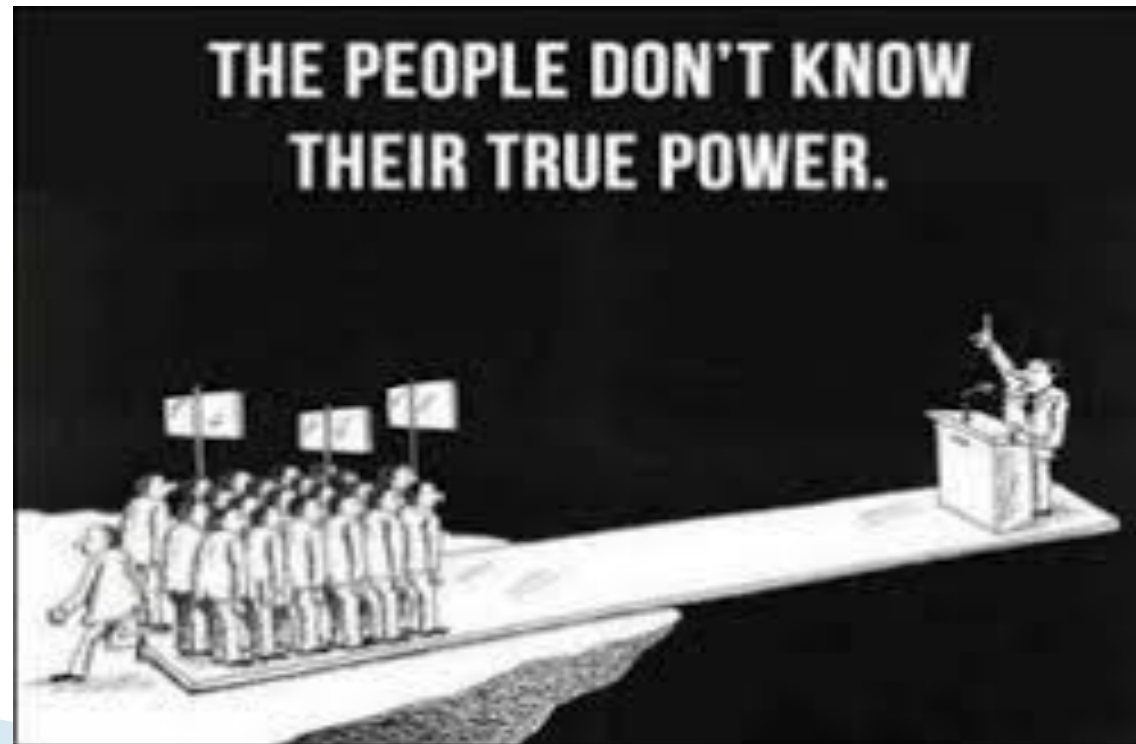


GRAMMER OF DEMOCRACY

SG GROUP 11

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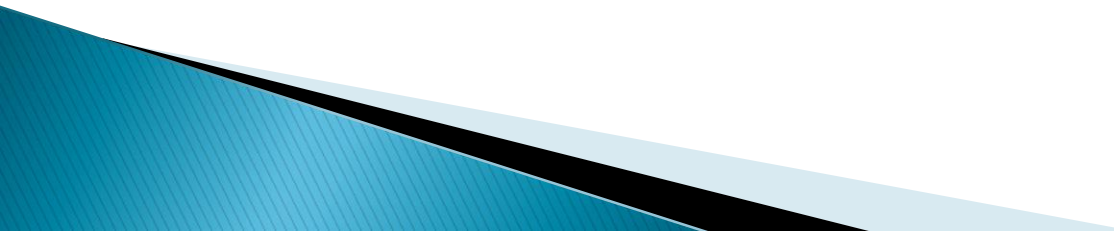


THE ROLE OF CONSENT AND DISSENT IN A DEMOCRACY

Fundamental concept of Democracy

Government exists to secure the rights of the individual based on “consent” or in other words the “consent of the governed”

- Genesis of the Idea of “consent”
- John Locke and The Social Contract Theory
- American Declaration of Independence

- “all men are created equal, that they are endowed by their Creator with certain unalienable Rights...That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed”
 - “That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government”
- 

Manifestation of Consent in a Democracy

- ▶ The active participation of the people, as citizens, in politics and civic life.
- ▶ Universal adult franchise
- ▶ Referendum, Plebiscite, Initiatives



Why Dissent



- ▶ Dissent – or at least the willingness to engage in some form of dissent – is required to challenge injustice and powerful interests and to push for alternatives.
- ▶ Dissent is a way to express our different viewpoints in a plural society.
- ▶ Protest/Dissent seeks to hold officials and institutions accountable.
- ▶ Without dissent, the democratic role of voluntary action and civil society is fundamentally undermined.

Judicial Viewpoint

- ▶ Dissent has been recognised by the Supreme Court of India as one aspect of the right of the Freedom of Speech under Article 19(1) (a) of the Constitution.
- ▶ The court has observed that “the restrictions on the freedom of speech must be couched in the narrowest possible terms” and that the proviso of Article 19(2) is justiciable in the sense that the restrictions on it have to be “reasonable” and cannot be arbitrary, excessive or disproportionate.
- ▶ “You can’t muzzle dissent in a democracy”- Delhi High Court

- ▶ “It is the first responsibility of every citizen to question authority.” Benjamin Franklin
- ▶ “Protest beyond the law is not a departure from democracy; it is absolutely essential to it.” Howard Zinn
- ▶ Every citizen of the Republic has the right and the duty to judge. Herein lies the indispensability of dissent. Hamid Ansari

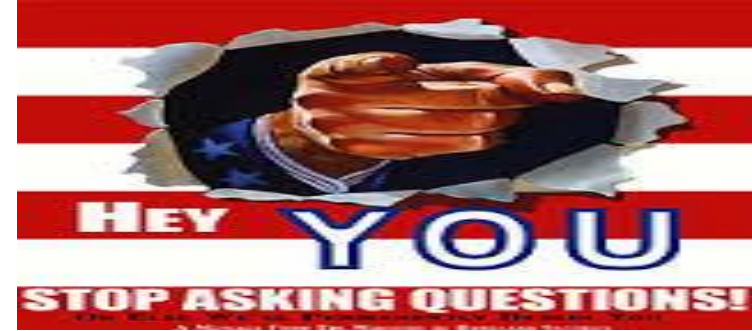




Scope for Opposition in a Majoritarian Democracy



Types of Democracies & Opposition



- ▶ The Opposition is the largest non-government party or coalition of parties in the Legislative Assembly.
- ▶ In majoritarian democracies, parliamentary opposition has neither any possibility of little consociation nor any space of negotiation with the government (Nevertheless, this situation prompts opposition to present itself as constructive and alternative, in order to compete for power at the next election, as alternation in office is frequent and guaranteed.)
- ▶ In the case of consensual democracies, life of opposition is more advantageous in terms of daily benefits

Expectations from the Opposition

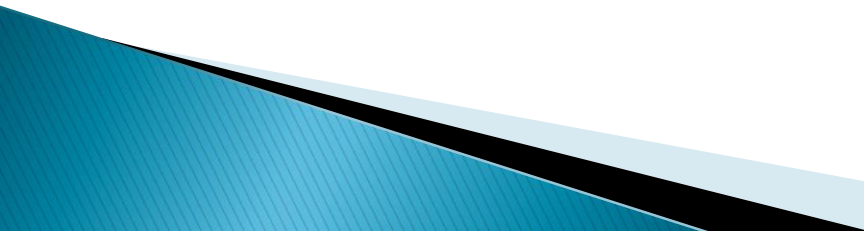
According to The Indian constitution:

- ▶ criticize government in case the later ignores them or conceal facts
- ▶ Opposing the despotic tendencies of the ruling party.
- ▶ Criticizing the drawbacks in administration and exposing them before the public
- ▶ Opposing the misdeeds of the rulers and generating public opinion about it.
- ▶ Evolving substitute policies and strategies in the realm of governance.
- ▶ bring awareness among the people over the specific national issues
- ▶ raises levels of political consciousness.
- ▶ act as watch dog' of the system

In two-party system, the Opposition party forms a 'shadow cabinet' as in case of United Kingdom,

- ▶ In United States of America, the Opposition party in the lower forms as many committees as the ruling party does and present their views over the policies.

Role of Opposition

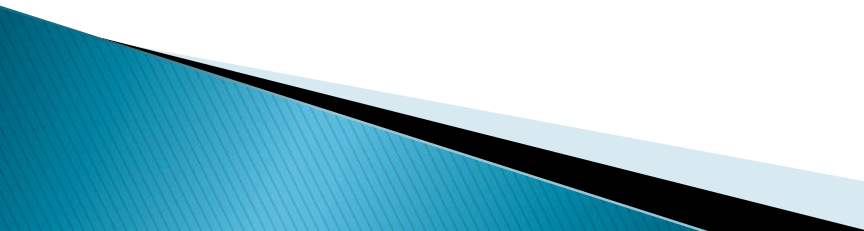
- ▶ scrutinising the policies and administration of the Government are provided in Question Time, the Addressing-Reply debate, Budget debates, debates on legislation, notices of motion and No Confidence Motions
 - ▶ opposition leader as the Chairman. Public Accounts Committee, which investigates the use of finances granted to the government
- 

Role of Opposition

- ▶ Out of 24 Standing Committees of the parliament, finance, external affairs, and home affairs are led by the members of opposition parties... examine legislations, expenditure plans and government schemes.
- ▶ Also in the ad hoc committees constituted to scrutinize a specific case like The Joint Parliamentary Committee to probe 2G scam, had 15 members from the opposition party out of a total strength of 30.



Role of the Leader of the Opposition in the Parliament

- ▶ In Both Houses of the Parliament
 - ▶ is chosen from the largest opposition party
 - ▶ recognized by the Chairman of the RS and the Speaker of the LS
 - ▶ accorded certain privileges in the Parliament
 - ▶ offer constructive criticism of government policies
 - ▶ holds adequate debate on pressing issues
- 

When Opposition only “opposes”

Use of foul language and physical assault

incessant shouting, disrespecting the speaker
churlish tantrums during expulsions

Absenteeism and improper conduct of MP's

Walkout

Complete disregard of substantive issues, corruption, bills, laws, etc., they are busy disrupting the house. eg country-wide bandh called by major opposition parties to protest against the price rise. The only purpose it served was to bring the nation to a halt and resulted in a loss of Rs 13,000 crore.

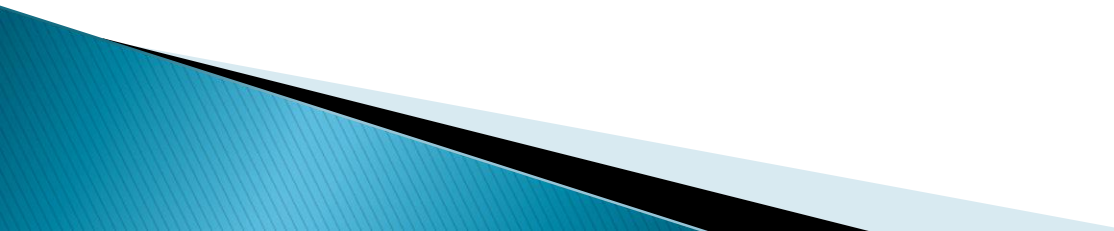
Petty politics for upcoming elections

Democracy without opposition

- ▶ Can a democracy function without an opposition?
- ▶ Kenya case study: Mr. Mutiso asked Deputy Speaker
- ▶ Who will represent minorities and minority will of Masais and Muslims?
- ▶ People will oppose and resent in their own way, the chaotic way!
- ▶ In extreme conformation, the government is all powerful to crush the sanctity of legislative procedure



Opposition doesn't mean Obstruction..

- ▶ It has every legal right to object and discuss policies and bills that the government proposes. They by all the means can raise their voices against corrupt members of the ruling government and bring to notice unprofessional behavior of legislators and government agencies.
 - ▶ But it has no right to disrupt Parliament's functioning and reduce democracy itself into a farce.
- 

Plato: “The punishment of wise man who refuse to take part in the affairs of the government, is to live under the government of unwise men.”



Thank You

