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**HARYANA LEGISLATIVE ASSEMBLY SECRETARIAT (INDIA)**

No.Res/CPA/Sem/06/ 5586

From

**Shri Kuldip Singh,  
Additional Secretary & Secretary to Hon'ble Speaker.**

To

**The Organizing Committee,  
XVIIth Congress, Vietnam Lawyers Association,  
261 A 2 Thuy Khue Street,  
Hanoi, Vietnam.**

Dated: Chandigarh, the 24<sup>th</sup> April, 2009.

**Subject: XVIIth Congress of the International Association of Democratic Lawyers to  
be held on 6-10 June, 2009 at Hanoi, Vietnam.**

Kindly refer to the letter dated 14<sup>th</sup> February, 2009 of the President, XVIIth Congress of the International Association of Democratic Lawyers, addressed to Dr. Raghuvir Singh Kadian, Hon'ble Speaker on the subject cited above and in response to the said letter, my D.O. letter No.SHS/09/5567, dated 24.02.2009 addressed to President, IADL, 17, Lawyers Chambers, Supreme Court, New Delhi informing that Dr. Raghuvir Singh Kadian, Hon'ble Speaker, Haryana Legislative Assembly will attend the aforesaid Congress, I am enclosing a copy of article contributed by the Hon'ble Speaker on "Democratic governance for the people" which is one of the themes included in the proposed six Commissions to be discussed in the said Congress. It is not possible to send two hundred copies of the article. It is, therefore, requested that copies of the enclosed article may be photocopied at your level.

Thanking you in anticipation,

  
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## DEMOCRATIC GOVERNANCE FOR THE PEOPLE

*There is no greater revolution than democracy. It is the best form of Government which pre-supposes the participation by the people in which the people, the Parliament and the Government have their responsibilities and roles to play. It envisages representation of the people, responsible Government and accountability of the Executive to the Legislature. In Presidential form of Government, the President does not represent the majority in Congress or the Senate nor is he accountable and responsible to them because the Executive and the Parliament are elected separately. While, in Parliamentary democracy based on Executive accountability to the Legislature, the latter is the bridge between the people and the Government, the Government being answerable to Parliament and the Parliament being answerable to the people. This is the reason that parliamentary form of Democracy is developing fast in the world. In our times, we have seen how the people have totally rejected the fascism, dictatorship, personal rule and autocracy and switched over to democratic form of Governments because it is the best system that ensures their fundamental rights, privileges and fundamental civil liberties. We have seen the sweeping wind of change in Czechoslovakia, Poland, East Germany, Hungary, Romania and Bulgaria in the past. We have also seen the reformatory changes in the political system of some countries in the Commonwealth itself which are now blazing examples of successful Parliamentary democracy across the world. The countries like Guyana, Zambia, Zimbabwe, Namibia, Lesotho, Mozambique, Seychelles, Uganda, Malaysia and Bangla Desh where the people were fed up with the misrule of one party system have opted for multi-party system which is the basic common feature in the Parliamentary system.*

*On the basis of experience, the Democracy has proved to be a civilized form of Government which is "of the people, for the people and by the people." The Democracy is not an end in itself, but only a mean to an end and that end is the welfare and well-being of the people, the ultimate masters. Parliamentary Democracy is an interdependent participatory system that charts the course for the country to march on from political freedom to economic freedom and equality in the process of upholding the dignity of the individual and sacredness of the human personality. Hence, the Democracy and development have become synonymous to each other.*



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*India is the biggest democratic nation in the world. Ever since the dawn of independence, India has been making persistent efforts to establish herself as a strong united and dynamic State, bringing prosperity to all the citizens and create an environment where all would have a sense of participation and involvement in the affairs of the State. The Indian Constitution containing the basic principles of administration, the rights and obligations of the people and the responsibility of the Government, is intended to lay the foundation on which a strong India could be built. Looking back, one can see that it was not a small achievement for an infant nation to give the right of franchise to all citizens irrespective of their place of birth, caste, sex or religion particularly when one recalls that it took centuries for countries like Britain to enfranchise their women. We adopted and have successfully put into operation regular Constitutional opportunities for changing the Government and a mechanism which permits the largest possible part of the population to influence major decisions by choosing their representatives for the political office.*

*Good governance is the prerequisite of the parliamentary democracy. Good governance is participatory, consensus-oriented, accountable, transparent, responsive, effective, efficient, equitable and inclusive and respects the rule of law. It assures that corruption is minimized; the views of all sections of people are taken into account. People respect the elected representatives and obey the government because it is legitimately formed and government also respects the people because it is accountable to them. In an effort to curb the corruption, several effective laws have been framed and implemented in India. The Press media has been considered the fourth estate in Indian parliamentary system. In India Press media enjoy all freedom and it acts as a powerful bridge between the government and the people. The alert Press media not only exposes the scams, scandals and corrupt practices of the Executive, but also keeps the public informed about the functioning of the Legislature, the Executive and the Judiciary. The Judiciary can be called the backbone of the parliamentary democracy. The judicial system in India comprises of Supreme Court, High Courts, District Courts and Lok Adalats. The Supreme Court is the Apex Court in the country. The High Courts stand at the head of the State's judicial administration. Each State is divided into judicial districts, which is controlled over by a district, and Session's judge who*



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is the highest judicial power in a district. Below this, there are courts of civil jurisdiction, known in different States as munsifs, sub-judges, civil judges etc. Similarly, criminal judiciary comprises Chief judicial magistrate and judicial magistrates of first and second class.

In any democratic system, popular support is the crucial test of the Government. To prevent legitimacy from becoming identified with any individual or small group of individuals, the democratic system provides for a mechanism of elections at regular intervals. To our credit, we have successfully conducted fourteen general elections which have further strengthened the basis of rule by will. The Elections of 15<sup>th</sup> Lok Sabha will be complete in the month of May, 2009. There has been change of Governments without blood-shed. We have passed from the troubled times to self-sufficiency. The reduction of voting age from 21 to 18 has provided the youth an opportunity to participate in the political progress of the country. The recent electoral reforms including code of conduct, photo identification and reduction of expenditure to a reasonable limit and their strict implementation has given a new revolution to the Parliamentary democracy in India. India has shown that notwithstanding the challenges she faces, she can hold elections so vital to the success of democracy, peacefully and fairly.

Democracy generally means the rule of the majority. However, modern liberal democratic traditions tend to place limits on the concept of majority rule. It should not be used to oppress minorities or else the will of the majority becomes the tyranny of the majority creating a deep sense of alienation among the minorities. In representative democracies every where, it is the duty of the majority to persuade minorities rather than to coerce them. It is also essential that the right of all citizens to dissent is protected. The Indian Constitution provides equal rights and opportunities to all to participate in the political process. The preamble of the Indian Constitution speaks about social, economic and political justice, equality of status and opportunity, liberty of thought, expression, belief, faith and worship for all citizens of India. The Directive Principles of State Policy and the Fundamental Rights provide for a framework which would bring about the socio-economic development of all. Law prohibiting untouchability and progressive measures like the Hindu Marriage Act, Hindu Succession Act, Adoption Act etc. have been passed. Laws



prohibiting child Labour and bonded labour have also been brought into operation. Today, Parliament in India, has emerged as the multifaceted Institution epitomizing not only the hope and aspirations of the people, but their fears and anxieties as well. There have been more than 100 amendments in the Indian Constitution. One of the major amendments (74th Amendment) was to reserve one third of PRL seats for women. It was a landmark amendment legislating affirmative action for women. After 1994, more than a million women are able to enter politics to share power with men.

Representative Democracy without economic and social development loses much of its shine. Freedom which is guaranteed in the Constitution is nothing but means to lead a better and meaningful life, a life of fulfillment and achievements. It goes without saying that considerable success has been achieved in the economic field in the last six decades. The economy of India is the twelfth largest in the world by market exchange rates and the fourth largest in the world by GDP, measured on a purchasing power parity (PPP) basis. In 1990-91, which is considered to be the cut-of year for liberalization in the country, the total social sector (education, health, rural development and food) expenditure stood at Rs.35,132 crore. In 18 years since then, the total national spend has risen to 3,32,532 crore this fiscal year. Up to the early eighties, Indian economy grew at an average annual rate of 3.5%. It was during the eighties that a higher growth rate of 5% per annum was achieved and the Eighth Five Years Plan had a target of 5.6% growth rate of GNP. The country was under socialist-based policies for an entire generation from the 1950s until the 1980s. The economy was characterized by extensive regulation, protectionism, and public ownership, leading to pervasive corruption and slow growth. Since 1991, continuing economic liberalization has moved the economy towards a market-based system.

Agriculture is the predominant occupation in India, accounting for about 60% of employment. The agriculture sector has made an extremely important contribution to the economic development and, in fact, it provides the momentum to all other sectors of economy. India's food grains production has hovered around a fifth of a billion tones mark in recent years. More than self-sufficiency, India frequently exports its surpluses. In 55 years, India has



*emerged from famine- ridden country to famine –free country. The Green revolution of Sixties was remarkable to boost the agriculture sector in India. Rapid industrialization has put India among the group of industrialized nations. Infrastructure industries have been showing consistent improvement in the last three years. The performance of the capital goods sector and the Units manufacturing consumer goods have also been improving consistently. The adjustment of the new economic environment is across the board. The economic policies followed by India since Independence has brought her to a stage of sustainable development.*

*The deregulation and liberalization policies have boosted the economy of India, following the path shown by father of the nation Mahatma Gandhi, India is striving to decentralize the political and economic power upto the micro level so that the common people feel that they are participants in the whole democratic process. The 73<sup>rd</sup> Amendment Act passed by Indian Parliament is one of such ventures. The three – tier system of Panchayats, Municipalities and State Legislatures are so closely knit with a system that every citizen in India feels himself or herself that he or she is the part of this system. Besides all other developmental works executed by the Government, the Parliamentarians and Legislators are allotted a specific amount of money which is used by them in the development work in their respective constituencies.*

*Pursuing of a path of high growth rates calls for collective effort. Elimination of procedural hindrances by Government which is necessary to create the necessary environment to allow entrepreneurship to grow, to develop and thrive. India has attempted to do that. It is for the entrepreneurs now to unleash the forces of growth by investment, higher production and greater efficiency. This new investment and growth will generate additional employment and incomes. Indian economy can be seen as part of the global system. India can not remain an Island in this system.*

*Small scale industries has a dynamic role in the Indian development. This sector gives employment to almost fifteen millions people directly and manufactures thousands of products. Specialized branches of public sector banks for small scale industries are already in existence. Small Industries Development Bank of India (SIDBI) assists in technology upgradation and*



modernization in cluster areas. The Government also assists small scale units in developing contacts with similar units abroad where they find it difficult to do so themselves.

The "Green Revolution" heralded a new era in agricultural production. As a result, the total foodgrain production increased from about 50 million tones in 1950 to 176.4 million tones during 1991-93 and 201.8 million tones in 2000. Agribusiness companies are developing new models to reach out to farmers and consumers, providing new technologies, investing more in modern supply chain and in organized food retailing that sells more and more processed food. Improved rural infrastructure is also playing a key role behind the agriculture sector's comeback trail. With better rural infrastructure, better roads, more godowns and cold storages, improved rural electrification has resulted in the faster growth in agriculture. Today, more than half million villages have been electrified as compared to only 1500 villages in 1947. Power generation capacity has increased. The Life span of average Indian has doubled from 30 to 60 years. Today, India has the ability to absorb all kinds of technology in science and space. India has already made considerable achievements in fields like nuclear science, space, research, bio-technology, medical, science, genetic, engineering and ocean development.

Democracy in India is a system which defines the quite essential relationship between the Government and people. It implies absence of wide economic disparities and privileges built on the basis of birth, caste or creed. It also calls for respect for human rights of the individual and basic human dignity. India has taken several steps to improve the quality of life of the people, especially the weak and the down-trodden. The minorities Commission, National Scheduled Castes and Scheduled Tribes Finance and Development Corporation (NSFDC), Human Rights Commission, National Commission for Women, IRDP mid-day meal to school children. Indian Mahila Yojana and prohibition and Regulation Act are such few devices by which the weaker section of society may have their share in the benefits. Indian Parliament and State Legislatures have enacted numerous legislative measures intended for improving the socio- economic conditions of the people.

Through planned development, the traditional agrarian economy has now been transformed into a progressive and industrializing economy. The



*Planning Commission coordinates developmental activities of the union and State Government. Plans are framed after full discussion and consultation at all levels. The adoption of mixed economy has served India well.*

*Both peace and security are fundamental for the economic development and prosperity of any region in the world. Though India has passed through troubled times, yet its peace and security has remained established. Secondly, being Parliamentary Democracy, India values accountability more than stability. Instability can gradually disappear or be converted into stability, but once the accountability of Parliament towards people is destroyed, the very soul of democracy is destroyed. Therefore, India has given more value to accountability than other things. India can take pride in the fact that although democracy as a system of Government, has failed in a number of neighbouring countries and elsewhere, but here in India, it continues to grow and flourish. A notable achievement of our polity has been that it could strengthen the bonds that hold the country together in spite of the great diversity of caste, creed, language and religion in India. The Indian Constitution, the sole authority in the country is a testament of faith and blue print for the future of India. The provisions enshrined in the Constitution stand to fulfill the aspirations of the people and also to translate the pledge of the preamble into action.*

*With this dynamics of democratic politics which involves emphasis on shared search for solutions on the part of the India people, there is every possibility of social change and economic development with justice to become a concrete reality in the foreseeable future. However, we can not say that the Democratic system is the only surest and foolproof system that guarantees the development of a nation. There are non-democratic countries better developed than India and in many parts of the world. But certainly and assuredly, this system has proved to be the best among all other forms of Government in the world. It has worked well not only in India but, I am sure, in every part of the world. It largely depends how this system is handled and applied. The father of Indian Constitution, Dr. Bhim Rao Ambedkar observed and I quote:*

*“ A good Constitution in the hands of bad people becomes bad Constitution and a bad Constitution in the hands of good people*



*becomes a good Constitution."*

*During the past, the political atmosphere of our nation has been chaotic. We have witnessed different scams and scandals. Cases of corruptions in the Executive and judiciary. The nexus of politics and crime is fatal to the roots of democracy. A great political thinker. Henry George has rightly observed:*

*"When democracy becomes corrupt, the best gravitates to the bottom, the worst floats to the top and the vile is replaced by the more vile."*

*Therefore, the only solution to restore the image of real democracy will be to bring a change in our Election process. We will have to ensure that the corrupt and criminal people should not find any room in our Parliamentary democracy. Secondly, we have to have a system by which we may practically provide economic justice to the general people of India. Besides introducing of welfare and developmental schemes, the Parliament must stabilize the ever-increasing menace of inflation. The old-faded principles of income tax should be done away with and a new policy should be formulated by which the maximum income tax may come to national treasure without any slack of theft. Thirdly, the Parliament and the State Legislatures have to respond to the immediate needs and problems of the people in an effective and efficient manner.*

*Similarly, in the parliamentary development process, the role of general public is equally important. Though, the general public has no power to legislate or execute any policy or programme in the national mainstream; yet, the general public has the biggest responsibility to elect the intelligent, educated and committed leaders of honest integrity. We have to be honest in admitting that there are certain issues which are directly or indirectly responsible for the*

*stagnation of parliamentary system; these issues are to be tracked on priority basis within the limits of the parliamentary system.*

*To conclude, our country has the proud record of having assiduously nurtured the institutions of parliamentary democracy over the last six decades of independence. Our country has not been derailed, as has happened in so many other countries. We regard freedom for our peoples the essential precursor of development. Our concept of development extends far beyond mere economic growth to the overall development of full – flowering human*



*personality. In the parliamentary democracy, the governing and the governed—both the agencies consist of human-being which are full of infirmities, but, we have a sovereign Constitution in our country which is supreme and far above all authorities. Under such sovereign written authority, we can express a better hope and better development for India.*