

DEMOCRACY AND ITS DISCONTENTS

Relevant for: Indian Polity | Topic: Indian Constitution - Features & Significant Provisions related to The Preamble, Union & its Territories and The Citizenship

Civilisation progresses with the evolution of institutions designed by humans to govern their affairs. Institutions of electoral democracy have evolved over the centuries, with notable innovations in the U.K., France and the U.S. that provided models for electoral democracies everywhere. These models have been vigorously exported by Western countries to promote democracy around the world. Now, the system of democracy invented in the West and exported to the rest is failing in the West. "Are Western democracies becoming ungovernable?" asks *The Economist*. Elected governments are in office, but not in power, it says. Many countries in Europe cannot form stable governments because the largest party does not command a majority. Coalitions are unstable. Parliaments are unable to pass laws. "The home of failure to pass meaningful laws is the United States", it says. Americans will point a finger back to *The Economist's* home country: the performance of political parties in the British House of Commons has not been edifying either.

By these yardsticks, democracy is shining in India. With a strong government at the Centre, Parliament has passed a slew of big laws recently. The most recent is the change in the governance set-up of Jammu and Kashmir, which has been haunting India's constitutional arrangements.

However, democracy consists of much more than elections and passage of laws. India has a great Constitution. It conducts free and fair elections. Its Parliament has passed many landmark laws since Independence. Yet failures of governance (and democracy) in India can be seen on the ground, in so-called 'backward areas' in the heartlands. Indeed, the Indian government has justified its bold reduction of powers of Jammu and Kashmir's elected Assembly on the grounds that democracy was not functioning within the State and benefits of good governance were not reaching the citizens.

Democracies need an architecture of institutions. Some institutions provide the vertical pillars. Other institutions provide the lateral binders that give strength and stability to the democratic structure. In the popular discourse about democracy, too much attention has been given to the vertical institutions required for people to elect their leaders, and too little to the lateral institutions required to create harmony amongst people.

Universal franchise, elections, and political parties fighting each other to win elections enable a society to determine who is in the majority and has the right to govern. The problem with a majoritarian democracy is that it is not designed to find solutions for complex problems with many points of view. A government with a majority, especially a large one, can become as authoritarian as a dictatorial one. It can deny minorities their rights for their views to be considered while framing laws and resolving contentious issues. The people have spoken once in the election; that should be enough. Now, they must leave it to the government in power. Thus, a government elected by a majority can justify the exclusion of the minority.

However, by excluding the views of the many that did not vote for it — and quite often these may even be the majority in the first-past-the-post system — a government reduces its own effectiveness. Those dissatisfied with the governments' decisions go to courts wherever courts are independent, like in India. However, courts are not set up to find policy solutions to complex problems and must interpret the laws as written. In India, many have complained that courts are venturing into matters of governance that they should not. This is a sign that something is

missing in India's democracy.

When problems are complex, good governance requires effective methods for people's participation. Referendums of the entire electorate give an illusion of good democracy — that the people have been consulted. Politicians on both sides of a referendum will run populist campaigns appealing to the basest of instincts to sway the opinions of the masses. Whereas, when the issue is complex, voters should be educated about what they are voting for. And then, when a small majority determines how all must go (52% wanted Britain to leave the European Union versus 48% that did not), referendums become yet another example of the problem with a majoritarian democracy rather than a good solution.

Healthy democracies need three vibrant layers of institutions. At the bottom is the public space and the media in which people must be free to speak up if they want to. On the top is the layer of constitutional institutions — parliaments, courts, etc. Social media has enlarged the public space enormously. Many more people are speaking up and many issues are being raised. Social media provides a good platform for opposing views, but is glaringly inept at reconciling them. On the contrary it is heightening divisive walls. Therefore, more problems require the attention of constitutional institutions above, and they have more on their plate than they can digest.

When elected representatives are expected to vote in their assemblies only according to the wishes of their own constituency and to also follow party whips, they cannot open their minds to listen to the views of other constituents. Thus, assemblies of elected representatives, in which framers of the U.S. Constitution hoped representatives would deliberate upon what is best for the whole system and not just for their parts of it, have become incapable of performing the role they should perform, *The Economist* laments.

With democratic governance slipping into ineffectual log-jams, it is tempting to close down the public space at the bottom, or to impose a majoritarian view from above to strengthen the government. There is fear that India may be slipping down this path, which may strengthen government on the ground, while stifling democratic governance. It is the road to 'maximum government, minimum governance'.

Political middles are thinning in democracies everywhere. People want change. Radical parties of the Right and Left are gaining support. The solution for strengthening governance and democracy at the same time is to strengthen the middle layer of institutions within democracies that lie between the open public sphere and formal government institutions. These are spaces where citizens with diverse views can listen to each other, and understand the whole system of which they are only parts. Neither elected assemblies nor social media provide such spaces. Sadly, even think tanks have become divided along ideological and partisan lines.

It is imperative for India to build intermediate level, unofficial or semi-official institutions for non-partisan deliberation amongst concerned citizens. The government must give more space for such institutions to form and operate. When there is global despair about the ability of democratic institutions to deliver the benefits of good governance to citizens, this innovation must become India's invaluable contribution to the history of democracy's evolution.

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