



FACULTY OF JURIDICAL SCIENCES

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Lecture-11



Kinds of Democracy:

Direct Democracy:

There are two types of democracy:

- (1) Pure or Direct, and
- (2) Indirect or Representative.

Direct Democracy:

When the people themselves directly express their will on public affairs, the type of government is called pure or direct democracy. The people formulate laws in a mass meeting. Hearnshaw has said, "A democratic form of government, in the strict sense of the term, is one in which the community as a whole, directly or immediately, without agents or representatives, performs the functions of sovereignty".

Representative or Indirect Democracy:

In a Representative or Indirect Democracy the will of the state is formulated and expressed not directly by the people themselves, but by their representatives to whom they delegate the power of deliberation and decision-making.

John Stuart Mill has said in this regard that "Indirect or representative democracy is one in which the whole people or some numerous portion of them exercise the governing power through deputies periodically elected by themselves".

Another writer Bluntschli has said, "In the representative democracy the rule is that the people govern through its officials; while it legislates, and controls the administration through its representatives".

Today this system is seen in many countries like Japan, Sri Lanka, India, Canada, Australia, New Zealand, the United States of America, West Germany, Italy, France, Holland, Denmark, Sweden, Norway, Austria and Belgium.

Basic Principles or Requisites of Democracy:

(1) Liberty:

The main basis of democracy is liberty and equality. The people enjoy maximum liberty and equality because criticism of the people is not only tolerated in this system, but it is also encouraged. In Great Britain, the leader of the Opposition is paid by the government and he is consulted by the Prime Minister in national emergency.

For example, when South Rhodesia threatened to declare its freedom unilaterally and when later on it declared its freedom, the British Prime Minister consulted the leaders of the Conservative Party and Liberal Party. When Pakistan invaded India during August-September, 1965. Prime Minister Lal Bahadur Shastri consulted the leaders of Opposition parties.

(2) Equality:

Special emphasis is laid on equality in democracy and there is no disparity among the people on the basis of caste, creed, religion and position or status. For example, untouchability has been abolished in India.

Besides this, all are equal before law and there is no privileged class in India. It is essential to establish political and economic equality along with social equality. Thus, in order to establish political equality, all disparities on the basis of caste, religion, colour and sex have been removed in India and Adult Franchise has been introduced in order to give opportunity to all the citizens to contest election to Provincial Assemblies and Lok Sabha.

(3) Fraternity:

Democracy can become successful only in a peaceful atmosphere, otherwise democracy has to face many difficulties. For this purpose Jawaharlal Nehru placed an idea of Panch Sheel before the world in 1954. Our government and many other democratic governments of the world are making efforts to promote world peace. India was the President of the Non-Aligned Movement and propagating this policy.

(4) The people as ultimate source of sovereignty:

In a democracy, people are the ultimate source of sovereignty, and the government derives its power from them. For this purpose elections take place in democracies at certain intervals. In India and England, General Elections take place after every five years and in U.S.A. after every four years.

(5) Fundamental Rights to the People:

In a democracy people are given fundamental rights because in the absence of these rights the development of an individual is not possible. Fundamental rights have been granted to the people in their Constitutions in India, Japan, U.S A., France and Italy. In England the rights and freedom of the people are protected through the Rule of Law, Charters, Acts of Parliament, and Judicial Decisions given from time to time.

(6) Independence of Judiciary:

In a democracy, it is responsibility of the judiciary to protect the fundamental rights of the people. In our country the Supreme Court and the High Court's protect the Constitution and the fundamental rights of the people. Wherever judiciary is not free, the protection of fundamental rights is not possible.

(7) The people are considered as an end and State as the means in a democracy:

This is one of the main characteristics of democracy that individual is a mean and the state is an end. It means that the state makes use of the individual for its own interest. In a dictatorship no attention is paid to the freedom of the individual.

(8) Welfare State:

Democracy is a welfare state and in it special attention is paid to the welfare of the people as a whole and not to a particular class.

MCQ

1 "A right is a claim recognized by society and enforced by the state" who said this?

- A. Laski
- B. Bosanquet
- C. Rousseau
- D. Green

2. Who described democracy as "a form of government in which everyone has a share"?

- A. John Seeley
- B. J.S Mill
- C. Bryce
- D. None of The Above

3. Who said "Rights are those conditions of social life without which no man can be his best self"

- A. Hobhouse

- B. Bosanquet
- C. Laski
- D. Hegel

4. The concept of Greek, 'Justice' was

- A. Legal
- B. Moral
- C. Social
- D. Political

5. The origin of democracy can be traced back to

- E. Ancient Greek City States
- F. Medieval Period
- G. Modern Era
- H. Feudalism