

# INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

---

Volume 6 | Issue 1

---

2023

© 2023 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

---

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, kindly contact [Gyan@vidhiaagaz.com](mailto:Gyan@vidhiaagaz.com).

---

**To submit your Manuscript** for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to [submission@ijlmh.com](mailto:submission@ijlmh.com).

---

# Promotion of Peace and Security through Law in Democratic Countries like India

---

AYUSH DAS<sup>1</sup>

## ABSTRACT

*It is crucial that all citizens in a democratic political system have an equal say in this. It is also crucial that everyone is subject to the law equally and that no one is exempt from it. All individuals who are a part of a nation's community must abide by its laws. But laws will never be flawless. They were made by humans and may require modification. They might become outdated, ineffectual, or just plain unfair to some social groups. Last but not least, laws should respect human rights. This is crucial to ensuring that laws are equitable so that they are not abused by a dictatorship or as a tool of oppression. Therefore, the majority of democratic regimes rely on written constitutions that offer a human rights framework that supersedes national legislation. To determine whether legislation are in accordance with the constitution or not, some nations have also established constitutional courts.*

## I. INTRODUCTION

Democracy is a term used to describe a form of government in which the people have the authority to vote. In India, democracy has a particular place. Additionally, India is unquestionably the largest democracy in the world. Also drawn from the Indian constitution is India's democracy. After years of suffering under British colonial control, India attained democracy in 1947. The spirit of justice, liberty, and equality has been harmed in India's most notable democracy since independence.

One important aspect of Indian democracy is sovereignty. The absolute control a governing body has over itself without external influence is referred to as sovereignty. In India's democracy, people can also exert their power. India's citizens choose their representatives, who continue to be accountable to the general populace.

Political equality is the foundation of Indian democracy. Additionally, it fundamentally signifies that everyone is equal before the law. There is no discrimination based on caste, race, sect, or religion. As a result, all Indian citizens have the same political rights.

A key component of Indian democracy is the rule of the majority. The party that garners the most seats also forms and controls the government. Nobody can oppose to the majority's

---

<sup>1</sup> Author is a student at NMIMS, Bengaluru, Karnataka, India.

backing.

The basis of Indian democracy is the concept of opinion formation. Public opinion must serve as the foundation for how the government and its institutions operate. In India, public opinion must be created on a variety of issues. The Indian legislative offered a suitable platform for the expression of public opinion. Political equality is the foundation of Indian democracy. Additionally, it fundamentally signifies that everyone is equal before the law. There is no discrimination based on caste, race, sect, or religion. As a result, all Indian citizens have the same political rights.

India is poised to rise to great power status and serve as the system's pivotal state. as a sizable, non-Western democracy that is multiethnic and powerful economically. It will be crucial in the major battles that will take place in the upcoming years. Washington has acknowledged the potential of a U.S.-Indian alliance, but for that potential to become a reality, India will need to be approached on its own terms.

### **Hypothesis:**

An independent judiciary plays a crucial role in upholding the rule of law, ensuring the safety of civil and political rights, as well as the equality and dignity of all citizens. As a result, Indian democracy fulfils the expectations of the Indian people for democratic outcomes in a variety of ways. Few of these are achieved by granting equality to everyone, regardless of race, creed, or caste, and by giving people the ability to choose the representative they wish to lead this democratic system.

### **Literature Review**

- **Stellan Vinthagen, Journal of Resistance Studies, 42**

This article examines the Indian civil society historically, including its players, strategic concerns, and democratic opposition movements, as well as the effects of globalisation. A brief summary of the pre-independence trends is followed by an emphasis on the period of advanced globalisation beginning in the 1990s. India is a nation with a vibrant social movement culture that has grown out of its long anticolonial fight. The anti-colonial struggle, the land reform movement, the mobilisation for the "Total Revolution," as well as alliances of movements, and ongoing mobilisation by peasants, women Adivasi (indigenous) Dalits are some prominent examples of the civil society's vivid diversity and conflict (untouchable). The research shows four distinct historical eras with extremely varied conditions, yet it consistently shows that resistance has been successful, particularly at first. In India remained the largest democracy in the world since 1947, which is a great accomplishment. However, its democracy index has

decreased during the past year, and there are causes for concern. Since the anti-colonial movement until recently, mass-based movements have frequently sought to somehow consolidate and secure their positions- their positions in democratic rights and justice.

- **India after Gandhi: The history of the world largest democracy Ramachandra Guha by Pan Macmillian, 2017**

The world's biggest and least expected democracy's sorrows, difficulties, humiliations, and victories are masterfully described in Ramchandra Guha's India after Gandhi. It was first released in 2007 and is a gripping account of the violent battles that have shaken the nation and the exceptional people and institutions that kept it together. India has experienced two major events in the past ten years, among others. General elections, the demise of the congress and the ascent of Narendra Modi, and a significant anti-corruption movement. more assaults on women. Information and religious. Minorities experiencing a wave of riches for some while remaining in poverty for others; relative quiet in Nagaland while experiencing higher than ever levels of unrest in Kashmir. This tenth anniversary addition is up to date and expanded. This comprehensive history of contemporary India is the creation of one of the world's best scholars at the height of his abilities, Ramchandra Guha, and is titled India after Gandhi. It is a magisterial account to the pains struggles humiliations and glories of the world's largest and least likely nation..

- **Women Peace and security in the Context of India - Paula Banerjee, Palestine – Israel journal of politics economics and Culture 25(3/4) 105-111-2020**

The world's largest democracy at the moment is India. India is a nation with a population of at least 1.3 billion people and is very diverse in terms of ethnicity, religion, language, geography, topography, and many other things. Additionally, India's post-colonial nation-building history has benefited certain groups and displaced others. As a result, the government and the far-left organisations frequently engage in conflict. Here, Banerjee explores several of these conflicts in further detail, including both the violence in Kashmir and that in northeastern India's Nagaland.

- **India: emerging power, Stephen P Cohen (Brookings Institution Press. 2004)**

The United States has seen India has a massive yet dysfunctional state. After a decade of sway and uncertainty, that unfavourable perception is no longer relevant. India's pluralist secular democracy has facilitated the ascent of previously underprivileged castes and ethnic groups. Economic liberalisation is progressing, with yearly growth of 6% and exports of more than \$30 billion. India likewise has a limited ability to defend military strength. The nation is developing

a nuclear-armed missile that can reach all of Asia and will soon have a two-carrier navy. This groundbreaking book offers a thorough evaluation of India's status as a political and geopolitical force following its nuclear test, its conflict with Pakistan in 1999, and its ground-breaking economic successes. Stephen P. Cohen explores India's "emergency," looking at both domestic and external factors. He also considers how social structure and tradition affect Delhi's worldviews, relations with the US and its neighbouring countries, Pakistan and China. Cohen contends that in order to deal with a rising India, American policy must be altered that relationship, which is significantly more intimate than an alliance but still falls short, is suitable for both nations.

## **II. OBJECTIVES**

### **General and Specific Objectives of The Indian Democracy**

- Citizens are involved in politics: Since the public power in a democratic government is impacted by people and their voice, it is ultimately up to each individual to decide their own fate. People are free to choose how to vote based on their ethical principles.
- Democracy structure lessens exploitation: All administrative developments are vulnerable to misuse because of those who are selected for powerful positions. The difference with a democracy is that professionals are distributed more equally within it.
- Democracy promotes equality because each vote in a political contest is given the same weight under the Constitution of a democracy. When registering to vote in this cycle, this option gives each person the chance to do so without being judged, regardless of their social or financial standing.
- Growing economically More Quickly: The chance offered by the establishment of a democratic government enables everyone to seek out any results they require
- Consistent: Because everyone has the freedom to choose their own aims, a democratic government fosters greater administrative cohesion. This sequence of action can be carried out in a variety of ways, but the result will generally be the same..
- No centralised authority to command the populace: Under an immediate democratic government, every option would be designed to favour an unmatched level of control. However, there is no centralised authority that can control what people can or cannot do. The contact should be decided by each component of the public authority.
- Increases patriotism among the populace: Democratic governments allow everyone to fight for the needs they have on a global scale.

**Problems in democracy:**

- Residents should be aware that a democratic government allows citizens to express their preferences directly or through a preferred delegate on matters that the public authority should decide on. Without truly giving the unique perspectives or requirements any thought, someone can submit a polling form that is a straight party ticket.
- A democracy depends, for the most part: History has taught us that following one's moral or ethical principles is not dependent on following the wishes of the majority. In the event that someone's preferences differ from those of the majority in general, it will appear as though their vote has no real significance at that point.
- Politicians in a democracy are also harmed by polarisation, which prevents people from tolerating opposing viewpoints, which poses a threat to democratic regimes..
- Beside the problems of democracy ,India's political and economic outlook. A radically different nation than the one that gained independence from colonial domination in 1947 exists in the twenty-first century. In 2020, India is anticipated to be based on purchasing power parity, the fourth largest economy on earth.

**III. CRITICAL ANALYSIS****Challenges of Democracy in India:**

India is neither eligible for democracy nor monarchy. Because most Of Indian people do not know the meaning of democracy. The minus the democracy such why which is worse than the UK monarchy. People are so corrupt that they do whatever to achieve their goal.

The failure of democracy in India to provide the same kind of long-term economic growth enjoyed by neighbours like China over the past 40 years may be its greatest obstacle. Additionally, it hasn't been able to end extreme poverty.

Since India's independence, there has been significant yet uneven development. Educated elites lead quite different lives from Indian citizens in more globally connected places like Mumbai and Delhi.

Millions of young Indians continue to struggle to find employment, especially in populous, low-income states like Uttar Pradesh. This has resulted in a sizable group of disgruntled voters who are from low income backgrounds.

Indian nationalism and populism have capitalised on this unhappiness by making Dalits and

Muslim minority into the villains while boosting Hindu pride. India also confronts a number of difficulties with demographics. Male and female populations are significantly out of balance as a result of years of selective abortion. A growing working-age population is what is known as a "demographic dividend" in India right now. However, it has trouble creating jobs. The level of unemployment is at a 40-year high. Finally Compared to the wealthier southern states, population growth has been higher in the poorer northern states. The criminality within the political system in India presents additional difficulties for democracy. Indian democracy faces further challenges because of criminality in the political system. MLA, MP'S those who won national parliament seats as well as in states had been charged with a crime of same kind.

#### **IV. SUGGESTIONS**

- First and foremost, people need to stop believing everything they read in the media. The news that the media reports is frequently overblown and taken out of context. The propaganda of a particular political party may be spread by some media channels, which is particularly significant. People should exercise caution and due diligence when absorbing news from the media.
- Rejecting the consumer mentality in elections is a crucial step towards bolstering Indian democracy. Many Indians compare voting in elections like purchasing a commodity. Indians should feel like participants in the election rather as separatists. The criminality within the political system in India presents additional difficulties for democracy.
- India's citizens ought to speak up. People should also make an effort to get in touch with their elected officials at all times of the year, not just during elections. To communicate with their elected person, citizens must write, call, email, or attend community forums. This would bolster Indian democracy without a doubt.
- Massive voting turnouts are actually an effective approach to bolster India's democracy. People needed to cast their ballots without second thoughts. A high voter turnout would indicate that the general public is heavily involved in Indian politics.
- The basis of Indian democracy should be opinion formation. In India, the public opinion must be developed on a variety of issues before the government and institutions can function. Additionally, India's legislature offers a suitable forum for the expression of popular opinion. instead of separatists. The criminality within the political system in India presents additional difficulties for democracy.

\*\*\*\*\*