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INDIAN DEMOCRACY: ISSUES AND CHALLENGES

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Introduction

Democracy is a common word which can be heard in most of the speeches by political leaders. There are several essentials of the concept of democracy. One can find the source of the principles in numerous political traditions, like, liberalism, republicanism and social democracy etc. Some of the key principles that are commonly associated with democracy which include the protection of human rights and freedoms, the rule of law, popular sovereignty, free and fair elections, separation of power, checks and balances, pluralism and tolerance.

Indian democracy is not merely a political system of governance rather than Indian democracy is a dream for which most respected freedom fighters & sacrificed their life and fought against monarchical and authoritarian rules such as Mughals and Britishers.

Though Indian democracy worked smoothly. Recently some reports have been published where the questions had been raised on Indian democracy. The rankings of Indian democracy as per many reports had been declined and the quality of Indian democracy had been doubted in the various reports. As per the “World Press Freedom Index” released by Reports. Without borders of 2024 the India was ranked 159 out of 180 countries”¹. The V-Den (Varieties of Democracy)² highlights several issues relating to the state of democracy of India. These issues are such as erosion of civil liberties, restrictions on freedom of expression, assembly, and association becoming more pronounced³. Further, it point outs the challenges related to the functioning of democratic institution, such as the judiciary, which faced increasing pressure and threats to its Indian dance.⁴ Thus present blog analyses the issues and challenges faced by the Indian democracy.

¹ Available at <https://www.statista.com>> news visited on 29/12/2024

² http://v-dam.net/media/publication/dr_2022pdf. Visited on 29/12/2024

³ Ibid

⁴ Ibid

Rule of law

The rule of law is fundamental principals of democracy that refers to the idea that everyone, including government officials, must be subject to the law. It mean laws are applied equally to all individuals and that there is no one above the law as enshrined under the Indian Constitution. The rule of law is a fundamental component of democracy. Democracy is based on the idea that the people, not the government, have the ultimate authority to govern. The rule of law is the framework that ensures that government and its officials are accountable to the people. In the absence of the rule of law governments and individuals in position of power would be able to act with impunity, without being held accountable for their actions. Without the rule of law, there would be no mechanism to hold the government accountable for its actions which could lead to corruption, abuse of power, and a loss of public trust. This trust is essential to the functioning of democracy because it allow & people to participate in the democratic process with confidence that their voice will be heard and their rights are protected.

Role of Political Parties

The most recent news found on internet regarding the topic under consideration was having the following headlines "observer view on the growing threat to democracy in India the news⁵ published by one of the popular news channels/publishers. The news used the word "threat" which is not an usual word which is often used, there has to be some reasonable grounds for using such kind of word. The initial ground was alleging that the proceedings being done against the opposition leaders is for political reasons and is politically motivated which in other ways is allegations on the ruling party for using the legal proceedings as a weapon and the legal proceedings as politically motivated.

Now the question is whether is it correct to say that the legal proceedings against a political leader is politically motivated. Whether are there any reasons for calling the legal proceedings as politically motivated? Such news further raises doubts regarding the credibility of the persons who are adjudicating the legal proceedings. Whether can there be any system where a political party can influence an entire department or the legal proceedings. If yes, whether the means are correct or not and how can it be possible, if no then whether can be done if any political party wants to? The answer to such all questions can be very debatable. One another thing which is very much clear is that for such kind of activities there cannot be any evidences

⁵ www.theguardian.com visited on 3rd January, 2025

as the same is a corrupt practice and is prejudicial to the interest of people of India. Suppression of opposition leaders is also possible but in India we are having rule of Law.

Non-Accountability and Non-Return Participation in Political Debates and Discussions

Another allegations⁶ which are often raised for India's democracy under threat is that the political leaders are non-accountable, no questions can be asked or can be compelled to answer the questions raised by people. The people have the right to know which had been defined in various supreme court judgments⁷ but how such right would be used or exercised. The people of India can file a RTI for asking questions and get satisfactory or unsatisfactory answers. If the person gets unsatisfactory answer do any person have any remedy. Let's look for any remedy, the RTI Act provides that in case the RTI is not answered, the remedy is to approach courts and relevant authorities. But what about, when the political leader gives no satisfactory answer, in such case, whether is there any remedy to remove such representation. The requirement of such kind of remedy is very essential for the reason that people participation is very essential in any democracy. It is essential for a political leader to be accountable to the public for several reasons. Firstly, in a democratic system, political leaders derive their legitimacy from the consent of the governed. They are elected to represent the interests and aspirations of the public, and thus, they must remain answerable to the people who have entrusted them with power. Accountability serves as a cornerstone of democratic governance, fostering transparency in government operations and decision-making processes. When leaders are accountable, they are more likely to be transparent about their actions, policies, and the utilization of public resources, which helps build trust between leaders and citizens. Moreover, accountability plays a crucial role in maintaining checks and balances within the government. It ensures that political leaders are subject to scrutiny by other branches of government, independent institutions, and the public, preventing the abuse of power and the erosion of democratic norms. By holding leaders accountable for their actions and decisions, accountability acts as a safeguard against corruption, nepotism, and authoritarian behavior. It encourages responsive governance, prompting leaders to listen to citizen feedback, address grievances, and take corrective actions when necessary. Furthermore, accountable leadership

⁶ <https://www.intelligencesquared.com/events/narendra-modi-is-the-biggest-threat-to-indias-democracy-since-independence-online/> visited on 30-12-2024

⁷ Bhim Rao Baswanth Rao Patil v. K. Madan Mohan Rao, 2023 SCC OnLine SC 871. <https://www.scconline.com/blog/post/2023/07/26/voter-right-to-know-election-candidate-full-background-constitutional-jurisprudence-sc/> visited on 30-12-2024

promotes citizen engagement and participation in the democratic process. When people believe that their voices matter and that their leaders are answerable to them, they are more likely to actively participate in elections, civic activities, and public discourse, enhancing the vibrancy of democracy. Additionally, accountable leadership is crucial for promoting development, prosperity, and well-being in society. When leaders prioritize the public interest, invest in infrastructure, provide essential services, and implement policies that benefit the broader population, they contribute to the overall stability and prosperity of society. Accountability is not only a fundamental principle of democratic governance but also a linchpin of effective and responsible leadership. It ensures that political leaders act in the best interests of the people they serve, uphold democratic values and norms, and contribute to the collective welfare of society.

Principles of Secularism as used by Political Parties

In many cases, political parties may opportunistically exploit religious or ethnic identities to mobilize support from a specific demographic segments typically the majority community. This strategy may involve emphasizing cultural or religious symbols, promoting narratives of identity and belonging, and fostering a sense of solidarity among supporters. However, such tactics can have significant implications for the broader political landscape and social cohesion within country. By aligning closely with a particular majority group, political parties risk exacerbating divisions along religious, ethnic, potentially marginalizing minority communities and undermining the principles of secularism and pluralism. This approach can also contribute to the polarization of society, heightening tensions and fostering a climate of intolerance and discrimination. Moreover, the pursuit of narrow electoral gains based on identity politics may come at the expense of addressing broader issues of governance, development, and social justice that affect all citizens irrespective of their religious or ethnic backgrounds. By prioritizing short-term electoral calculus over long-term societal harmony and democratic values, political parties risk eroding public trust in democratic institutions and exacerbating social inequalities. While political parties may adopt non-secular rhetoric or align with particular majority groups to garner votes, such strategies can undermine the foundational principles of democracy, pluralism, and inclusive governance. Genuine secularism entails a commitment to equal treatment and respect for all citizens, regardless of their religious or cultural affiliations, and political parties have a responsibility to uphold these principles in their pursuit of electoral success. The use of topic like religion on such a big level can have some

serious repercussions, as seen either in operation blue star or in demolition of Babri Masjid or such other events.

The term, Secularism in India was added by 42nd amendments to the Indian Constitution. The Indian judiciary had affirmed the fact that principles of secularism are in built in Indian Constitution⁸. One of the most significant rulings on secularism came in the form of the Kesavananda Bharati case (1973)⁹, where the Supreme Court upheld the doctrine of basic structure. This doctrine essentially asserted that while Parliament had the power to amend the Constitution, it could not alter its basic structure, which includes secularism as one of its fundamental tenets. This judgment reaffirmed the importance of secularism as an integral part of India's constitutional ethos. Furthermore, the Supreme Court's decision in the S.R. Bommai case (1994)¹⁰ reinforced the principle of secularism by holding that secularism is a basic feature of the Constitution and that any attempt to undermine or destroy it would be considered unconstitutional. The court emphasized that secularism is not just a passive attitude of neutrality but an active commitment to ensure equal treatment and protection for all religions, as well as the separation of religion from the affairs of the state. Additionally, the Supreme Court's ruling in the Indira Gandhi v. Raj Narain case¹¹ highlighted the judiciary's role in upholding secularism by holding that the use of religion or religious appeal for electoral purposes is inconsistent with the principles of secularism and free and fair elections. This judgment underscored the need to maintain the secular character of the electoral process and prevent the exploitation of religious sentiments for political gain. Overall, these landmark judgments have reaffirmed the significance of secularism in India's democratic framework and underscored the judiciary's commitment to upholding it as a foundational principle of the Constitution. By emphasizing the importance of secularism in ensuring equality, pluralism, and social harmony, these rulings have contributed to the preservation of India's diverse and inclusive democratic fabric. Now the question is whether the principles of secularism are being followed or not? If they are being followed, how can it be confirmed and if they are being followed, how can it be confirmed. Finally, the arguments ends at the point that whether merely showing intention and personal beliefs to people would amount to violation of principles of

⁸ <https://www.india.gov.in/my-government/constitution-india/amendments/constitution-india-forty-second-amendment-act-1976> visited on 28 December 2024

⁹ (1973) 4 SCC 225; AIR 1973 SC 1461

¹⁰ ([1994] 2 SCR 644; AIR 1994 SC 1918; (1994)3 SCC1)

¹¹ <https://www.india.gov.in/my-government/constitution-india/amendments/constitution-india-forty-second-amendment-act-1976> visited on 28 December 2024

secularism, because the ruling party is currently just showing its personal beliefs in its religion, it is actually the people who just have same ideology as that of the political party and they choose them on the basis of their ideology. It means that the govt. never violates any principle of secularism for the simple reason that the govt. never makes any law or does any activity which is in violation of principles of secularism, it is the party who do that, or even the party does not violate any principles of secularism. And finally the political party is entirely different from government. Hence, the present govt. cannot be said to be working in violation of principles of secularism.

Free and Fair Election

Manipulating the elections in such a manner that it becomes difficult to see what is being done wrong and even if it is seen by some then why other people cannot see it. Ruling party is a governing party who has all the power to make rules and to work as per its ideology(yet is another debate as to whether such ideology is correct or not) and on the other hand opposition party makes allegations which pertains to manipulation of elections, if such allegations are true then it is definitely deeply against the principles of democracy and if the allegations are baseless then it is very much understandable as to why any opposition political party would put such allegations. The reality of such allegations needs to be tested and unfortunately there is no such system or procedure to test the veracity of all such allegations. Electoral integrity needs to be maintained. Major challenge to electoral integrity in India is the issue of suppression. This can take various forms, such as the manipulation of voter registration lists, the use of violence or intimidation to prevent certain groups from voting, or the use of false information or propaganda to influence voters.

Institutional Autonomy

Nowadays we are hearing the debates on the autonomy of institutions like judiciary, election commission in India. There is check and balance by these institutions. If there is weakening of autonomy of these institutions, definitely it will affect democracy. And it is the cause for concern as it undermines the checks and balances that are essential to a healthy democracy. It is important for all stakeholders to work together to strengthen democratic institutions and uphold the rule of law.

Conclusion and Suggestions

On the basis of the study it can be said that main concern of Indian democracy are autonomy of various Institutions. Electoral integrity, rule of law, freedom of speech and different and minority rights which are essential to a healthy democracy for checks and balances. There is lack of participation of people in the democracy. Indian democracy cannot be said to be in danger rather there are always possibilities of improvement where the concept of accountability and participation of people can be given real time effect. Youth participation is another crucial avenue, as encouraging political awareness and providing platforms for young leaders can in fare the political landscape with fresh perspective.

Initiatives such as voter verifiable paper audit trail (VVPAT) machines underscore the commitment to electronic integrity. The introduction of transparent funding mechanisms is necessary. State funding either partial or full, for political parties could be helpful by reducing on private domination, A robust code of conduct may be a guiding framework, ensuring that politicians adhere to high ethical standards in their roles. Public awareness initiatives are instrumental in shaping a democratic cultural values where diversity is not a policy but a shared valued embraced by the entire electorate.

There is need to transparency in appointments, protecting judges from political interference is paramount. A robust judiciary act as a bulwark against arbitrary exercise of power and ensures the enforcement of constitutional principles and fundamental rights. Citizens engagement through technology represents a transformation solution to strength Indian democracy by facilitating active participation and feedback mechanisms.