

Barker purposes for  
which they  
associated and



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Barker says, " We see society less as a number of individuals leading a common life, we see it more as an association of individuals already united in various groups, each with its common file, in a further and higher group for a further and higher common purpose." An association is defined as " a group of persons or members who are associated and organised into a unity of will for a common end." Cole defines it: " Any group of persons pursuing a common purpose or system or aggregation of purposes by a course of cooperative action extending beyond a single act, and for this purpose agreeing together upon certain methods of procedure and laying down, in however rudimentary a form, rules for common action." An association, therefore, embraces a group of people having a common purpose or purposes for which they associated and organised themselves.

A mere group of men do not form an association. Every association must have, in the first place, some specific purpose or purposes to fulfil. Secondly, individuals so associated should be duly organised. Without organisation it becomes just a collection of individuals or a crowd. A crowd has no method of doing things and achieving its purpose, as there is no common bond of cohesion between them. And there must be some man or body of men to see that the rules of the association are duly obeyed to realise its purpose.

Every association necessarily has its constitution, a code of rules and a way of setting up its government; churches, political parties, and trade unions, for example. The State, too, is a group of human beings. It comes into existence, like other groups, to satisfy human needs through concerted action. While each group has its distinctive character and problems, yet all pursue their activities to secure a happy and good life. In spite of this close resemblance

between the State and other associations, there are some fundamental differences which distinguish the State from any other association. 1.

The State is a territorially integrated association and its territory is most distinctly demarcated. The jurisdiction of each State lapse beyond its territorial limits. But voluntary associations are not restricted to a definite territory.

Many of them are international in scope, spread the entire world over, and include in their membership citizens of many States, as the Rotary Club, the Lions Club, the Red Cross Society, and the Boy Scouts and Girl Guides. The membership of each State is distinct. I am a citizen of India while John is a citizen of, say, United States of America. 2. Membership of the State is compulsory. One must be a member of one State or another there is no other option for him.

But membership of other associations, except the family, is voluntary and optional. It is for each individual to decide whether he should be a member of one association or many associations at the same time; it is his own option and choice. He is also free to withdraw from any association whenever he elects to do so; it is his own decision. 3. The State is a permanent and enduring association unless it is conquered and annexed or its units disintegrate and secede as in the erstwhile Soviet Union. Governments may come or go, the sovereignty may shift from one centre to another; the State continues.

But many associations have only a temporary existence. An association may cease to exist as soon as the purpose for which it came into existence had

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been realised. Some associations disappear, because of internal dissensions. Even violent internal commotions and changes do not affect the existence of the State; they may simply lead to a change in the government. 4.

Each association is promoted for a specific object or objects and its activities are limited to the pursuit of those interests. In other words, the sphere of activity of every voluntary association is well defined. The province of the State, on the other hand, is much wider and its activities are manifold. It is charged with the care of general rather than particular interests.

MacIver says that the State “ is essentially an order-creating organisation. It exists to establish order, not, of course, merely for the sake of order, but for the sake of all the potentialities of the life which require that basis of order.”

5. The State is sovereign and it possesses the power to enforce its decisions. Voluntary associations do not possess the legal power of coercion.

If the members of an association disobey its rules and regulations, they cannot be physically punished. It has no means to command and enforce obedience. It can only morally condemn the wrong-doer, though it may be admitted that in some cases moral condemnation is worse than physical punishment. 6. The State possesses the power to control the activities of all voluntary associations.

It can even ban the existence of an association if it is deemed to have acted or is likely to act so as to disturb public peace and security. As a matter of fact, no State would permit the formation, or continued existence within its territorial limits, of an association for criminal or immoral purposes, or one whose objects are avowedly hostile to the public policy of the State.

Examples when associations have been declared unlawful or have been dissolved by the command of the State are too numerous to quote. The Government of India in 1962 declared the Rashtriya Swayam Sevak Sangh (RSS) an unlawful association and banned its activities. The ban was lifted afterwards. Internal Emergency declared in June 1975 again banned it. It was banned on December 9, 1992 for the third time along with the Vishwa Hindu Parishad (VHP). The Bajrang Dal, and the Islamic Sewak Sanghy.

Till March 31, 1993, “ associations and groups, including the four mentioned above, stood banned under the provisions of the Unlawful Activities (Prevention) Act, 1967. The Pakistan Government, during General Ayub Khan’s military regime, prohibited the organisation of private military formations and then liquidated political parties. General Zia-ul-Haq repeated it in 1977 after his military coup and the ban on political parties continued till 1987. 7. Finally, the State can create many associations and prescribe their functions. The universities in every country are established by the laws of the State and their functions are clearly defined therein. Similarly, it may create corporations or other kinds of associations for certain specific purposes.