Democracy beyond the Judiciary

What is the issue?

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- The Supreme Court gave a series of verdicts in the recent days, which has a bearing on prevalent social systems.
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- It is to be understood that the judiciary alone is not responsible for deepening democracy and protecting social freedoms.
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Unless… philosophers become kings in the cities… there can be no cessation of evils… - Plato

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What is the anomaly?

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- The recent society-related judgements include that on triple talaq, Section 377, adultery, and women's entry into Sabarimala temple which are welcome.
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- But in these, the mission of deepening democracy, and protecting and advancing social freedoms is placed solely upon the judiciary.
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- On the one hand there is a complete side-stepping of the role of the legislature.
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- Also, there is a dichotomy between social morality and judicial morality (itself an interpretation of constitutional morality).
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- These are dangerous tendencies and an indication of a crisis situation in India.
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What is the concern?

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- Essentially, India’s parliamentary democracy is built on separation of powers.
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- Parliamentary bills/debates are absolutely vital to a parliamentary democracy.
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- But more than this, the Supreme Court verdicts have occupied a place of significance.
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- The judiciary has assumed the role of the single most important pillar, superseding legislature.
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Is Parliament’s role eroding?

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- The above trend is mainly because of the degradation and abuse of the roles of the legislature and the executive.
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- Legislations are being pushed through without discussion in Parliament and hardly any debate in the public sphere.
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- The Prime Minister rarely attends parliamentary debates, affecting the sanctity of the forum.
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- If the Lok Sabha met for an average of 127 days in the 1950s, in 2017 it met for a shocking 57.
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- If 72 Bills were passed in a year in the first Lok Sabha, the number was 40 in the 15th Lok Sabha (2009-14).
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- The Budget session for this fiscal year saw a usage of just 1% of its allotted time in the Lok Sabha.
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- Also, the Budget itself was passed without discussion, through the guillotine

process.
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- Parliament, instead of representing the highest democratic ethos, is focussing on electoral majorities.
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- This leaves it incapable of challenging the barbaric social/religious practices enforced by dominant interests.
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- The dangerous void left by the executive and the legislature is only made to be filled by the Supreme Court.
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- But this could create potentially catastrophic ramifications for Indian democracy.
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Why should judiciary's role be balanced?

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- The higher echelons of judiciary self-appoint their members through the collegium system.
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- Being an unelected body, the task of democratising society cannot be left to the judiciary alone.
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- The change must be through social and political struggles from the bottom, and not from above.
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Source: The Hindu

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