IS INDIAN DEMOCRACY ALIVE AND KICKING?

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Abstract:

Into 62 years of long journey of the largest democracy of the world, India and we still retrospect how better it has performed to the expectation set by the makers of Indian constitution. “Democracy is the government of the people, by the people, for the people” As 16th American president Abraham Lincoln quoted in appraisal of a political structure which derives its power and authority from the subjects of governance. A structure of governance different from imperial autocracy where people are made aware and responsible through equal participation and representation in the process of governance and development. Thus, this paper analyzes in true sense the essence of Indian Democracy and the status of development in India, even after 60 years of Independence.

Keyword:
Legislative, Executive, Judiciary, Media, Democracy, Liberalisation, Globalisation, Privatisation.
Introduction:

India has been the largest patron of this spirit of democracy which is implicitly reinforced in the preamble to the constitution of India. This solemn resolution stresses on democratic and socialist structure of India based on doctrines of political and social democracy where people enjoy equal status of opportunities and representation. The constitution installs its faith and responsibility of protecting and promoting this democratic structure by demarcation and assignment of various duties into the organs of executive, legislative and judiciary while permitting check and balance to allow cross checking. Lately, media has a voluntarily evolved and assumed a major role in this process though not being a constitutionally recognised body. These four bodies have given strength and structure to democracy and thus referred as “Pillars of Democracy”. A periodic critical evaluation of how these pillars have performed under changing weather of development democracy in the post-independence era has thus assumed an important parameter to evaluate the over-all performance of democracy in India.

Legislative, Now and then:

A sovereign legislature deriving its power and authority from a written constitution was entrusted with the responsibility of protecting and promoting this democratic structure of the country. However over the years it has proved to be a subservient hand-maid to the executive actions by legislating for vested interest. The chronology of post-independence legislations in India testify the fact the legislative body has been keen on “top to bottom” approach of planning and implementation and nothing much except “Panchayati Raj” has called for the participation and response from the grass-root level. Notwithstanding rough weather of developmental democracy there is a series of legislations under article 368 which has further limited the ambit and judiciability of fundamental rights e.g. scrapping of right to property by constitution 44th amendment act, 1978 and other amendments diluting its definition and purpose by adding exceptions and superseding power of judicial interpretations of their reasonableness. There has been instances where the fundamental rights of an individual was transgressed through exercise of emergency provisions and even legislating bye laws and statutory rules depriving people of their property justifying it on grounds of collective public interest.

Although India has touched a stable GDP at around 9, this growth has barely augmented the doctrine of social democracy. The physical gap between the rich and the poor has widened as a result of unidirectional growth promoting legislations which has indirectly led to inflationary pressure on economy and hampered social equity. Until the 12th plan period the focus was epicentred on liberalisation, globalisation and privatisation of Indian economy and not much was done in the direction of resource diversion towards rural infrastructure, education and health. Even the urban poor were very little benefitted from the national growth policy. In an environment of widening social strata it is very difficult to realise the true spirit of democracy in the country.

Executive, Now and then:

The executive wing of the democratic system who are entrusted with the responsibility of enforcement of public policies and public order have been found riddled with wide spread practice of corruption, indifference, lack of initiative and criminal accomplishments. Unlike other pillars of democracy executives are directly accountable for
the state action and can thus be considered as flag bearer of democracy. A transparent and efficient executive is what reinforces people’s faith and participation in developmental democracy. However, a post-independence account indicates executive tyranny. One such burning example is that of enforcement of The Armed Forces (Special Powers) Act of 1958 (AFSPA). Under this Act, all security forces are given unrestricted and unaccounted power to carry out their operations, once an area is declared disturbed to maintain the public order in the name of aiding civil power. It was first applied to the North Eastern states of Assam and Manipur and was amended in 1972 to extend to all the seven states in the north-eastern region of India. The enforcement of the AFSPA has resulted in innumerable incidents of arbitrary detention, torture, rape, and looting by security personnel. There has been a large shift in neutral practice by public officials with politicisation of bureaucracy. A number of cases have been evinced where corrupt practices have deprived people of their rights at the cost of democracy. Scandals of huge repository of black money in foreign banks, purchase of sub-quality products on defence deals, hawala cases stand testimony to the malfunctioning executive actions. Most recent of them being the 2G spectrum license distribution scam with its roots spreading deep into the council of ministers with even Prime Minister’s actions taken into consideration, caused a loss of ₹176,645 crore to the public exchequer. Thus, an inference can be drawn that executive wing has failed to maintain its integrity and purpose towards achieving greater democratization of state.

Judiciary, Now and then:

The Indian judicial system is independent and impartial. Rather, this is the only pillar of Indian democracy in which all Indians have placed full faith and confidence. This faith is amply demonstrated by the fact that every day many new cases are being heard in courts all over the country. The Indian judiciary is thus one of the strongest pillars of Indian democracy. From its inception is has stood a strong in protecting and enforcing the postulates of an ideal state through its various verdicts. It has not only filled up the intuitional gaps due to legislative and executive unwillingness through judicial activism but also taken up various public interest litigations to encourage democratic participation of people in seeking constitutional and legal remedies against tyranny by any organ of the state.

Through its various verdicts the supreme court of India has stood up as a watch-dog of the values imbibed in the constitution. Social awareness, insistence on human rights and the attempt to check governmental lawlessness are said to have transformed the supreme court of India into a Supreme Court for Indians. The judiciary has ensured that howsoever high you may otherwise be, the law is above you. The post-independence era saw reforms as in agrarian reforms and abolishment of titles. This raised conflict between the doctrines of directive principles of state contained in part IV and The fundamental rights contained in part III of the constitution where the government decided to emphasize on reforms at the cost of few fundamental rights as that of right to property. Exercising its power of judicial review as in Golak Nath Vs State of Punjab case the judiciary ruled out few amendments as unconstitutional citing its respect for basic structure of the constitution although it has recognised parliamentary sovereignty. Thus it has always kept an active check on any act of legislature or executive against the spirit of constitution through its rulings. The judiciary assumed an activist role through PILs. Good example is what one might call epistolary jurisdiction, the fact that Supreme Court justices have gone so far as to accept mere postcards concerning infringements of fundamental rights as writ petitions. Public interest litigation has been on the rise since the early 1980s and has brought justice to the doors of those who live a hand-to-mouth existence and are illiterate and unorganized. It has become a byword for judicial involvement in social, political and economic affairs, Human rights issues. In the mid-1990s, the judiciary began to tackle the issue of corruption by taking up public interest litigations. Public interest litigation thus provides an important forum for agents of civil society to stake their claims. It has turned the judiciary into an arena in which government lawlessness and malfunctioning are debated, providing public exposure and, to a certain extent, relief for frustrated and even traumatized citizens.

However, symptoms of inefficiency haunt the courts as they do other state institutions. The courts are not free of corruption. In the past couple of years, few allegations of corruption in the judiciary have been reported in the newspapers (the Sumit Mukherjee scandal of the Delhi High Court; the club scandal of the Punjab High Court; the Ghaziabad Provident Fund scandal, etc.). The legal process is even said to have become “more and more intractable, dilatory, whimsical and protective of the criminal and law breaker having influence or financial clout”. There are serious complaints of “widely reported allegations of judicial misconduct and a disconcerting compromise of integrity and impartiality”. Also the justice delivery system in India is expensive and time consuming. It is estimated that there are about 250 million cases pending in the various courts in India. This huge backlog is causing delays in
getting justice. Some say “justice delayed is justice denied.”

Media, Now and then:

**Media** as a pillar of democracy in India has got very late but strong acceptance, specifically after the period of economic liberalisation allowing foreign direct investments (FDI) in mass media and emergence of internet in the late 90’s. This has subsequently led to increase in the volume of mass media, realisation of social responsibility and increasing role in social dynamics directly impacting social changes in India. In India, media has played a greater role in educating the masses for their social upliftment amidst large scale poverty, unemployment and underdevelopment through its developmental journalism. It has played credible roles in generating public opinion which has forced the political parties to address the core issues haunting the country’s progress.

The media as a watchdog of the democratic system has unearthed its various shortcomings. Investigative reporting in print and television media has helped in exposing large scale corruptions which have robbed the nation. The Commonwealth Games Scam, the Adarsh Housing Society Scam, Cash for Vote Scam and the Bofors Scam are the highpoints of the Indian media. Across newspapers and television channels voices have been raised when the bureaucracy, judiciary or other public functionary have crossed the *laxman rekha*. Here the importance lies more in participatory communication right from the grassroots rather than communication which flows top down. Various television channels have also given the space for ordinary citizens to air their views in the form of citizen journalists thereby promoting democratic participation. **Internet**, a relatively newer entrant in the field of mass media, has proved to be more democratic than newspaper and television by providing a larger, low cost, faster, open platform for citizens who to express their views and debate about a number of issues. However, Ownership pattern of media in India is a cause for concern. There are big corporate houses who own newspapers and television networks. A higher concentration of ownership increases the risk of captured media. Also there has been legislative interference on media contents justifying social and moral grounds which has rather threatened of a future legislation that may bring down the independence of media which is the essence of democracy.

**Conclusion**

The beauty of democracy lies in the fact that it allows *synchronized participation, growth and profit sharing* by the subjects. In the current context however, all the four pillars of democracy in their individual capacities have failed to achieve the target projected before them. This can be grossly attributed to their misinterpretation of power and authority, destructive interference in each other’s functioning and frequent indulgence in corrupt practices. Owing to the elaborate foundation, distribution of function, and well woven check and balance system of Indian constitution there is no doubt that the democracy of India has survived the rough weathers of infancy. However, democracy not being an absolute measurable quantity but a continuum, there is always a scope of greater democratization. For that radical reforms need to be brought in into the system. Then only we can say it is kicking.

**References**


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