Dynamics of Democracies in India and US

Mains syllabus: *GS II - Governance, Constitution, Polity.*

Why in the news?

On July 4, the United States observed its Independence Day which is one of the largest democracies of the world.

What is democracy?

- **Democracy** – it is a form of government in which the rulers are elected by the people.
- Abraham Lincoln, 16th US president, defined it as "Democracy is a government of the people, by the people and for the people".
- **Types of democracy –** Two types direct and indirect.

Direct democracy	Indirect democracy
People will participate in decision making of the government on daily basis.	Also called as Representative democracy, where leaders elected by people will make decisions.
Examples – US provinces, Switcherland.	**Examples** – India, France, Canada.

- **Features** – Democratic government rules within limits set by constitutional law and citizens' rights.
- **Free and Fair Election** - It must be based on a free and fair election where those currently in power have a fair chance of losing.
- **Universal Adult Franchise** - Each adult citizen must have one vote and each vote must have one value.
- **Advantages** - A democratic government is a better government because it is a more accountable form of government.
- Democracy provides a method to deal with differences and conflicts.
- It improves the q*uality of decision-making, enhances the dignity of citizens.*

How did India's democracy backslide during 1975 emergency?

On 25 June 1975, the then President Shri Fakhruddin Ali Ahmed issued the Emergency proclamation under Article 352, citing threats from internal disturbance.

Article 352 *of constitution deals with proclamation of emergency. President declare that the security of India or any part of the territory thereof is threatened by war or by external aggression or by armed rebellion.*

- **Legal Suppression of Democracy** – The imposition of emergency did not violate the constitution, but was imposed legally.

- Emergency suspended civil liberties, censored the press, imprisoned over 1, 00,000 citizens, and reduced Parliament and the courts to shadows of themselves.
- **Suppression of Civil Liberties** – Persons who expressed dissent were portrayed as anti-national, and subject to treason charges.
- **Suspension of Right to Life** - The Supreme Court ruled that during the Emergency, even the right to life could be suspended.
- Only one judge, Justice H.R. Khanna, dissented against government in emergency for which he was never appointed Chief Justice, punishment for his integrity.
- **Rights Became Privileges** – *Rights became government permitted* rather constitutionally provided.
- **Preventive Detention** - People questioning the government were detained under the Maintenance of Internal Security Act (MISA), a preventive detention act without trial.

As of 1 January 1975, Indian jails housed 2,20,146 prisoners against a capacity of 1,83,369. Among them, 1,26,772 were under-trial prisoners.

- **Sterilisation Drive** - Over 1.07 crore sterilisations were conducted nationwide during the Emergency.
- These included 548 complaints involving unmarried individuals and 1,774 reported deaths linked to the procedures.
- **Censorship of Press** - From 26 June 1975, pre-censorship was imposed on all newspapers and Editors were required to get government clearance before publishing news, editorials, and photographs.
- The government appointed a national censor along with regional censors to monitor press content.
- **Media Classification** - Newspapers were labelled as 'friendly', 'neutral' or 'hostile' based on their editorial stance and coverage.
- **Compromise of Institutional Integrity** - Judges, Ministers, civil servants, even journalists, People entrusted with guarding democracy *chose loyalty over law* to serve prime ministers interests.

After the Emergency ended in March 1977, the government appointed Shah Commission of Inquiry to examine its impact and the actions taken during the period.

How are the dynamics of US similar to India?

- **Undeclared Emergency** – Though emergency in is not declared in the US, the political conditions are similar to India in 1975.
- **Weakening of Institutions -** Institutions such as Congress, Supreme Court, Media that are meant to act as a check on the President's power has become weak and are dominated by the executive influence.
- **Executive Dominance Over Parliament** – The president has a majority in both Houses of Congress, so the laws ruled by him will be passed even while opposition refuse.
- **Judicial Weakness** – The President has 6-3 conservative majority in the Supreme Court, which legalizes all his actions.
- **Passive Press**– Media refrain from actively questioning the government out of fear or pressure.

- **Legal Intimidation** - President can weaponize the Justice Department to prosecute his opponents, threaten to strip immigrants of their citizenship and residency status.
- If law enforcement serves power instead of the public, then the law ceases to be king and we begin the slow coronation of another.

What lies ahead?

- Though the emergency in India was ended in 1977, the deeper damage to political culture, to institutions, to the constitutionalism still remains.
- Today, both India and America are democracies by form, their futures depend on how citizens, official's act when faced with leaders who believe they are above the law.
- Constitution is not fixed, it must be redefended, reinterpreted, and reaffirmed by each generation.
- The normalization of revenge politics, the erosion of checks and balances needs to be resisted.

H.V. Kamath (constituent assembly member) warned, Constitutions do not protect liberty on their own. They must be guarded by people with the courage to say no.

References

1. The Hindu | Two Democracies and the Echoes of tyranny
2. PIB | The Emergency in India

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