called as Karta is the supreme authority of the Family and he can exercise his powers based on traditions as well as law.

Founders of the theory

1. John Locke and Montesquieu.
2. James Madison

Unique features of Pluralistic Sovereignty Theory

- The philosophy of Sovereignty is not single in nature and it is plural.
- Sovereignty is Legal, Constitutional and supreme in the eyes of Public.
- The power is not centralized and it applies for decentralization philosophy as laws are referred by different organizations and groups for the control.
- Apart from State development is equally supported by the formal as well as informal groups formed.
- It supports the existing as well as upcoming groups to play a vital role in the development of the society.
- It opposes the monopoly of power and encourages decentralization.
- Power should be distributed among groups.

It is said that the logical conclusion of the theory of pluralism is anarchism. Anarchism is an ideology that is defined by the central belief that political authority in all its form, and especially in the form of the state is both evil and unnecessary. Anarchy literally means 'without rule.' (Source:www.cukashmir.com)

Commentary

The Ramakrishna Hegde Government of 1985 in Karnataka introduced the three tier system of the Government based on the

concept of providing power to each citizen by establishment of Local Bodies so called Gram Panchayaths at village level and town as well as district level Panchayats. Local Bodies were created to specify the role of development of local leaders indirectly the local people in their constituencies followed by urban, rural and town places. This was implemented by the whole country and every Indian State adopted the Panchayath Raj Act that was passed in the Parliament.

Advantages

- ❖ People at the rural and urban places represented the District Panchayath and got an opportunity to develop their constituencies from where they have been elected.
- ❖ Separate funds were sanctioned by the Government for the local bodies.
- ❖ Administrative offices and sectors like Health, Education, and Irrigation etc were in the control of Zilla Panchayath.
- ❖ Schools, Government Hospitals, Roads and drainage etc were well developed by the Zilla Panchayath comparing to the schemes of Central as well as State Government.
- ❖ Women were given from 33 percent to 50 percent reservation for election.

Disadvantages

- ❖ Corruption was encouraged due to local players authority.
- ❖ In the MLA and MP elections the local body members played a vital role
- ❖ Many of the schemes were misused.
- ❖ People enjoyed the elections and voters started new demands.
- ❖ It was a gateway to divide and rule policy

Three Tier Systems

1. CENTRAL GOVERNEMENT
2. STATE GOVERNEMENT
3. LOCAL BODIES(VillagePanchayath,Town Panchyath, Zilla Panchayath)

Discussion:

Even though the concept of Local Bodies was based on the Pluralistic theory of Sovereignty there were a lot of disadvantages such as favourism, corruption, gender discrimination, racism etc. So, in general no theory is perfect because as there are two faces of a coin. Decentralization according to the Pluralistic Theory holds no more grounds to prove that the use of power (multipurpose users) cannot bring expected growth. At some level it is acceptable as there are quite local developments as it is dominated by local leaders. When new laws have been implemented the drawbacks are need to be understood otherwise it opens the deep routed corruption.

Implications

1. Power can be misused both centralized and decentralized.
2. Organizations can work in the legal frame work of law.
3. Groups and sub groups are influenced by ruling parties for funding their activities which is a failure of decentralization of power.

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