

Democracy beyond the Judiciary

What is the issue?

\n\n

\n

- The Supreme Court gave a series of verdicts in the recent days, which has a bearing on prevalent social systems.

\n

- It is to be understood that the judiciary alone is not responsible for deepening democracy and protecting social freedoms.

\n

\n\n

Unless... philosophers become kings in the cities... there can be no cessation of evils... - Plato

\n\n

What is the anomaly?

\n\n

\n

- The recent society-related judgements include that on [triple talaq](#), [Section 377, adultery](#), and [women's entry](#) into Sabarimala temple which are welcome.

\n

- But in these, the mission of deepening democracy, and protecting and advancing social freedoms is placed solely upon the judiciary.

\n

- On the one hand there is a complete side-stepping of the role of the legislature.

\n

- Also, there is a dichotomy between social morality and judicial morality (itself an interpretation of constitutional morality).

\n

- These are dangerous tendencies and an indication of a crisis situation in India.

\n

\n\n

What is the concern?

\n\n

\n

- Essentially, India's parliamentary democracy is built on separation of powers.

\n

\n\n

\n

- Parliamentary bills/debates are absolutely vital to a parliamentary democracy.

\n

- But more than this, the Supreme Court verdicts have occupied a place of significance.

\n

- The judiciary has assumed the role of the single most important pillar, superseding legislature.

\n

\n\n

Is Parliament's role eroding?

\n\n

\n

- The above trend is mainly because of the degradation and abuse of the roles of the legislature and the executive.

\n

- Legislations are being pushed through without discussion in Parliament and hardly any debate in the public sphere.

\n

- The Prime Minister rarely attends parliamentary debates, affecting the sanctity of the forum.

\n

- If the Lok Sabha met for an average of 127 days in the 1950s, in 2017 it met for a shocking 57.

\n

- If 72 Bills were passed in a year in the first Lok Sabha, the number was 40 in the 15th Lok Sabha (2009-14).

\n

- The Budget session for this fiscal year saw a usage of just 1% of its allotted time in the Lok Sabha.

\n

- Also, the Budget itself was passed without discussion, through the guillotine

process.

\n

- Parliament, instead of representing the highest democratic ethos, is focussing on electoral majorities.

\n

- This leaves it incapable of challenging the barbaric social/religious practices enforced by dominant interests.

\n

- The dangerous void left by the executive and the legislature is only made to be filled by the Supreme Court.

\n

- But this could create potentially catastrophic ramifications for Indian democracy.

\n

\n\n

Why should judiciary's role be balanced?

\n\n

\n

- The higher echelons of judiciary self-appoint their members through the collegium system.

\n

- Being an unelected body, the task of democratising society cannot be left to the judiciary alone.

\n

- The change must be through social and political struggles from the bottom, and not from above.

\n

\n\n

\n\n

Source: The Hindu

\n

