

INCLUSIVE DEMOCRACY AND JUSTICE

Ritika Semwal*

“Long years ago, we made a tryst with destiny, and now the time comes when we shall redeem our pledge, not wholly or in full measure, but very substantially. At the stroke of the midnight hour, when the world sleeps, India will awake to life and freedom. A moment comes, which comes but rarely in history, when we step out from the old to the new, when an age ends, and when the soul of a nation, long suppressed, find utterance. It is fitting that at this solemn moment we take the pledge of dedication to the service of India and Her people and to the still larger cause of humanity.”

-Pandit Jawahar Lal Nehru
(On eve of Independence)

As India attained freedom, the country's leaders dedicated themselves and the people of this country for the cause of humanity and development of the nation. Democracy is made from two words: Demo and Cracy. Demo means people and cracy means rule. Thus it means Rule of the People. In today's world, Democracy happens when people can speak freely, come forward and negotiate their interest in a legitimate manner. It is directly related to development which expands into education, health, economic and social growth, improved standard of living, transparency, social justice, prosperity, participation and all in all inclusiveness.

Thus gradual shift from representative to participatory democracy is what is required to attain that inclusiveness. Inclusive democracy works when people from all the sections of the society are so empowered that they can participate in governance, decision making and ensure social and political accountability. It ensures that no one is left outside that very process.

The Constitutional Amendment Act of 1993 (73rd) adding XIth schedule has played a significant role in achieving inclusive democracy in

* Uttarakhand Judicial Services

India. With the advent of this amendment, India has more than 500 district panchayat, 5100 blocks and taluka panchayat and about 2,25000 village panchayats. The amendment act has proved to be a breakthrough in ensuring access of every section of the society ensuring participation and transparency specially in case of bringing rural women to the main forte of decision making and active leadership. Bihar is the first state to allow 50% reservation to women in its Panchayati Raj Institutions (PRIs). One such example is of Afsaana Parveen a 32 year of village woman who is the Mukhiya of Damodarpur village panchayat samiti of Muzzafarpur District in Bihar. There are similarly many more success stories where women from marginalized and unprivileged sections of the society have made it to conspicuous positions and extended their contribution towards inclusive democracy. But this creates a fear and opens the door to exclusion of women from the inclusive structure in form of proxy participation, thus the need of hour is to empower them and to create opportunities for them.

With women taking part in the working and administration of panchayat, the subject of importance of women child development as well as family, health and education has taken center stage.

Secularism & Inclusive Society

Indian Secularism is ethically negotiated settlement between diverse groups and divergent values.

A country may have religious or a non-religious framework. It's this constitutive structure of culture and ethics which defines a nation. India being secular country is more prone to be infested with sectional oppression and religion based exclusions or more general forms of domination. Indian society has deep diversity of religious with different historical evolution and backgrounds. The constitution provides liberty of faith and worship along with equality in the preamble itself.

Rescuing secularism needs reconceptualization of what it truly means. Thus the constitution goes on to understand it well and fended it with Article 14, 15, 16, 21, 26, 27, 28, 29, 30 in its chapter III as fundamental rights and making provisions for Art. 44 in Chapter IV as directive principles. The State through legislature, executive and judiciary, need to

recognize this concept too and uphold the idea by extending to the secular & minority groups. Their representation would be their participation and inclusion in the society.

Inclusion of Marginalized Classes

India has had a historical bitter past as far as marginalized classes are concerned. The SC, STs or OBC are not able to get out of the shackles of the past, even till date. This leads to growth of regionalized and sect oral politics which is not healthy for a diverse nation like India. The above mentioned communities have been socially, educationally, economically backward for centuries.

After the Poona Pact between Dr. B.R. Ambedkar and M.K. Gandhi, the dalits were given reservation in the assembly elections for the first time. In 1931, STs were included in the list of communities needing special attention. Similarly, after the implementation of Mandal Commission report, the protective discrimination has been granted to backward classes. It is thus an attempt which needs to be taken further and any violation in this regard needs to be tackled by the judiciary with sensitivity to ensure that this invisible class is included in decorative landscape of the mainstream socio-political matrix of the country and these sections are able to mark their presence visibly.

Inclusiveness and Other Disadvantaged Sections

Inclusiveness means not only poor, backward and marginalized but also specially abled, physically challenged, transgender or of those with chronic ailments. A hand has to be extended to all. It is not just about including them, but also about giving them a voice through the constitutional and legal framework of law. The constitution guarantees fundamental rights to all along with special acts designed for specific sections of people.

We as a part of Judicial Community have this duty before us to dispense justice to them without fear or hesitation and ensure that they get, from the doors of justice what they rightfully deserve.

A change can be visualized if identity of all these sections is respectfully acknowledged in normal course. A part from State initiative,

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NGO's and society as a whole needs to extend themselves for the model of inclusiveness to succeed.

Conclusion

India has diverse characteristics where inclusiveness is the only path towards growth and development. The Gandhian dream of self rule and antyodaya can be achieved only when the last person in the society is reached out to. It is a collective duty of all organs of the state to realize this dream of the Father of the nation. Rabindranath Tagore's lines in Geetanjali can be most appropriately quoted to conclude this article:

"Where the mind is let forward by the, into ever widening thought and action.

*Into that heaven of freedom, my father,
Let my country awake..."*
