

In the Constitution we trust

The Indian Constitution and the institutions that it created have allowed the Indian democracy to thrive. One such institution has been the Election Commission of India, which has played a stellar role in the consolidation of Indian democracy. After granting the right to vote to every adult citizen of India, the makers of the Constitution felt it necessary to guarantee effective and impartial exercise of the right to vote by citizens. That is how they decided to create an independent Election Commission of India for conducting elections, which was given a separate statutory existence.

The magnitude of the conduct of elections in India is a challenge to any institutional framework... There was a time in the history of Indian democracy when the electoral process suffered due to violence and electoral malpractices such as booth capturing or denying opportunity to vote to political opponents by using forceful means. Indian election system has since become mature. Now, events of booth capturing or tampering with the election process have become few and far between. We are happy that technology is being deployed in ensuring free and fair elections.

Two more important institutions of India have equally contributed in the evolution of India's constitutional and political journey. The first obviously is the judiciary. We are proud of the pivotal role played by the judiciary in upholding the fundamental and other rights of common citizens. In our journey of the last 70 years, many complicated issues of race, region, religion, ethnicity and empowerment arose. Many of them landed for adjudication before our courts and our judiciary, from high courts to the Supreme Court, pronounced thoughtful and learned judgements, which in many ways acted as a great balm to challenges of competing emotions.

Public interest litigation is an important innovation of India's judicial system to uphold the rights of the marginalised and deprived. While the extraordinary contribution of this novel experiment cannot be minimised, yet there is a need for caution, namely, that this extraordinary tool in the hand of the poor and deprived to seek genuine accountability should not be misused for extraneous reasons. Even the Supreme Court in many of its judgements has disapproved of the frequent abuse of this forum.

The founding fathers of the Indian Constitution clearly recognised that governance must be left to those elected to govern and also accountable to the people of India. Same is the case about law making. Governance and accountability go together and accountability means accountability to Parliament and accountability to the people. In the famous *Kesavananda Bharati* case, the Supreme Court espoused the principle of basic structure which means that Parliament, even while amending the Constitution, cannot transgress these basic features. Democracy, rule of law and republican form of government are some of the constituents of the basic structure. The Supreme Court has also outlined separation of power as part of the basic structure. Independence of judiciary is a cornerstone of our polity and we stand fully committed to it.

Another important institution that has played an important role in the evolution of democracy is the media. It is often said that India is a very "newsy" country and Indians are very "newsy" people. Today, India is home to some 882 TV channels, about 200 of which are news channels. Many of these are 24X7 channels. There are 99,660 newspapers and periodicals. Many of them are critical of the government policies while many also advise, counsel, caution, appreciate and also moderate. TV media is an asset for immediate news but also poses its own challenges. The independence of media in India is now recognised as integral to our polity. There are problems of misreporting and of doctored and paid news, but we believe that the inherent strength of our institution and political traditions finds befitting answer and, ultimately, it is the people who give the final verdict.

Our democratic framework has provided the required space for associative activism and in a benevolent cycle, the development of civil society has also contributed to India's democratic deepening and invigorated a norm of vibrant civic engagement with the state. Some of the noticeable pieces of legislation that India has adopted in recent times like the Right to Information and the Right to Free Basic Education have, in part, taken shape through civil society activism.

In the march of the last 70 years, the story of India has seen many challenges. These challenges range from getting millions of Indian out of abject poverty, to providing them access to health and quality education, extremism, secessionism from a small group seeking to overthrow India's democratic polity through the power of gun such as the left-wing extremists. Yet the abiding faith of the people of India in peace remains our biggest asset. Those who are actuated by violent means still remain on the margins of the political spaces. None of these organisations has had the courage to participate in elections and seek popular support. Some of the fringe tried and miserably failed because their violent ideology has no popular sanction.

Today, terrorism has become the major impediment to development and threatens us all. No cause justifies the indiscriminate killing of innocent civilians. Yet there are countries that still use it as an instrument of state policy. We must show zero tolerance for State-sponsored terrorism. The perpetrators, organisers, financiers and sponsors of terrorism must be isolated and made to face action from all societies that cherish freedom.

The year 1975 saw the biggest test for the democracy when national emergency was proclaimed after the one of the high courts found the then prime minister guilty of electoral malpractices. Freedom of speech was suppressed, restriction on the media was imposed, and independence of judiciary was curbed. As a student leader, I was involved in the fight for restoring democracy. Once the Emergency was revoked and elections were held, people of India defeated that prime minister and elected a new government. The biggest lesson of Emergency is that no political leader and political party today can think of subverting democracy.

Indian democracy has a beauty of its own, which I have seen closely in my experience as a student activist and in my political life for more than 30 years. People of India give their support to political formations at the national or the regional level depending upon their ability to persuade the people to take their cause. However, they also expect those trusted by them to show political maturity and foresight in their conduct and appreciate the idea of India. Those who have failed to recognise this message never could get a long innings in the politics of India...

The abiding lesson of 70 years of working in our constitutional and democratic polity, if I were to sum up, would be the profound recognition among common people of India of their rights, their sense of empowerment, their abiding faith in the democratic process, their growing awareness in seeking accountability and their repeated reminders to those who have their consent to govern that they would have to perform to retain their trust.

There would be political debates, there would be heated exchanges also, there would be muscle flexing also at times in the streets, yet amidst the noise and chaos, what India's democracy and constitutional ethos have taught ordinary Indians as well as those who are in public life is that despite the extraordinary diversity and numerous differences of caste, creed, faith, language, region or economic stature, India must remain one as it marches ahead with confidence...

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